



CITY OF NORMAN, OK CITY COUNCIL COMMUNITY PLANNING & TRANSPORTATION COMMITTEE MEETING

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

Thursday, March 23, 2023 at 4:00 PM

MINUTES

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CALL TO ORDER

Chairman Holman called the meeting to order at 4:00 p.m.

PRESENT

Councilmember Ward 2 Lauren Schueler
Councilmember Ward 8 Matthew Peacock
Councilmember Ward 7 Stephen Holman, Chair

ABSENT

None

OTHERS PRESENT:

Councilmember Ward 4 Helen Grant
Ms. Janita Hatley, Code Compliance Inspector
Captain Shawn Hawkins, Norman Police Department
Ms. Jane Hudson, Director of Planning and Community Development
Mr. Taylor Johnson, Transit and Parking Program Manager
Mr. Chris Mattingly, Director of Utilities
Mr. Shawn O'Leary, Director of Public Works
Mr. Jason Olsen, Director of Parks
Ms. Heather Poole, Assistant City Attorney
Mr. Darrel Pyle, City Manager
Mr. Jessie Rush, Assistant Director of Operations, EMBARK
Major Jamie Shattuck, Norman Police Department
Mr. Scott Sturtz, City Engineer
Ms. Kathryn Walker, City Attorney

AGENDA ITEMS

1. PUBLIC TRANSIT REPORT

Mr. Taylor Johnson, Transit and Parking Program Manager, said the fixed route service transported 27,620 passengers in February 2023, compared to 16,059 in February 2022. The daily average ridership was 1,157. There were 558 passengers with bicycles and 240 passengers with wheelchairs or other mobility devices transported in February.

The paratransit service transported 1,781 passengers in February 2023, compared to 1,366 in February 2022. Average daily ridership was 74, an increase of 29.82% compared to February 2022.

Saturday service totaled 2,616 in February 2023, a 92.21% increase over 1,361 in February 2022.

Mr. Johnson said Staff continues to work closely with the contractor regarding renovation of 320 East Comanche Street into a City Transit Center, but the discovery of asbestos has slowed operations. He said contractors continue to work on the outside of the facility until the asbestos inside has been abated.

On December 13, 2022, Council approved a resolution to alter bus routes and transit bus services as recommended in the Go Norman Transit Plan to take effect in 2023. Staff has begun work to implement the newly approved changes, which includes changes to bus stops, signage, and advertising as well as operator training.

On October 31, 2022, Staff submitted a grant application to the annual Surface Transportation Block Grant Program – Urbanized Area (STBG-UZA) through the Association of Central Oklahoma Governments (ACOG) to replace two 32-foot Compressed Natural Gas (CNG) fixed-route buses. Mr. Johnson said it appears the City will receive the grant funds for this project; however, Staff continues to research eligible grants to support existing operations, vehicle needs, and future improvements.

Mr. Johnson said the Fleet Maintenance Division continues to ensure the transit fleet is in operational condition each morning, despite the age of the vehicles. The maintenance includes fueling, cleaning, and sanitizing each transit vehicle daily.

Items submitted for the record

1. Memorandum dated February 23, 2023, from Taylor Johnson, Transit and Parking Program Manager, through Shawn O'Leary, P.E., CFM, Director of Public Works, to Council Community Planning and Transportation Committee
2. EMBARK Norman Performance Report for February 2023

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2. DISCUSSION REGARDING THE CENTER CITY TAX INCREMENT FINANCE DISTRICT INFRASTRUCTURE PLAN.

Mr. Scott Sturtz, City Engineer, said Center City Planning began with the Norman City Center Vision in 2014 where citizens were invited to help develop a vision and plan for future development. The Steering Committee held 13 meetings between March 2014 and June 2016, with a public charrette held May 12, May 14, and May 16, 2014, and several other public meetings were held after the charrette.

The Center City Form Based Code (CCFBC) was adopted May 23, 2017, updated July 23, 2019, and again on June 14, 2022, establishing criteria for development. Mr. Sturtz said simultaneous to the CCFBC, Staff recognized that public infrastructure improvements were necessary to support redevelopment. To fund these improvements, the Center City Tax Increment Finance District (CCTIF) was adopted on December 19, 2017, for a term of 25 years on increased ad valorem taxes and included a project plan.

In April 2017, Johnson and Associates completed the Center City Infrastructure Analysis and Center City areas were divided into sectors for consideration and each sector was analyzed for improvements. The total cost of improvements were estimated to be \$44,002,509 in 2017.

Recently, Council requested Staff explore an update to the Infrastructure Analysis and Johnson and Associates submitted a proposal to include priority improvements matrix, updated cost estimates, updated street sections, street condition, and rating map for a fee of \$75,000. Mr. Sturtz said as far as the street rating map, the City already has the Pavement Management System that evaluates and ranks roadways and Staff conducted a citywide evaluation and ranking of alleys. He wondered if the City needed someone telling them in what order to do projects because there has not been a large need for CCTIF funding and there are easy factors to look at when prioritizing projects. He said Staff has concerns about moving forward with the \$75,000 expenditure and wants Council direction.

Mr. Sturtz said the CCTIF currently has \$2,300,000 and projects can be prioritized by selecting locations that contributed funding then move forward basing projects on need. He said options include bringing a contract forward to City Council; continuing to allow CCTIF funding to accrue; providing project rankings as requests or needs are made; allowing \$100,000 in FYE 2023 Capital Funds to roll to FYE 2024 if the update is not needed; and continuing the CCTIF Special Revenue Fund in FYE 2024.

Councilmember Grant said she would like to move forward with the contract because she would like to see what projects Johnson and Associates would prioritize as well as updated projects costs.

Councilmember Schueler said she would prefer not to spend the \$75,000 if Staff has the data or can gather data in-house; however, she would like to see how Staff would prioritize projects. Mr. Sturtz said Staff can prepare the top ten priority projects for Council's review.

Item 2, continued:

Councilmember Peacock said he is most interested in the priority of projects and which projects can help spur private investment over the 25 year life of the CCTIF. He asked if Johnson and Associates could only prepare the priority improvement matrix for a reduced cost. He felt Johnson and Associates would look at the CCTIF area in more of a market situation versus a need and functionality standpoint as he considers the matrix to be an Urban Design Implementation Plan. Mr. Sturtz said changing the scope could be an option; however, he did not think the matrix would contain a block-by-block assessment, it would be more of a "how to help create a selection process." He will reach out to Johnson and Associates regarding a priority improvement matrix update only and bring that back to the Committee for review.

Mr. Darrel Pyle, City Manager, said public infrastructure improvements would be a great incentive for private investment and Councilmember Peacock agreed.

Chairman Holman said he liked the idea of requesting a reduced scope for a matrix only as well as having the ability to use CCTIF funds immediately to move forward with urgent need projects.

Items submitted for the record

1. PowerPoint presentation entitled, "Center City Form Based Code Infrastructure Analysis," dated March 23, 2023

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DISCUSSION ITEMS

Staff requested Item 5 be discussed first.

5. DISCUSSION REGARDING CEDAR LANE CONNECTING TO JENKINS AVENUE.

Chairman Holman said a lot of new development is taking place along Cedar Lane Road and 12th Avenue S.E. that includes the Eaglecliff Addition. He said there is a significant issue with ingress and egress in the area and the connection of Cedar Lane Road to Jenkins Avenue has been a topic of discussion for many years, but complaints from constituents have been increasing so he asked Staff for an update on a proposed connection.

Mr. Sturtz said Cedar Lane Road (a two lane rural road) is classified as a minor arterial road in the Urban Comprehensive Transportation Plan (CTP) and would require a major bridge crossing over Bishop Creek. He said there is an existing 66 foot statutory right-of-way (ROW) from Jenkins Avenue to the end of the improved section (approximately 1/2 mile), a 33 foot statutory ROW along the north half from end of the improved section to 12th Avenue S.E., and a 50 foot ROW along the south half from end of the improved section to 12th Avenue S.E. He said fences in the Eaglecliff Addition are placed approximately 20 feet north of the property lines in the 50 foot ROW. There is existing paving from Jenkins Avenue to end of improved section, the north half has one lane with no curb, and the south half has one lane with curb and sidewalk.

Item 5, continued:

At the State Highway 9 and Jenkins Avenue intersection, the south lanes are one lane southbound, one lane northbound with a left turn, one dedicated turn lane, and two head signalization for northbound traffic. All work requires coordination and approval with Oklahoma Department of Transportation (ODOT).

Mr. Sturtz said alignment of Cedar Lane Road intersects with Bratcher Miner Road and a private road that are both classified as minor arterial roadways in the CTP. He said Bratcher Miner Road and the private road enter at odd angles and are minor arterial roadways in the CTP. There is oil field equipment that will need to be relocated and potential site distance issues to be resolved. He said the three lane section meets traffic projections for Cedar Lane Road and the section from Jenkins Avenue to 12th Avenue S.E. will need to be improved for a road extension to function properly. He said a four lane section is needed on Jenkins Avenue for additional large truck movements.

A bridge would be needed over Bishop Creek that requires a Flood Plain Permit, must pass 100 year flood event without causing any backup, may require the United States Army Corp of Engineers (USACE) 404 permitting, and the bridge would need to be an estimated 170 feet in length and 50 feet wide, which is a very large structure.

There is a sanitary sewer force main along Jenkins Avenue, sanitary sewer gravity main along Cedar Lane Road, water mains along Jenkins Avenue and Cedar Lane Road, and electric lines near the ROW of both roadways.

Estimated costs include \$1,300,000 for State Highway 9 intersection improvements; \$2,800,000 for Jenkins Avenue widening; \$400,000 for Jenkins Avenue and Cedar Lane Road Intersection improvements; \$5,800,000 Cedar Lane Road widening; \$3,500,000 for construction of a bridge; \$1,700,000 for utility relocations; \$1,600,000 for engineering services; and \$2,500,000 for ROW acquisition for total costs of \$19,600,000.

Councilmember Peacock asked if there has been consideration of a future transportation bond or does it not warrant that kind of public investment and Mr. Sturtz said that is something that could be considered; however, the City is currently considering a Bridge Maintenance Bond to repair or replace bridges that are up to 60 years old.

Chairman Holman asked if improvements to Jenkins Avenue would still be done even if the connection was not and Mr. Sturtz said Staff has not evaluated that idea and although the roadway functions well today there will continue to be an increased mixing of residential and commuter traffic.

Chairman Holman said the area is multi-faceted in that Cedar Lane Road does not connect to Jenkins Avenue to the west; 24th Avenue east does not connect to Cedar Lane Road from State Highway 9; and 36th Avenue east does not connect Lindsey Street to State Highway 9 so there are multiple section line roads that do not connect. He said this creates a lot of traffic congestion and the area continues to be developed.

Item 5, continued:

Items submitted for the record

1. PowerPoint presentation entitled, "Cedar Lane Road Extension from Jenkins Avenue to 1/2 mile east," dated March 23, 2023

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3. DISCUSSION REGARDING CURRENT PARKING/TOWING POLICIES.

Chairman Holman said several Councilmembers, particularly Councilmember Grant, have been experiencing constituent issues with the City's towing policy, what that policy is, policy on expired tags, and disruptions taking place on Main Street and Gray Street when a car is towed (roadway being blocked).

Councilmember Grant asked if the City has discretion to just ticket out of date license tags or does the City have to tow and Captain Shawn Hawkins, Norman Police Department (NPD), said State law allows 90 days to bring tags up to date. Councilmember Grant said a constituent told her that State law does not require law enforcement to tow on first contact on an expired tag and Captain Hawkins said Parking Service Officers allow 180 days for expired tags so if the tag is expired 180 days out, they tow the vehicle. He said this is not a written policy, but a practice the NPD uses. Councilmember Grant asked if NPD could choose to ticket the person instead of towing and Captain Hawkins said he would advise Council to create an ordinance if that is the process they want.

Councilmember Grant said some people from out of state find the process difficult when they discover their vehicle has been towed and one person had to fly back to their home state during COVID to renew the tag then fly back to Norman to get their vehicle out of impound. She said people should have to renew their tag, but is the rest of the process really necessary especially if a person is from out of state? Captain Hawkins said NPD has given a lot of grace to the public, especially during COVID, but 180 days seems fair and some vehicles can be three or four years outdated, which is unacceptable.

Ms. Kathryn Walker, City Attorney, said the City is generally looking for compliance, but oftentimes there are college students from out of state and Staff will listen to their story and act accordingly. She said the real problem is that expired tags can be very expensive to renew and that is set by the State and can be a hurdle for people. She said most of the time, the City will dismiss the ticket if they provide proof the tag has been updated.

Councilmember Grant asked if an ordinance requiring ticketing versus towing would be a bad step to take and Ms. Walker said not necessarily as it is not mandatory, but to some people there can be a lot of the hurdles with updating an expired tag that includes providing proof of insurance and having a valid drivers license.

Item 3, continued:

Councilmember Grant said she witnessed a tow truck that had hooked up a vehicle and in the process struck another vehicle and blocked all three lanes of Gray Street. She was also not too pleased to hear that a person trying to retrieve their vehicle went to the wrong address for the impound yard because the tow company had recently moved locations and NPD provided the wrong address, which left the person running back to the Police Department then back to the correct impound location. Captain Hawkins said NPD addressed the issue of blocking all lanes and how that whole incident occurred.

Chairman Holman asked if the process on steps to take are clearly written out or does the person have to rely on someone at the front desk to tell them and Captain Hawkins said typically, the person receives a pamphlet that explains the steps they need to take in order to retrieve their vehicle from impound. Councilmember Grant said she would like to find ways to streamline the process to ensure people are always provided the pamphlet and given the correct information. She suggested posting some type of signage at the front desk that includes a checklist, i.e., do you have your insurance, do you have your drivers license, etc., to clearly communicate what the expectations are as they move through the process of getting their vehicle back.

Chairman Holman said although they may have expired tags, which is their fault, people get upset with the business and blame the business for the vehicle being towed threatening to never spend their money in Norman again. He would like to avoid towing vehicles at all costs. Captain Hawkins said officers do a great job of giving people warnings, but after five or six warnings what are the options? He said Parking Officers are here to enforce City ordinances, that is their job. He said if a Parking Officer has given a verbal warning then the next step will be a citation and if they come across the same vehicle six months down the road still in violation the vehicle is towed.

Councilmember Schueler said she understands this is a difficult issue, but she does not want to put undue burden on the public. Major Jamie Shattuck, NPD, said Parking Officers have one of the most unpopular jobs in the City and they try to navigate through various perils, but it is hard to do their job without upsetting someone. He said many times individuals do not have tags updated because they do not have insurance and that is why these laws are in place at the State level. He said if Council decides to venture down this road to create an ordinance that prohibits towing vehicles with outdated tags his only caution would be that this would allow people without insurance to remain on the road.

Chairman Holman said this is a difficult topic, but there are always circumstances, i.e., being a single parent just trying to keep it together financially, so he is happy to hear the City is beyond lenient when 90 days is the standard and the City is allowing 180 days. He said residents and businesses may want Council to consider this further so the Committee can bring the topic back at a later date.

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4. DISCUSSION REGARDING MAINTENANCE RESPONSIBILITIES OF RIGHTS OF WAY BETWEEN BACK OR SIDE YARD FENCES AND ARTERIAL STREETS.

Chairman Holman said this topic was brought up by a resident complaint regarding property along Highway 77 between Cedar Lane Road and Southlake Boulevard on the east side of the street. He said there are back fences of the neighborhood facing the highway and the space between those fences and the curb, which has a sidewalk, but the sidewalk is overgrown in many places with debris (gravel, dirt, etc.) making it difficult for someone in a wheelchair to traverse. He said it is also an eyesore, but many people in that neighborhood are not going to drag their mowers through the neighborhood for blocks to mow that small piece of property and some may not even realize it is their responsibility.

Ms. Janita Hatley, Code Compliance Officer, said Code Compliance has been enforcing right-of-way (ROW) mowing since 2008 or 2009 when the City stopped maintaining several of these areas; however, she does know the history of why that decision was made. She said Staff began notifying property owners of their new responsibility to come outside of their fences along Robinson Street, Main Street, and Highway 77 to mow those areas. She said her co-worker frequently has to send letters to the property owners asking them to mow behind their fences and he also carries a weed eater in his vehicle in the summertime and quite often will knock down the grass and weeds himself. In instances where the City sends letters, there is pretty good compliance, but if they do not comply after the ten day notice, the City's recourse is to file charges on them in Municipal Court rather than abate (based on discussion with the City Attorney's Office).

Chairman Holman said the area today is very overgrown so he personally finds it unreasonable to expect the property owner to drag their lawnmower through the neighborhood around to the arterial street then push that mower down the side of an arterial street to mow their small back section. He said not every property owner is going to do that because it is not practicable. He said it is also unreasonable to expect Code Compliance Staff to maintain these areas because it is not their job although he appreciates that effort.

Chairman Holman said he would like to see information on the pros and cons of the City mowing these ROW's as well as costs. He feels the costs of citing and going through the Court system would take more time and expense than having the City maintain these areas. He suggested setting aside money in the budget for general maintenance of the City.

Ms. Walker said around the same time the City stopped mowing these ROW's, the City adopted language allowing gates on fences that face arterial roadways to make the moving requirement easier on property owners.

Item 4, continued:

Ms. Walker said if Council wants the City to maintain these ROW's, they might limit it to arterial streets and Councilmembers agreed since arterial streets have a higher visibility. Chairman Holman asked if the sidewalk is the City's responsibility to maintain right now to make sure it is clear of debris and overgrowth and Ms. Hatley said it is the property owners' responsibility. She said Code Compliance can work that as an easement obstruction as well as a code violation. Chairman Holman said this particular area is a highway with a speed limit of 50 miles per hour (mph) and the sidewalk is very close to the street. He would like the City to address the situation of overgrowth and debris then determine what it would cost for the City to begin maintaining these areas.

Staff said they will put together some cost estimates as well as pros and cons and bring that back to the Committee.

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ADJOURNMENT

The meeting was adjourned at 5:40 p.m.