



CITY OF NORMAN, OK CITY COUNCIL STUDY SESSION

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

Tuesday, January 17, 2023 at 5:30 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, retaliation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5424, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 5:30 p.m.

ROLL CALL

PRESENT

Mayor Larry Heikkila
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 3 Kelly Lynn
Councilmember Ward 4 Helen Grant
Councilmember Ward 5 Rarchar Tortorello
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

ABSENT

None

AGENDA ITEMS

1. DISCUSSION REGARDING BRIDGE MAINTENANCE PROGRAM

Mr. Shawn O'Leary, Director of Public Works, said in 2004, Oklahoma was ranked 49th in the nation for on-system (State responsibility) bridge conditions; however, as of April 2021, Oklahoma was ranked seventh (7th) nationally for on-system bridge conditions. As of 2021, Oklahoma's rank for off-system (City responsibility) bridges in "poor" condition is 40th in the nation.

Item 1, continued:

Mr. O'Leary said the Federal Highway Administration (FHWA) requires all off-system bridges to be inspected biennially and the City contracted HW Lochner Engineering to perform inspections for the last three cycles. He said Council adopted an annual budget for bridge maintenance in FYE 2018 with an allocation of \$100,000 annually. He said in FYE 23, Council adopted a bridge maintenance budget of \$750,000, which is making an impact.

There are 80 nationally registered bridges within the City of Norman and the 2017 inspection cycle identified 18 structurally deficient bridges (poor rating) and the 2021 inspection cycle identified five structurally deficient bridges with 15 bridges being at-risk of becoming structurally deficient. Three bridge failures since 2016 include Havenbrook Street Bridge, Main Street Bridge, and Imhoff Road Bridge. The bridge at 60th Avenue N.E. between Rock Creek Road and Tecumseh Road was closed on December 1, 2022, as a precautionary measure due to structural deficiency.

Mr. Joe Hill, Streets Program Manager, said most bridges in Norman are 50 years old or older and were never built to carry vehicles heavier than a standard car or pickup truck. He said as infrastructure ages, so does the City's mobility because when a bridge is closed, an alternative route has to be created, which may add more travel time and place more traffic on alternative roadway(s). He highlighted approximate vehicle weights with the average car weighing one and one-half tons; average fire truck weighing 19 to 20 tons; average standard truck weighing three tons; average garbage truck weighing 28 tons; average ambulance weighing five tons; average plow truck weighing 28 tons; average loaded school bus weighing 17 tons; average loaded cement truck weighing 33 tons; average loaded charter bus weighing 20 tons; and average loaded semi-trucks weighing 40 tons. The 60th Avenue N.E. Bridge over Rock Creek built in 1940 has a posted weight limit of four tons; the East Robinson Street Bridge located at 72nd Avenue N.E. built in 1938 has a posted weight limit of five tons; and the Franklin Road Bridge over Little River built in 1942 has a posted weight limit of 12 tons.

Mr. Hill said Staff compiled data from the bridge inspection reports to generate a rank-ordered list consisting of the City's highest priority locations. Staff contracted with HW Lochner to review the rank-ordered list and generate replacement and/or rehabilitation cost estimates for each location. Using the Discovery Report, Staff began an investigation related to possible funding opportunities and is proposing two options for a Bridge Maintenance Bond Program using the same concept as the City's Street Maintenance Bond Program. Option One of the proposed bond program would replace ten identified bridge replacement locations and nine identified major bridge rehabilitation and maintenance locations. This proposal would be a \$50 million program over a ten-year period with a monthly property tax increase of \$2.44 for homes valued at \$100,000, \$5.10 for homes valued at \$150,000, and \$7.75 for homes valued at \$200,000. Option Two of the proposed bond program would replace three identified bridge locations and eight identified major bridge rehabilitation and maintenance locations. This proposal would be a \$20 million program over a five-year period with a monthly property tax increase of \$3.31 for homes valued at \$100,000, \$6.93 for homes valued at \$200,000, and \$10.55 for homes valued at \$300,000.

Item 1, continued:

Mr. Hill highlighted bridge locations that need replacement that include 60th Avenue N.E.; North Porter Avenue; East Robinson Street, 72nd Avenue N.E.; Lindsey Street; 24th Avenue N.E.; 36th Avenue N.E.; East Post Oak; and Franklin Road. Major bridge rehabilitation locations include Indian Hills Road; Franklin Road; 24th Avenue S.W.; West Robinson Street; Lindsey Street; Boyd Street; East Robinson Street; and Main Street.

Councilmember Lynn said he prefers the five-year option because once the public sees the City is doing what it promised to do; they will continue to support future bond projects.

Councilmember Peacock said he wants to do what gives the City the best chance of succeeding when it comes to a vote and believes that is the five year option.

Councilmember Holman agreed that once the public sees the City has completed the projects as promised, they will continue to vote yes on future bridge bond projects. He said there is a higher probability of a five-year bond being approved and if voters approve the five-year program then the City can discuss a ten-year program for the next proposal. He asked if there is federal funding available for bridge repair, replacement, or maintenance.

Councilmember Schueler said she supports the five-year option because every ward will have a bridge repaired or replaced and the public will see how important this program is to their community.

Councilmember Grant said she is concerned the five-year option will cost citizens more money. She said Council needs to consider what it costs to live in Norman right now.

Mayor Heikkila said the five year option offers a quicker turn around for the City to repair or replace bridges, especially if the City is not indebted for 20 years on a ten year bond. He said it also gives citizens more direction on which bridges are chosen. He said Council just wants the proposal to be successful.

Mr. O'Leary said, in summary, Norman has 80 bridges and over 300 culvert crossings and while Norman's bridges are safe, many are in need of replacement or major repairs. He said 23 bridges were constructed prior to 1950 and a possible Bridge Maintenance Bond Program election could help replace or repair 19 bridges. With Council approval, he anticipates the bond election in late 2023 or early 2024. He said there will be a lot of public outreach and polling regarding the proposal prior to an election.

Mayor Heikkila suggested the presentation be placed on the City's website and add a couple of slides on what algorithm was used to select bridges. He believed this would help the public self-educate themselves.

Mr. O'Leary said there is currently no steady, predictable funding source for bridge replacement or major repairs; however, Staff continues to pursue every grant opportunity, but has not found anything at this time.

Item 1, continued:

Mr. O'Leary said on October 11, 2022, Council approved a contract for engineering design for the 60th Avenue N.E. Bridge and the Porter Avenue Bridge (30% complete).

Items submitted for the record

1. PowerPoint presentation entitled, "Proposed Bridge Maintenance Bond Program," dated January 17, 2023

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2. DISCUSSION REGARDING BUILDING CODE UPDATES

Mr. Greg Clark, Development Services Manager, said the Oklahoma Uniform Building Code Commission (OUBCC) adopts the minimum code for all jurisdictions in Oklahoma. He said municipalities are required by State Statute to adopt these minimums and enforce them in a timely manner. On September 14, 2021, the OUBCC adopted the 2018 International Codes (I-Codes) and 2017 National Electric Code (NEC) as the minimum standard for all commercial buildings and effective September 14, 2022, the OUBCC informed municipalities that minimum standards for one and two-family dwellings/townhouses will be the 2018 International Residential Code (IRC) with modifications provided in their updated rules. Additionally, the 2020 NEC was adopted as the minimum standard for electrical work.

To remain in compliance with State Statutes, the City of Norman will need to update its codes to the 2018 I-Codes with modifications by OUBCC. Mr. Clark said over the past year, Staff has had a continual outreach campaign to inform the building community and public about the pending code changes that included a Staff hosted code review/change meeting on July 28, 2022, to discuss significant changes to the code and seek input from the building community and public; a code review/change meeting on August 16, 2022, to complete discussions about significant changes to the code; presentation to the Business and Community Affairs Committee on December 1, 2022, regarding code changes; providing a "code change request form" on the City's website if anyone desired to submit a change to the code for consideration; providing a Webinar link on the Development Services website regarding significant changes to the code; and email outreach to buildings, designers, trade workers, and others who have pulled permits in the prior calendar year. He said Staff has continually educated builders/designers regarding the City Code updating to the 2018 Building Code and when parties are interested, Staff has provided resources to these individuals.

Mr. Clark said Staff is proposing an increase to the base and re-inspection fees from \$25 to \$35 (keeping in line with inflation) as the fee has not been changed since 2006. He said in calendar year 2021, there were over 27,000 inspections, 3,200 re-inspections, and 4,900 trade permits issued with over 2,100 of those having the base fee, which were typically stand-alone permits (miscellaneous electrical work, plumbing work, heat and air work, etc.). Staff is proposing codifying an existing after hour's inspection fee of \$200 for a two-hour minimum and \$75 per hour thereafter.

Item 2, continued:

Staff wants to update the code to include the State mandated \$4 permit fee obligated by the OUBCC with a .50-cent administration fee. In the past, it was determined this fee did not have to be in the City's fee schedule, but Staff feels it is a better practice to include this fee.

Mr. Clark said the City of Edmond charges \$50 for the first inspection and \$100 per re-inspection and a \$30 minimum base fee, but has qualifiers for added fixtures/appliances, etc.; the City of Oklahoma City charges a \$38.50 minimum re-inspection fee with a \$28 base fee, but charges more for re-inspection for trade permits, i.e., \$42 for plumbing re-inspections, and has qualifiers for added fixtures/appliances; the City of Moore charges a \$30 re-inspection fee with a \$30 base fee and has qualifiers for added fixtures/appliances; and the City of Yukon charges \$30 for the first two re-inspections and \$60 per re-inspection after that with a base fee of \$35. He said the City of Yukon's fee structure closely resembles Norman's.

In previous code cycles, Fire Prevention adopted the National Fire Protection Association 1 (NFPA 1) Fire Code for existing buildings' annual inspections and separately adopted the International Fire Code (IFC) for new construction. Mr. Clark said adopting the NFPA 1 is not needed as the IFC adequately addresses topics in the NFPA 1 and, at times, creates conflicts where a newly built building could be in opposition to another City code. He said having one code for permitting and annual inspections helps Planning Review Staff and Inspectors to be on the same page.

Prior adoptions of the Residential Code allowed unoccupied accessory buildings to be exempt from foundation requirements in the code, but were silent regarding small occupied structures. The language has been clarified to reflect that small unoccupied structures less than 600 square feet and occupied structures less than 400 square feet are exempt from the foundation requirements of the Residential Code. The language will require all structures to have at least four connection points to the earth or foundation and allows for economically feasible small accessory-type storage buildings and limited small occupancies, such as small workshops or tiny homes to be built without a prescriptive footing or engineering.

The OUBCC updated the statewide minimum Energy Rating Index (ERI) to 64 and the City of Norman recently updated its benchmark for its Energy Efficient Credit Program from 47 to 57.

Councilmembers thanked Staff for the presentation.

Items submitted for the record

1. PowerPoint presentation entitled, "Updating the 2018 Building Codes," dated January 17, 2023

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3. DISCUSSION REGARDING THE PURCHASE OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE TO BE USED FOR AFFORDABLE HOUSING.

Mr. Anthony Purinton, Assistant City Attorney, said the property identified for affordable housing is a 4.92-acre undeveloped parcel of property at Imhoff Road and Oakhurst Avenue with a contract price of \$525,000. The property is currently zoned as a Planned Unit Development (PUD) so a 75-unit multi-family or senior housing development would require rezoning. The property is outside of the 100-year flood zone and located within a qualified census tract, which scores ten out of ten for Low Income Housing Tax Credits (LIHTC) competition.

Mr. Purinton said upon contract approval, Staff will begin due diligence inspections that include appraisal, property survey, environmental assessments, and other inspections need to satisfy Tax Credit Financing requirements. The due diligence period is 180 days with an additional 30 days (if inspections are favorable and do not require follow-up, the City will probably not need the full period).

Mr. Purinton said comparable property acquisitions support the contract price. Comparable properties recently sold for \$2.23 to \$6.99 per square foot (\$97,000 to \$304,000 per acre) and the subject property is within range of similar sales being on the lower end for price per square foot (\$2.45 or around \$107,000 per acre).

Ms. Lisa Krieg, Community Development Block Grant (CDBG) Grants Manager, said the LIHTC Program is administered by the Oklahoma Housing Finance Agency and funded by the United States Treasury. The 9% LIHTC competition is semi-annual in January and June and is very competitive while the 4% Bond Program is available anytime; however, additional 4% State Credits are only available in January for a maximum total of 8%.

Ms. Krieg said LIHTC requires a partnership with an experienced Tax Credit developer and other potential partnerships could include Norman Housing Authority, Norman Affordable Housing Corporation, and Norman Community Housing Development Organization 2015 (CHDO 2015). She said the City engaged DeBruler, Inc., to assist with the tax credit process regarding the feasibility for the 4% versus the 9%, which will be completed by May 2023. She said this tax credit process is driven by the number of units and feasibility of funding potential. If the LIHTC funding is not awarded, the site can still be developed for affordable housing, but there will be fewer units and a partnership with Norman Affordable Housing Corporation and Norman CHDO 2015 to develop the site incrementally as funding allows using American Rescue Plan Act (ARPA) funding, City of Norman HOME ARPA funding, and City of Norman HOME Entitlement funding.

Councilmember Lynn said he cannot support a low-income housing project because the pulse of the people is telling him this is not something the public wants the City to be doing. He does not believe it is the City's role to purchase land and build buildings for anything other than City facilities.

Item 3, continued:

Councilmember Holman said the Oklahoma City metro area has the single largest increase in the percentage of rent. He said Oklahoma is a poor State so a lot of Oklahomans live in poverty or are barely hanging on financially and the State, Churches, and private sector are not able or willing to fully address the problem. He said if these entities are not doing anything about the problem, who is supposed to do something about it? He said the City should not allow people to be pushed out of their homes because they will be on the streets and homelessness is already a big problem throughout the nation. He said many people cannot always afford to pay a deposit plus two month's rent to move into a rental property. He is willing to explore any and all options to help the low-income community in Norman. He is also interested in seeing the environmental impact to this piece of property as well as preserving trees on the property.

Councilmember Tortorello said the City should not be involved in housing projects just by the use of the title of low-income or affordable housing. He suggested finding a different title because it will be hard to convince citizens this is not a "homeless housing" issue. He said the City traditionally focuses on infrastructure, sewer/water service, etc., not housing. He would also like to wait until a Ward One representative is seated so that Councilmember can contribute to the conversation as well as having more time to determine how his/her constituents feel about this project; however, he will defer to other Councilmembers' desires on moving forward.

Councilmember Peacock said the price is right and if the City cannot move forward with the project, the property can be sold, which will not be a problem.

Items submitted for the record

1. PowerPoint presentation entitled, "Potential Property Acquisition," dated January 17, 2023

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ADJOURNMENT

The meeting was adjourned at 7:43 p.m.

ATTEST:

City Clerk

Mayor