

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

February 13, 2013

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 13th day of February, 2013, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Castleberry, Jungman, Lockett, Spaulding, and Chairman Kovach

ABSENT: None

OTHERS PRESENT: Councilmember Jim Griffith, Ward Six
Mayor Cindy Rosenthal
Councilmember Chad Williams, Ward Eight
Mr. Mike Collins, 700 N.E. 122nd, Oklahoma City
Mr. Lionel Del Valle, 2013 Cloverdale Lane
Mr. Mike Douglas, 1501 Goldfinch Court
Ms. Eileen Grzybowski, 715 Elmwood Drive
Mr. Harold Heiple, 218 East Eufaula Avenue
Ms. Clara McMurray, 2715 Aspen Circle
Ms. Amanda Nairn, Chair, Environmental Control Advisory Board
Mr. Charles Rice, 439 Leaning Elm Drive
Ms. Toni Rice, 439 Leaning Elm Drive
Mr. Sean Rieger, 136 Thompson Drive
Mr. Larry Steele, 730 Hoover Street
Ms. Chris Ward, Cleveland County Conservation District
Ms. Jo Young, 14112 Mesquite Road
Mr. Anthony Young, 14112 Mesquite Road

STAFF PRESENT: Mr. Jeff Bryant, City Attorney
Ms. Susan Connors, Director of Planning and Community Development
Mr. Terry Floyd, Development Coordinator
Mr. Jud Foster, Director of Parks and Recreation
Ms. Janay Greenlee, Planner II
Ms. Jane Hudson, Principal Planner
Mr. Ken Komiske, Director of Utilities
Mr. Steve Lewis, City Manager
Ms. Leah Messner, Assistant City Attorney
Ms. Syndi Runyon, Administrative Assistant IV

Item 1, being:

CONTINUED DISCUSSION REGARDING THE COMMERCIAL LIGHTING ORDINANCE.

Mr. Jeff Bryant, City Attorney, highlighted proposed amendments to the Commercial Lighting Ordinance. He said the Committee suggested Staff look at the following changes to determine how they might be included in the ordinance:

Item 1, continued:

- ✓ Allowing 30-foot poles so businesses can utilize the OG&E payment plan
- ✓ Addressing spillover in right-of-way and entrances
- ✓ Removing commercial on commercial spillover requirements
- ✓ Keeping the photometric plan requirement with a waiver to opt out that includes inspections to ensure no spillover
- ✓ Changing the lumens cap to allow additional lighting to be added to areas such as canopies, drive-thru windows, and outdoor sales areas

Pole Height

Chairman Kovach said Staff replaced language in Chapter 22, Section 431.6 § 5(b)(4) regarding pole mounted lights. The original language stated, "Light poles installed within 25 feet of any residential property line or public right-of-way may not exceed twenty feet in height" and Staff replaced it with language that states, "Light poles may not exceed thirty feet in height. Height is measured to the underside of the lens and includes any concrete base." Chairman Kovach said Council wanted the shorter pole height within 25 feet of a residential property line and beyond that permit 30 foot poles to allow applicants to participate in OG&E's payment plan. Ms. Susan Connors, Director of Planning and Community Development, said OG&E can only accommodate 30-foot poles with full cutoff fixtures so if there are two pole heights on a project, OG&E could not be the electric provider. Chairman Kovach said if the pole were installed 26 feet from the residential property line, the business could install a 30 foot pole allowing the business to participate in OG&E's payment plan. He asked Staff to reinstate the original language and Mr. Bryant said that would be done.

Councilmember Williams said stockade fences are six to eight feet tall and if a pole is 30 feet tall, nothing is being accomplished by using a 20-foot pole because people can still stand in their backyard and see the light over the fence. Chairman Kovach said the pole will be at least 26 feet from the property line and Councilmember Williams said a 20-foot pole would still be offensive and Councilmember Jungman and Chairman Kovach agreed, but felt a 20-foot pole would be less offensive.

Spillover of Right-of-way and Entrances

Mr. Bryant said the limit on spillover light on rights-of-way or at entrances to businesses will be removed except where there is an adjacent residential property and that can be handled by having lighting limitation at the residential property line. He said there will be no regulations on commercial on commercial spillover.

Photometric Plan

Mr. Bryant said previously there had been discussion about allowing applicants the option of not submitting a photometric plan. He said language has been added to make the photometric plan optional and if the applicant chooses that option it creates the presumption the lighting plan complies with the ordinance. He said if there is a complaint, this language shifts the burden of proof to the applicant.

Chairman Kovach said if the photometric plan is optional, there is still a requirement of no spillover onto residential properties so it becomes the applicant's risk if lighting is installed improperly. He said if there is a complaint, the applicant will be forced to make whatever adjustments necessary to meet compliance.

Mr. Bryant said Staff had been asked to contact electrical engineers to determine the cost of preparing a photometric plan and if it is possible for the City to contract to have photometric plans prepared and Staff is working to provide that information.

Item 1, continued:

Councilmember Williams said in previous meetings he stated photometric plan providers are difficult to find and the plans are expensive; however, to become better educated on the subject, he called approximately eight companies that provide photometric plans and found a consensus that photometric plans are growing in popularity and are being included in the overall cost of engineering plans. He said the more light poles that are needed, the higher the cost.

Lumens Cap

Mr. Bryant said Staff proposed allowing additional lighting to be added to areas such as canopies, drive-thru windows, and outdoor sales areas as follows:

- Outdoor Sales Areas 12 lumens per square foot
- Drive-thru Windows 6,000 lumens per drive-thru window
- Service Stations 12,000 lumens per pump

Councilmember Jungman asked why Tables 1 and 2 regarding pole mounted lights and wall packs are being eliminated from the ordinance and Mr. Bryant said requirements for compliance were repetitive so compliance language is being placed in the text of the ordinance under Section 431.6(4)(a).

Mr. Harold Heiple, 218 East Eufaula Avenue, distributed copies of proposed amendments drafted by he and Mr. Sean Rieger, representing the Builders Association of South Central Oklahoma (BASCO). He said he e-mailed the changes to City Staff to include Exhibit C, but the amendments are not noted.

Mr. Larry Steele, 730 Hoover Street, said he was involved in the meetings and discussions creating the Commercial Lighting Ordinance for two years and the ordinance had been stringently parsed over that time to become the current ordinance. He felt full cut-off fixtures should be a requirement and did not have a problem amending pole heights, spillover onto sidewalks and streets, or commercial on commercial overspill. He said he is not familiar enough with lumen caps to know if the recommendations are appropriate. He said David Stanley Chevrolet has tall and short light poles and it blends nicely. Councilmember Spaulding asked if Mr. Steele knew the heights of the poles at David Stanley and Mr. Steele said he did not. Councilmember Spaulding said assuming the tall poles are 40 feet and the shorter poles are 30 feet, that would have allowed OG&E to provide their poles and Ms. Connors said if the full cut-off fixture is included, OG&E can only provide them on 3- foot poles.

Mr. Steele said he googled photometric plans and found several sites that offer free, downloadable software on the internet. He also spoke to two architect friends, one in Dallas, Texas, and the other in Daytona Beach, Florida, who told him photometric plans are included in their design costs and they do not design anything without a photometric plan. He said just about every large company or business chain in the United States has more stringent lighting guidelines for their company than Norman's ordinance. He asked Council to respect the process and compromise on spillover, commercial on commercial lighting, and pole heights leave the majority of the ordinance unchanged.

Mr. Michael Collins, 700 N.E. 122nd, Oklahoma City, said he is a professional lighting salesman and is very familiar with the subject being discussed tonight. He said cut-off fixtures allow light to go up and does not affect spillover, which comes from light distribution. He said most car dealerships install 25 to 30 foot poles and use a different lamp source on the shorter poles to try to accomplish an even, smooth level of light. He said Oklahoma City's ordinance allows .75 foot candles in parking lots and Norman's ordinance allows .2 foot candles, which is low. He said in order to meet the City's ordinance a business would have to have a lighting layout, which is generally included in the design plans and a parking lot layout is the simplest layout to do.

Item 1, continued:

He said a light layout gives the City documented information on light levels so if an applicant does not submit a photometric plan they become responsible if the lighting is not in compliance. He said light trespasses if a business puts a light fixture on a pole and they do not use the right distribution, which can only be done by using a photometric plan. Councilmember Gallagher asked why Oklahoma City allows .75 and Mr. Collins said it provides a higher level of safety, especially in parking lots. Councilmember Gallagher asked Mr. Collins if he knew of any other city that has .2 candle foot and Mr. Collins said he only familiar with cities where he has worked, but most cities are higher. He said in laymen's terms, a foot candle is a cubic foot of light a candle puts out so being inside that one foot candle is great, but drop that down to .2 and it is not a lot of light. Councilmember Spaulding asked if, mathematically, Norman's requirement is one fourth of Oklahoma City's and Mr. Collins said mathematically that is correct. Councilmember Williams asked if the .2 is spillover and Ms. Connors said a parking lot should be illuminated to a *minimal* level of .2 foot candles with a uniformity ratio of 20 to one and in addition to that there is a lumens requirement of four lumens per square foot on any parking lot. She felt no one would ever meet that minimum and Mr. Collins said an average of four lumens is good. Councilmember Castleberry asked if .2 foot candles spillover is good or bad and Mr. Collins said .2 candle foot is not bad and is mindful of residential areas.

Councilmember Jungman said based upon Mr. Collins' comments, he would suggest the photometric plan requirement be put back into the ordinance. Councilmember Jungman asked Mr. Collins if a photometric plan is part of the design process and Mr. Collins said yes, if you want to meet a City's code that limits so many foot candles in a parking lot, you would not know if you had complied without a photometric layout. He said you also need to know where to place the light poles, which takes a photometric layout.

Chairman Kovach said Council is considering a total lumens cap next to residential and asked if light can be as bright as you want on one area without affecting the person living next to you and Mr. Collins said yes, you can limit the light by using a particular distribution of the fixture. He described five basic light distributions and every lighting manufacturer has a distribution called a "forward perimeter throw" or a "forward throw" where light is directed towards the front of the pole and there are light fixtures with a shield that limits light so no light gets to the back of the pole.

Councilmember Williams asked how lighting was designed 20 years ago before photometric plans were available and Mr. Collins said photometric plans were done manually using mathematical formulas. Councilmember Williams asked why photometric plans are becoming so common and Mr. Collins said because software is so readily available now. Councilmember Williams said he interprets that as not everyone does a plan so how do they get by with that and Mr. Collins said they get by with it if a City does not have an ordinance requiring it. Councilmember Castleberry asked if Mr. Collins preferred the photometric plan to be required or optional and Mr. Collins said it is a good idea to have it required because if it is not required, people will not do it. Mr. Rieger believed people would do the plan if it were optional because the option gives the legal presumption the lighting will be done properly and that is a big incentive for someone to submit a photometric plan.

Mr. Rieger said BASCO supports the replacement ordinance that has been put forth as an alternative to the present ordinance in place. BASCO has stated for years that more light means more safety. He said BASCO also repeatedly requested leniency on commercial on commercial lighting and light spillover on sidewalks and rights-of-way and the request was ignored, but he appreciates the fact that everyone is now saying these are not problem. He said a person can put as much light on a property as they want as long as it is distributed properly and there has been compromise on this point. He said if BASCO compromises to use full cut-off fixtures, he felt the lumens cap should be removed because full cut-off fixtures will accomplish what the lumens cap is designed to protect.

Item 1, continued:

Mr. Rieger said many times property owners remodel or perform simple parking lot retrofits and do not hire an architect or professional engineer, they may hire a local electrical contractor. He asked that a licensed electrical contractor be allowed to submit the photometric plan in the submittal process.

Mr. Rieger said BASCO is requesting the glare definition be revised to state that glare be focused on residential property and traffic only. He said the current definition talks about “a reasonable person” and needs to state “a reasonable person with average sensibilities” because that is an important legal phrase.

Chairman Kovach suggested removing the lumens cap requirement with the requirement of a photometric plan when a project is next to a residential area but optional if the project is not near a residential area. He said a large project without a photometric plan could have too many lumens posing a problem for neighbors and when a complaint is issued there is a long process before a resolution is found. He felt this option would be a way to protect neighborhoods without placing the burden on the businesses. Mr. Rieger said Chairman Kovach is presuming problems would come from large projects, but is not seeing the fact that there are small projects next to residential properties that may not warrant a photometric plan. Councilmember Griffith said Chairman Kovach’s suggestion makes perfect sense especially since a photometric plan can be created using software obtained online.

Ms. Eileen Grzybowski, 715 Elmwood Drive, said some people are under the illusion that more light is safer. She said when the Acting Chief of Police addressed the issue at the City Council meeting in June 2011, the ordinance was approved. He said too much light is bad for security because people get lost in the glare. She researched lighting ordinances and Chicago, Illinois, did an incredible study about ten years ago on safety and security in Chicago and found that areas lit up the most were the ones that were less secure and had the most crime. They believed these areas had more theft because they looked like areas that had more to steal.

Ms. Grzybowski believes a photometric plan should be required. She suggested the City purchase a \$99 software package and let smaller businesses use the software if needed. She said protecting the integrity of neighborhoods is important because many neighborhood associations have attended the recent high density meetings and were promised the Lighting Ordinance will take care of spillover light onto neighborhoods. She disagreed with the glare definition as she is at an age where glare is a problem and she recently drove down Main Street at night in the fog and the full cut-off fixtures allowed people to see the ground without being a dandelion of light that spilled over as glare to drivers. She said people do not hit curbs because of lack of light, they hit curbs because they are not paying attention or do not have their lights on.

Mr. Heiple said he represents the 7-Eleven Convenience Store at Flood Avenue and Robinson Street who complied with the Lighting Ordinance. He said two Councilmembers have stated they have hit the curbs at the entrance because it was too dark and the property was not adequately lit and that is due to the lumens cap. He said if full cut-off fixtures are required and the lumens cap is limited at the boundary that will protect the neighbors.

Mr. Heiple suggested language in the definition of glare that states “glare that is either directed or reflected from within the property.” He said this would take care of issues with “glow” as well as glare. He said if the lumens cap is not taken out, then the Committee will probably send two ordinances forward and those Councilmembers running for election will be labeled as light polluters or no voters. Chairman Kovach asked Mr. Heiple his thoughts on taking out the lumens cap, but requiring a photometric plan for projects next to residential areas and Mr. Heiple said that would work.

Ms. Clara McMurray, 2715 Aspen Circle, said when the eye sees something bright at night, it takes the eye longer to see into shadowed areas that are not as bright. She asked if full cut-off fixtures prevent light from going up and Chairman Kovach said yes.

Item 1, continued:

Chairman Kovach suggested moving forward with one ordinance and said Councilmembers are welcome to make their amendments at that time, but the idea of sending two ordinances to the Planning Commission is not a good idea. He did not have a problem with Mr. Rieger's request that an electrical contractor be allowed to submit a photometric plan. He suggested proceeding with the compromised ordinance without the lumens cap, but with the photometric plan if the project is near residential property.

Councilmember Williams asked Chairman Kovach's opinion on glare and Chairman Kovach said he did mind inserting "average person with reasonable sensibility" and asked the Committee's opinion. Councilmember Jungman asked Mr. Bryant if that language is important and Mr. Bryant said the current definition covers that, but Staff would not have a problem adding "directed or reflected" so language would read, "the sensation produced by luminance, directed or reflected, within the visual field that is sufficiently greater than the luminance to which the eyes are adapted, which causes an annoyance, discomfort, or loss in visual performance and visibility for a reasonable person." He said when you say "reasonable person" at the end it already has the reasonable man standard. Councilmember Castleberry said adding "*average* reasonable person" clarifies that more and Councilmember Jungman agreed. Mr. Bryant felt that would not legally add anything as the reasonable man standard is an average, reasonable person usually determined by a jury. He said a Judge understands that the reasonable man is a reasonable, average person. He said language not usually in these types of standards in the law creates another thing attorneys must argue so he would suggest not adding language normally not found in these types of standards.

Councilmember Williams asked if Mr. Bryant had any problems with BASCO's glare definition because it has changes other than the reasonable man standard and Mr. Bryant said he did not think changing the current ordinance's definition is necessary, but would follow Council's wishes. Mayor Rosenthal said BASCO's definition includes "reduced vision, temporary blindness, physical discomfort, visual impairment" and that is becoming an unreasonable standard. Councilmember Griffith said the current definition is broad in general and covers reasonable person of limited sight as well as visual acuity. Chairman Kovach said he supports the current definition and wanted to point out there had not been a lot of complaints based on that definition.

Councilmember Williams asked Mr. Bryant to highlight the changes that will be made for the record. Mr. Bryant said in Exhibit C, Paragraph 5(b)(4) will be reinstated; Paragraph 5(f) will be stricken, which is the lumens cap as well as striking language 6(e)(2) and (3) that contains language regarding the lumens cap; Paragraph 6 will be changed to require a photometric plan if a project abuts residential property; and *directed or reflected* will be added to the glare definition. Chairman Kovach said once those changes are made send the ordinance will move forward to the Planning Commission on March 14, 2013. He asked that the ordinance be placed on the website for public review and input as well.

Councilmember Williams thanked everyone for working together on the amendments and asked that the two glare definitions be placed in the ordinance as Option A and Option B and allow Council to choose one and Chairman Kovach said when the ordinance comes before Council an amendment can be made at that time for Council's review, but he did not want to send two definitions to the Planning Commission.

Items submitted for the record

1. Memorandum dated February 13, 2013, from Susan Connors, AICP, Planning and Community Development Director, to Oversight Committee Members with Exhibit A, Revised Proposed Version of the Lighting Ordinance submitted by Councilmember Williams; Exhibit B, Previously Proposed Amendments to the Current Lighting Ordinance; and Exhibit C, Revised Proposed Version of the Light Ordinance from Staff
2. Business Community's Revised Proposed Version of the Lighting Ordinance

Item 2, being:

CONTINUED DISCUSSION REGARDING WATER CONSERVATION MEASURES AND ACTIVITIES RELATIVE TO THE EASTERN RED CEDAR AND THE USE OF DROUGHT RESISTANT LANDSCAPING ON CITY OWNED CAPITAL PROJECTS AND PROPERTIES.

Drought Resistant Landscaping

Mr. Jud Foster, Director of Parks and Recreation, said in its meeting of January 9, 2013, the Oversight Committee discussed drafting a resolution that encourages the use of drought resistant or Oklahoma proven plants. The Committee also asked Staff to update Chapter 22, Appendix F, of the Zoning Ordinance for a more current list of trees and shrub species recommended for planting. He said everyone recognizes that Oklahoma is in a significant drought cycle and the resolution declares the City of Norman will plant drought resistant plants and trees on City owned property as well as encourage developers to do the same. Mr. Foster highlighted the list of plants and trees recommended and not recommended for planting in Oklahoma's climate.

Eastern Red Cedars

Mr. Foster said eastern red cedars (ERC) water usage varies based upon the size of the tree, soil, climate, and various other conditions and the average water use is between seven and thirty gallons per day. Problems arise when ERCs are allowed to spread unmanaged creating water usage and fire issues; however, they do provide wood products, wildlife habitats, and windbreaks. Methods of managing ERC are controlled burns, mechanical removal using brush hogs and chainsaws, and chemical removal.

Mr. Foster said grants are available for ERC removal and Staff looked into the Canadian River Corridor Restoration Grant to restore the corridor where ERCs have taken over, but the City is not eligible for that grant.

Mr. Foster displayed before and after photos of areas where the City removed infestations of ERCs in Sutton Wilderness Park, Fire Station No. 9 site, Woodcreek Park, Saxon Community Park, and Ruby Grant Park.

Mr. Foster said the State created an ERC Registry Board that allows property owners to connect with tree harvesters for ERC removal. The City of Norman will develop a public information guide encouraging the use of drought resistant species, will place information on Channel 20, and provide an internet link to other resources. Chairman Kovach said he encourages public education.

Items submitted for the record

1. Memorandum dated February 6, 2013, from Jud Foster, Director of Parks and Recreation, to Steve Lewis, City Manager
2. PowerPoint presentation entitled, "Water Conservation Measures – Drought-Resistant Landscaping – Eastern Red Cedars" dated February 13, 2013

Item 3, being:

POSSIBLE MODIFICATIONS TO THE WATER CONSERVATION PLAN REGARDING SCHEDULED DAYS FOR WATER USE RESTRICTIONS AND DROUGHT CONDITION TRIGGERS.

Mr. Ken Komiske, Director of Utilities, highlighted proposed changes to the Water Conservation Plan (WCP) and said most of the proposed language related water conservation to Lake Thunderbird's water level. It also includes goals for reduction and actions available under Stage Two water conservation and triggers for Stage Three, severe mandatory water conservation. He said Stage Three would be triggered when the Lake levels drop to 1029.0.

Mayor Rosenthal said the public has stated they are not getting information regarding the current moderate mandatory conservation and are concerned about enforcement issues. She said the City needs to look at the whole question of how the City will enforce odd/even watering due to non-compliance. Many citizens are complaining that odd/even watering is unfair. Councilmember Lockett said so many people do not know the City is currently under a conservation mandate. She said there is limited distribution of The Norman Transcript and the information is not placed in areas that are read. Mayor Rosenthal said information needs to be distributed through homeowners associations and door hangers to get the word out.

Chairman Kovach said putting a picture of Lake Thunderbird on door hangers and Channel 20 would impact people. He said a lot of citizens in Norman do not go to the Lake and would be shocked to see how low it has gotten.

Councilmember Gallagher said businesses are violating the conservation mandate as much as citizens, particularly along Main Street, 24th Avenue West, 36th Avenue West, and University North Park. He said tree planting is supposed to be optional, but there is a considerable amount of trees being planted in subdivisions being developed. He said Parking Officers and Code Inspectors travel throughout the City regularly and there is no reason these groups cannot stop and talk to anyone violating the mandate to let them know they are in violation.

Councilmember Castleberry said there had been discussion regarding opening arsenic wells and dumping the water into Lake Thunderbird and asked Mr. Komiske for the status on that as well as recent legislation about being able to augment the lake with water from the Atoka pipeline. Mr. Komiske said the District Manager for Central Oklahoma Master Conservancy District (COMCD) contacted Oklahoma City (OKC) about opening discussion on the price and availability of using water from the pipeline and OKC is currently not willing to discuss a contract to release water into Lake Thunderbird. Mayor Rosenthal asked if COMCD is still going ahead with infrastructure for the future and Mr. Komiske said yes, it should be in place by July.

Mr. Komiske said the City opened six arsenic wells and floated the water across the ground into the Little River and the United States Geological Survey (USGS) has been monitoring the process with positive results. In one third of the distance before the water reached the Little River the arsenic level was absorbed by the iron in the soils to below drinking water standards. He said the City and USGS took the information to the Oklahoma Department of Environmental Quality (ODEQ) and asked to continue the process for nine to twelve more months, but ODEQ said there will be no discharges into a sensitive water supply. He spoke with the Oklahoma Water Resources Board (OWRB) about the issue and told them USGS will be monitoring the process and a meeting has been scheduled in March between the City, OWRB, and ODEQ to discuss the issue further.

Item 3, continued:

Chairman Kovach said, as far as conservation enforcement, the City Manager has powers to declare different levels of conservation and now is the time to put out warnings to get as much attention as possible. He said as the weather gets warmer, the City needs to start writing citations. He said it is not possible to program sprinkler systems for odd/even days and Mr. Komiske said it is possible to program sprinkler systems for odd/even, but not with Norman's unique mandate of no watering on Wednesdays and Thursdays. He said Staff reviewed several communities throughout the country and odd/even is the most common type of conservation, but there is no one size fits all. Chairman Kovach asked about Edmond's system and Mr. Komiske said Edmond allows irrigation on Monday, Wednesday, and Friday. Some communities have separate rules for irrigation systems and hand watering. Mr. Komiske said allowing irrigation on Tuesday, Thursday, Saturday or Wednesday, Friday, and Sunday with no watering on Monday would be a good system as long as everyone gets a weekend day for irrigation. Councilmember Castleberry said that is already being done using the odd/even system and Mr. Komiske agreed.

Chairman Kovach said the City could get to the point of allowing only two days a week to water and Mr. Komiske said the City Manager can issue a Stage Three, which would allow one day a week watering on the citizens' sanitation day so it will be easy to remember. Chairman Kovach asked if that would hamper citizens watering on weekends and Mr. Komiske said yes, but citizens can hand water anytime.

Councilmember Castleberry said San Antonio, Texas, prohibits irrigation between 8:00 a.m. and 5:00 p.m. every day. Mr. Komiske said no one is supposed to water during the heat of the day. Councilmember Jungman said San Antonio has required hand watering only full time for the last three summers and a lot of yards have been lost. Councilmember Griffith said he would not be adverse to Stage Three restrictions now.

Chairman Kovach asked if everyone is comfortable with Staff's recommendations and informational handouts and the consensus is yes.

Councilmember Lockett said she does water her lawn, but if you do water your lawn it would be better to get information out on Stage Three regulations before people start planting shrubs, trees, sod, or grass seed. Councilmember Gallagher said the City will be in Stage Three soon enough if there is no significant rainfall in March so getting information out right now on Stage Three requirements is a good idea. Mr. Komiske reminded Council that Stage Three means the splash pads will not be open and Councilmember Gallagher said there are at least 60 days before the splash pads will be used.

Chairman Kovach asked Ms. Kathryn Walker, Assistant City Attorney, if the City would be planting in Legacy Park anytime soon and Ms. Walker said planting is not scheduled to begin planting for at least another year.

Chairman Kovach said the Association of Central Oklahoma Governments (ACOG) presented a frightening scenario that is happening when people put water wells close to oil wells. If the top 30 feet is not cased in concrete, the saline water can be sucked into the ground water poisoning that water. He said there will be a lot of people putting in water wells and this is something Council needs to look at. He suggested asking someone from ACOG to present information at a Study Session. Ms. Walker said she and Mr. Komiske have been discussing that and the City cannot prohibit domestic wells under Oklahoma law, but can require casing and installation of a meter to limit water use to protect the City's water supply. She said Staff is working on an ordinance that will try to balance protecting the rights of property owners and the City's water supply. Chairman Kovach asked if the Committee could see a draft ordinance at the next meeting and Ms. Walker said yes.

Item 3, continued:

Items submitted for the record

1. City of Norman Water Conservation Plan 2011
2. Proposed amendments to the Water Conservation Plan
3. Proposed educational material for Water Conservation

Item 4, being:

MISCELLANEOUS DISCUSSION.

Chairman Kovach said he will be out of town the second week in March and asked if anyone had a problem with scheduling the next Oversight Committee meeting on March 6, 2013, instead of March 13th and no one objected.

ADJOURNMENT.

The meeting adjourned at 7:10 p.m.

ATTEST:

City Clerk

Mayor