



# CITY OF NORMAN, OK CITY COUNCIL SPECIAL SESSION

Municipal Building, Executive Conference Room, 201 West Gray, Norman,  
OK 73069

Tuesday, June 07, 2022 at 5:30 PM

## MINUTES

### City Council, Norman Utilities Authority, Norman Municipal Authority, And Norman Tax Increment Finance Authority

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### CALL TO ORDER

#### PRESENT

Mayor Breea Clark  
Councilmember Ward 1 Brandi Studley  
Councilmember Ward 2 Lauren Schueler  
Councilmember Ward 3 Kelly Lynn  
Councilmember Ward 4 Lee Hall  
Councilmember Ward 5 Rarchar Tortorello  
Councilmember Ward 6 Elizabeth Foreman  
Councilmember Ward 7 Stephen Holman  
Councilmember Ward 8 Matthew Peacock

### AGENDA ITEMS

1. CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT AND/OR POSTPONEMENT OF ORDINANCE O-2122-47 UPON FIRST READING BY TITLE:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA IMPLEMENTING AMENDMENTS THROUGHOUT THE CENTER CITY FORM BASED CODE ("CCFBC") DOCUMENT, WHICH IS INCORPORATED BY REFERENCE IN CHAPTER 22 OF THE CITY CODE AT SECTION 429.7, TO AMEND, REPLACE, SUPPLEMENT, RENUMBER OR REORDER PROVISIONS, CORRECT LANGUAGE, AND PROVIDE DEFINITIONS FOR TERMS FOUND THROUGHOUT THE CCFBC DOCUMENT TO RESOLVE INCONSISTENCIES OR INACCURACIES AND PROVIDE CLARIFICATION TO THE PROVISIONS, INCLUDING "HOW TO USE THIS CODE", PART 1 ("GENERAL PROVISIONS"), PART 2 ("ADMINISTRATION, APPLICATION PROCESS & APPEALS"), PART 3 ("THE REGULATING PLAN"), PART 4 ("BUILDING

FORM STANDARDS”), PART 5 (“URBAN SPACE STANDARDS”), PART 6 (“PARKING AND LOADING STANDARDS”), PART 7 (“BUILDING FUNCTIONS”), PART 8 (“SITE DEVELOPMENT REQUIREMENTS”), PART 9 (“DEFINITIONS”) AND APPENDICES A THROUGH C; TO AMEND SECTIONS 204 AND 205 OF PART 2 (“ADMINISTRATION, APPLICATION PROCESS & APPEALS”) TO ACCOMMODATE POTENTIAL PATTERN ZONING AND CLEARLY ESTABLISH CERTIFICATE OF COMPLIANCE ENFORCEMENT AS WELL AS SECTION 208 TO CLARIFY THE TREATMENT OF NON-CONFORMING STRUCTURES AND USES; TO AMEND SECTION 302 (“ILLUSTRATIVE FORM DISTRICT MAPS”) OF PART 3 (“THE REGULATING PLAN”), TO ADD “CENTER CITY MAXIMUM BUILDING HEIGHT MAP” AND “CENTER CITY UNIT MINIMUM MAP” AND TO AMEND THE CENTER CITY REGULATING PLAN MAP; TO AMEND PART 4 (“BUILDING FORM STANDARDS”) TO CONSOLIDATE CERTAIN BUILDING FORM STANDARDS AND EXPAND GEOGRAPHICAL APPLICATION OF THE URBAN RESIDENTIAL BUILDING FORM STANDARD, TO INCREASE CERTAIN BUILDING FORM STANDARD REQUIRED UNIT MINIMUMS, AND TO REVISE LIGHTING AND MECHANICAL EQUIPMENT REQUIREMENTS; TO AMEND SECTION 504 (“STREETSCAPE ELEMENTS”) OF PART 5 (“URBAN SPACE STANDARDS”) TO REMOVE STREETLIGHT PROVISIONS AND CLARIFY BICYCLE PARKING DESIGN REQUIREMENTS; TO AMEND VARIOUS ALLOWANCES AND REQUIREMENTS IN PART 6 (“PARKING AND LOADING STANDARDS”), INCLUDING MINIMUMS AND MAXIMUMS AND SPECIAL PARKING STANDARDS; TO AMEND PART 7 (“BUILDING FUNCTIONS”), TO CLARIFY AND DEFINE USES AND CATEGORIES, INCLUDING REVISIONS TO THE USE TABLE (SECTION 702) AND SPECIAL USES; TO RENUMBER AND AMEND PART 8 (“SITE DEVELOPMENT REQUIREMENTS”); TO RENUMBER, AMEND AND ADD DEFINITIONS TO PART 9 (“DEFINITIONS”), TO AMEND APPENDIX A TO REFERENCE POTENTIAL PATTERN ZONING, AND TO ADD APPENDIX C; AND TO MAKE OTHER LANGUAGE ALTERATIONS AS NECESSITATED BY OR CONSISTENT WITH THESE AMENDMENTS, DECLARING AN EMERGENCY, AND PROVIDING FOR THE SEVERABILITY THEREOF.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 2 Schueler.

Voting Yea: Mayor Clark, Councilmember Ward 1 Studley, Councilmember Ward 2 Schueler, Councilmember Ward 3 Lynn, Councilmember Ward 4 Hall, Councilmember Ward 5 Tortorello, Councilmember Ward 6 Foreman, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

## 2. PRESENTATION BY A REPRESENTATIVE FROM AMBER INTEGRATED OF THE WATER INCREASE ELECTION SURVEY RESULTS.

Ms. Tiffany Vrska, Chief Communication Officer, introduced Mr. Jackson Lisle with Amber Integrated. She said Amber Integrated conducted a quantitative post-election survey for the City of Norman regarding the April 5, 2022, election.

Mr. Lisle said Amber Integrated surveyed 400 Norman voters who took part in the election. The purpose of the survey was to determine why Norman voters rejected an increase in utility rates to pay for improvement in water infrastructure, treatment, and metering. The vote to approve the proposition failed 54.6% to 45.4%.

The top three reasons for voting “no” on the rate increase included 1) 25% stated that costs were already too high and/or they could not afford the increase, 2) 21% expressed a general distrust in government as the main reason for voting no, and 3) 14% believed that there were areas of wasteful spending that could be addressed first and used for these purposes before going to ratepayers and asking for an increase.

A significant deciding factor for support or opposition seemed to be partisanship and Mr. Lisle highlighted results stating Republican voters had 57% opposed and 38% supported; Independent voters had 66% opposed and 32% supported; and Democratic voters had 66% supported and 32% opposed.

Most voters surveyed (79%) were aware of the main use of funds being requested in the rate increase therefore, this does not seem to be an issue of understanding, but rather of trust in City government with 50% of voters stating they have “little” or “no” trust in City government. Mr. Lisle said trust in City government is by far the most strongly correlated factor in determining if a voter was going to vote for the rate increase.

Another interesting result of this survey was the question about what issue Norman government should focus on next with the most common answer being the current homeless situation; however, the suggestions about how to deal with the homeless situation varied by political party.

When asked why they voted the way they did on the rate increase, 19% said improvement/general needed; 11% said investment in infrastructure needed; 4% said it had been awhile since last raise and rising cost of living; 7% said keep water clean and safe; 8% said good for the City and right thing to do; 5% said higher taxes; 10% said they distrust government; 12% said they cannot afford the increase as it was too high; 5% said they did not understand; 4% said it was not needed; 3% said City should subsidize with businesses/developers; 1% said they are a private well; 7% said City should cut waste first; 4% said for other reasons; and 2% said they did not know.

Item 2, continued:

When asked how the voter received the information or conducted research about the election, 14% said through broadcast news; 21% said through The Norman Transcript; 15% said through OU Daily newspaper or OU nightly media; 27% said through the City of Norman emails, website, or social media outlets; 9% said through City Council or public meetings posted through the City of Norman; and 27% said through other sources (Facebook, discussions with neighbors, etc).

When asked if the voter received a mailer, 64% said yes, 14% said no, and 23% were unsure.

When asked if the voter was aware of how the funds would be used, 79% said yes, 19% said no, and 2% were unsure or did not know.

When asked what project was most important, 30% said groundwater treatment; 4% said Advanced Metering Infrastructure (AMI); 33% said water pipe replacement, and 33% were unsure.

When asked if the voter trusted City government, 9% had very high trust; 16% had a lot of trust; 27% had moderate trust; 29% had little trust; 14% had no trust; and 5% were unsure.

When asked what area or subject matter should immediately be addressed by City government at this time, 15% said more police and fire funding; 2% said police reform; 24% said homeless/affordable housing; 3% said general infrastructure; 7% said streets and traffic; 2% said stop over development; 3% said economic development; 6% said stopping turnpike; 1% said modernization; 2% said stormwater; 5% said drinking water; 1% said public transit; 4% said crime; 15% said other; and 8% did not know.

Items submitted for the record

1. PowerPoint presentation entitled, "Norman Post-Election Public Opinion Survey," dated June 2022
2. Amber Integrated Norman Post-Election Survey Report

Councilmembers felt more public education is needed prior to elections and Councilmember Hall said timing is important so the City needs a longer lead time on upcoming election propositions. She suggested planning utility rate elections in an intentional, long-term way and making sure community stakeholders are engaged and putting out information in conjunction with the City. She said the City needs to find a way to address misinformation and refocus conversations on public health, safety, and welfare of the community. She said providing clean drinking water should be a top priority.

Councilmembers thanked Mr. Lisle for the presentation.

3. DISCUSSION REGARDING RECOMMENDATIONS FROM THE ECONOMIC DEVELOPMENT ADVISORY BOARD REGARDING THE DISBURSEMENT OF AMERICAN RESCUE PLAN ACT FUNDING EARMARKED FOR ECONOMIC DEVELOPMENT AND NON-PROFITS.

Ms. Kathryn Walker, City Attorney, introduced Mr. Lawrence McKinney, Chief Executive Officer (CEO) of Norman Economic Development Coalition (NEDC), and Mr. Chuck Thompson, Norman Economic Development Advisory Board (EDAB) Chairman. She said in March, EDAB presented initial recommendations for expenditure of \$1 million in American Rescue Plan Act (ARPA) funding for business incubator projects. She said EDAB created an agreement that was recently presented to Council for review. The agreement confirms the City is allowing NEDC to distribute the money to provide a long term incubator program and sets requirements on what the money can be used for and in this case, it would be capital improvement/capital project for a Business Incubator Program. The program must be located in a qualified census tract and requires reporting to the City, which then has to be reported to the federal government. She said NEDC has had a successful Business Incubator Program for 20 years and every economic development plan or policy adopted by the City talks about the strength of the Business Incubator Program and its importance to the local economy.

Mr. McKinney highlighted NEDC's incubator history and said ten years ago NEDC created Etec located at 701 Asp Avenue that consisted of a 10,000 square foot building purchased in 2000, which burned down a few years ago. The second incubator located at 3209 Flood Avenue, created in 2008, consists of a 5,000 square foot building, which was eventually combined with the incubator companies into the 701 Asp Avenue building prior to it burning down. He said Start-up 405 located in part on the University of Oklahoma (OU) Campus, was consolidated into the NEDC headquarters located at 424 West Main Street using space for employees of NEDC. He said NEDC is out of space with three tenants on-site, three virtual tenants (can come on-site and use the facility for meetings, etc.), and a waiting list.

Since conception, there have been 70 companies in the incubator program over the last 20 years that include Weather Decision Technologies; Southwest Nano Technologies; Next Thought, L.L.C.; Boyd Street Ventures; Key Bridge Technologies, Inc.; Atmospheric Technology Services Co.; Consulting Services, Inc.; Glomics, Inc.; Crete Tech, L.L.C., Ok Solutions; Enye Group; Bison Underground, L.L.C.; Canopy Weather; Back to You Marketing; Xyant Technology, Online Media Sources; WebEprint; Merchant Metrix, Inc.; and many others.

Mr. McKinney highlighted the economic impact of the program as follows:

IMPACT	EMPLOYMENT	LABOR (PAYROLL)
1 – DIRECT JOBS	764	\$47,895,588.47
2 – INDIRECT JOBS	281	\$10,704,892.37
3 - INDUCED JOBS	170	\$5,974,345.82
TOTAL	1,215.09	\$64,574,826.66

Item 3, continued:

Mr. McKinney said NEDC has the most successful State Certified incubator in Oklahoma, with the largest commercialization rate. He said NEDC has identified three buildings and one vacant site within a qualified census tract. The first building located on Main Street will cost \$1 million to \$1.5 million and \$1.5 million to \$2 million for renovation costs. He said 7,000 square feet is the minimum NEDC is looking for, but 15,000 to 16,000 square feet would be better. The timeline goal to occupancy is six to 18 months. He said 7,000 to 8,000 square foot building will cost \$2.5 million while a 15,000 to 16,000 square foot building would cost \$3.5 million.

Mayor Clark asked if NEDC will be asking for more than the \$1 million and Mr. McKinney said no, NEDC can borrow and has applied for \$1 million in ARPA funding and hopefully will receive those funds; however, if the State funding does not work out or any other source does not work out, NEDC will borrow the money. He said NEDC is proposing to charge \$500 for office space, which is cheap since most other start up rents can be \$1,200 to \$1,600.

Councilmember Studley asked what NEDC uses to measure success of incubator businesses and Mr. McKinney said everything is based on investment and jobs. When a company is looking to locate in an incubator space, NEDC will look at the types of jobs the company is trying to create, number of employees, average salary, and timeline (six month minimum, five year maximum).

Councilmember Schueler asked if the businesses NEDC has helped are still located in Norman and Mr. McKinney said NEDC is currently documenting if companies are still in Norman. He said some companies have employees in Norman, but have expanded outside of Norman so NEDC is documenting that as well. He said as of today, NEDC has documented 1,048, which is higher than the 764 reported earlier and NEDC is not finished with that documentation.

Councilmember Hall asked how NEDC will vet applications if focus is on minorities, women, and veterans and Mr. McKinney said that portion will be on branding and promotion so NEDC is calling the program the Center of Excellence for Women, Minorities, Native Americans, and Veterans to target those groups. He said priority points will be given to those groups and they will be moved to the top of the list.

Ms. Walker said the United Way, using their existing process for non-profits, could be a means to vet proposals for other non-profit grants and that was what EDAB discussed and recommended moving forward with an agreement with the United Way to vet the proposals that would the go forward to Council with separate agreements with the different agencies.

Councilmember Hall said Council began discussing the \$1 million allocation for non-profits in July 2021, and the subject has been discussed multiple times over the last year and she thought conversations with United Way was taking place so she is a little surprised the process has not gotten far over the past year. Mr. Darrel Pyle, City Manager, said he is fortunate to serve as a board member with United Way and in initial conversations, they were intrigued with the opportunity to utilize the systems they have developed over the years to vet applications.



Item 3, continued:

Mr. Pyle said ideas for an Incubator Program that came to Council included a need for a brick and mortar building which seemed to resonate with Council that an investment in brick and mortar will pay dividends long into the future whereas some operating capital could be gone in a year making it difficult to demonstrate how the City impacted the lives of those persons impacted by COVID. He said the United Way was in the process of their usual annual evaluations of grant recipient groups, but that process has been completed and their committees are available. He said they have three or four committees that focus on different types of services. He asked if a brick and mortar facility is a high ranking priority of support and if there is a minimum or maximum Council is interested in providing to any single recipient. He said United Way recipients receive a portion of their operational funding and the United Way will occasionally support a capital investment, such as a remodel of a Meals on Wheels type operation. Staff is proposing the appropriation on the next agenda making those funds available then Staff can deliver Council priorities to the United Way before the end of next week and they will send out the notice of funding availability within the next week.

Mayor Clark asked if Staff has applied for State funds and how much because that will be helpful in Council's decision and Mr. Pyle said Staff should have that answer in July whether it is yes or no. Mayor Clark said she likes brick and mortar because it is a good use of one time funds.

Councilmember Schueler said there is supposed to be a State meeting earlier today of their joint committee on pandemic relief funding to talk about \$25 million for non-profit funding. The requirements include agencies with revenues less than \$750,000 would qualify for a \$50,000 grant and revenues of more than \$750,000 would qualify for \$75,000. It seems they are basing grants on revenue and qualifying non-profits must have a primary mission to having shelter securities, food securities, behavioral health, substance abuse and use, human trafficking, and domestic violence issues relating from the pandemic.

Councilmember Studley said she is leery on deciding a cap amount for applicants and asked if Council could wait to see how many applications are submitted before deciding if their will be cap. Mr. Pyle said there could be a process where applications are reviewed in a study session and forwarded to United Way with instructions on how Council would like to distribute funds whether that includes a cap, is based on revenues, etc.

Councilmember Schueler said it will be difficult to write a grant proposal without guidelines for the money. She said most grant applications have some kind of benchmark or parameter for funding amounts and suggested the City allow for a second round of applications if total funds are not expended. Mr. Pyle said there are several United Way recipients that apply for small amounts, such as \$1,800, so a second round would be appropriate if fund limits are not set and funds are left over.

Item 3, continued:

Councilmember Schueler asked if there will be discussion on benchmarks or prioritizations of applications. Will Council want to prioritize non-profits talking about capital improvements or other types of services? Mr. Pyle said these are things Council needs to consider so if Council has ideas tonight, Staff will happy to incorporate those ideas into the regulations.

Councilmember Schueler said most of Council did seem to like the idea of capital investments as being a priority because of the dividends to the community, but she does not want Council to forget about direct impact in services so Council needs to think about balancing these items.

Councilmember Foreman suggested creating a sliding scale based on previous year's sliding scale.

Councilmember Peacock said this a one-time fund for one-time use and funding a Business Incubator Program is the smartest use of the funds.

Items submitted for the record

1. PowerPoint presentation entitled, "Startup 405," dated June 7, 2022

4. DISCUSSION REGARDING A LOAN APPLICATION FOR FUNDING FROM THE OKLAHOMA WATER RESOURCES BOARD TO PURCHASE ADVANCED METERING INFRASTRUCTURE (AMI) METERS FOR A LIMITED PILOT PROGRAM.

Mr. Nathan Madenwald, Utilities Engineer, said tonight he will present the City's current metering status, additional funding needs, potential paths forward, and Staff recommendations. He said an assessment was completed in September 2021, which was presented to Council during a study session. He said Staff is finishing review of a Request for Proposal (RFP), but the project is on hold following rate election results and potential grant awards. He said Staff is evaluating options to improve water reading efficiency.

In November 2021, the City submitted an application for a grant in the amount of \$500,000 and another in the amount of \$2 million to the Bureau of Reclamation (BOR) to replace 40,973 existing water meters, the majority of which are manual read meters, with Advanced Metering Infrastructure (AMI) meters and other water efficiency projects. The AMI project includes Meter Data Management software, an AMI network, and a customer portal with real time use data. The project is expected to result in annual water savings of 1,981 acre-feet, which will improve the City's resiliency in times of drought and will help maintain water levels in Lake Thunderbird watershed, Garber Wellington, Oklahoma City surface reservoirs, and the Canadian River. The applications were successful; however, the City can only select one out of the two grants.

The WaterSMART Water and Energy Grants (formerly Challenge Grants) through the BOR provides 50/50 cost share funding to irrigation and water districts, tribes, states, and other entities with water or power delivery authority. Projects conserve and use water more efficiently; increase the production of hydropower; mitigate conflict risk in areas at high risk of future water conflict; and accomplish other benefits that contribute through a competitive process and the focus is on projects that can be completed with two to three years.



Item 4, continued:

Mr. Madenwald said potential paths forward include no meter changes, converting 5% of meters (least efficient meter reads) to drive by/remote read, and AMI Implementation.

Mr. Madenwald highlighted options that include Option 1 – no meter changes which advantages include no capital expenditure for meters and leaves additional capital available for other projects while disadvantages include needing to hire two additional Staff for meter read reliability; inaccurate meters remain in place; non-revenue water remains high (20%); monthly reads with no real time data or leak detection; loss of grant funding; and no path forward for future meters.

Option 2 – Automated Meter Reading (AMR) for 5% of meters which advantages include no additional Staff; improved meter reading efficiency; and additional capital available for other projects while disadvantages include \$750,000 capital expenditure; inaccurate meters remain in place for remainder of system; non-revenue water remains high; monthly reads with no real time data or leak detection; and loss of grant funding.

Option 3(A) – AMI for 25% of meters which advantages include no additional Staff; improved meter reading efficiency; BOR WaterSmart Funding (\$500,000); possible Oklahoma Water Resource Board (OWRB) funding (\$500,000); path forward for future water meters; and additional capital available for other projects while disadvantages include \$5.95 million capital expenditure; inaccurate meters remain in place for remainder of system; non-revenue water remains high; only 25% of customers see benefits; and loss of \$2 million in BOR grant funding.

Option 3(B) – AMI for 50% of meters which advantages are not additional Staff; improved meter reading efficiency; BOR WaterSmart funding (\$500,000); possible OWRB funding (\$500,000); and path forward for future water meters while disadvantages include \$9.24 million capital expenditure; inaccurate meters remain in place of remainder of system; only 50% of customers see benefit; and loss of \$2 million in BOR grant funding.

Option 3(C) – AMI for 75% of meters which advantages include no additional Staff; improved meter reading efficiency; BOR funding (\$2 million); possible OWRB funding (\$500,000); path forward for future water meters; leak detection; and improved conservation while disadvantages include \$12.53 million capital expenditure; inaccurate meters remain in place for remainder of system; and only 75% of customers see benefits.

Option 3(D) – AMI for 100% meters which advantages include no additional Staff; improved meter reading efficiency; Bureau of Reclamation funding (\$2 million); possible OWRB funding (\$500,000); path forward for future water meters; benefits seen for all customers; leak detection; and improved conservation while disadvantages include \$15.82 million capital expenditure and less capital for other projects.

Staff recommends eliminating Option 1 and, at the minimum, implementing Option 2, or fully utilizing grants for all Options 3(C) or 3(D), or utilizing lesser grant funds for 3(1) or 3(B).

Item 4, continued:

Councilmember Lynn said he understands the City cannot increase water rates without a public vote, but can Council add a fee to the AMI, similar to connection fees, and Ms. Walker said Staff would need to research that because Norman is the only City that has a vote requirement for raising utility fees so there is not much case law or guidance on the issue. She said there are certain expenses that are fixed and not necessarily based on use so Staff would need to determine what is a truly justifiable versus what is rolled into the rate.

Mr. Chris Mattingly, Director of Utilities, said the City is losing 20% of its water and had no clue where that water is coming from or going to so the AMI would detect leaks, which would gain money by not losing water.

Councilmember Tortorello said the City should enact the AMI Program now using grant money as well as a possible loan because the technology will pay for itself in approximately 11 years. He said no user fees would need to be increased. He said people are currently paying large water bills or inaccurate water bills because the City cannot detect leaks, but AMI can. He said water is life so the City needs to do this.

Councilmember Schueler said the City recently has a failed rate increase election and now the City is talking about installing AMI, which she supports; however, how will the City educate the community because the City educated the community on why the rate increase was necessary, but it still failed. Mr. Pyle said in order to incur debt, Council action will be taken and had the rate increase been approved this project would have taken place without indebtedness. He said the City was completely honest when they told customers the City needed the technology because the City is losing 20% of its water somewhere and the City has to know where this 20% is going. He said the City still needs this technology to capture the 20% so instead of paying the project by increasing rates, the City is going to borrow funds. He said that education can begin when the debt instrument is brought to Council.

There was consensus among Council to move forward with Option 3(D).

Items submitted for the record

1. PowerPoint presentation entitled, "Advanced Water Metering Discussion," dated June 2022

## **ADJOURNMENT**

The meeting adjourned at 7:03 p.m.

## **ATTEST:**

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City Clerk

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Mayor