



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 07/25/2023

REQUESTER: Shawn O'Leary

PRESENTER: Joseph Hill, Streets Program Manager

ITEM TITLE: CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2324-5 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 10th DAY OF OCTOBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING BRIDGES IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS); AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.

BACKGROUND:

The City currently has 80 nationally registered bridges within the City of Norman. The Federal Highway Administration requires that all off-system bridges be inspected biennially. The City Council adopted its first dedicated annual budget for Bridge Maintenance in FYE18, beginning with an annual allocation of \$100,000. Recognizing the need for additional resources in this area, the FYE23 budget included \$750,000 in funds and in FYE24, the budget included \$1,000,000 in funds for bridge maintenance. Since 2018, \$2,050,000 has been spent on bridge maintenance.

Of the 80 bridges in Norman, 5 bridges were identified as structurally deficient and 15 bridges were identified as being at risk for becoming structurally deficient during the most recent inspection cycle completed in 2021. Since 2016, the City has experienced three bridge failures that resulted in serious safety hazards, closures and expense. Load limits have been implemented on other bridges to reduce the safety hazard as a result of their condition.

Staff proposed a bridge maintenance bond program to Council at its Community Planning and Transportation meeting in October 2022. Additional discussions by the full Council were held in January and June of this year. A survey of Norman residents was conducted in June and the results were presented to Council earlier this month. Staff was directed to bring forward an ordinance calling a special election for October 10, 2023 for a \$50 million, 10-year construction schedule program.

DISCUSSION:

Ordinance O-2324-5 authorizes the calling of a special election on October 10, 2023 for the purpose of asking the voters to approve \$50 million in indebtedness to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating bridges in Norman and other related improvements. Article X, Section 27 of the Oklahoma Constitution requires that the City identify projects for at least 70% of the bond proceeds. Norman's practice in previous street maintenance and construction bond programs has been to identify 100% of the proceeds; however, it is proposed that some of the bond funds in this program be made available for emergency bridge repairs or replacements at unspecified locations, or cost overruns on the listed projects. Due to our recent experience of bridge failures and potential for rapid changes in bridge condition and priority, this program recommends that some emergency funds be included. If funds are not needed for an emergency repair or replacement after the specific projects are completed, Staff will use the funds to move down its rank ordered list of high priority bridge replacement and rehabilitation needs and identify additional projects to complete with the available funding.

RECOMMENDATION:

Staff recommends approval of Ordinance O-2324-5 upon Second and Final Reading. A separate vote for the declaration of emergency will be necessary in order to provide timely notice of the election to the Cleveland County Election Board.

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN THE COUNCIL CHAMBERS OF THE MUNICIPAL BUILDING LOCATED AT 201 WEST GRAY, NORMAN, OKLAHOMA, 73069, IN SAID CITY ON THE 8TH DAY OF AUGUST, 2023, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of The City of Norman, Oklahoma for the calendar year 2023 having been given in writing to the City Clerk of said City at 9:00 o'clock a.m. on the 27th day of October, 2022, and public notice of this meeting, setting forth the date, time, place and agenda was posted at _____ o'clock __.m. on the ___ day of August, 2023, by posting on the City's Internet website (www.normanok.gov) and by posting at the entry to the Municipal Building, 201 West Gray, Norman, Oklahoma, 73069, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act (as attached hereto). Further, as required by Section 311A(9)(b) of Title 25 of the Oklahoma Statutes, the City made the notice of a public meeting available to the public in the principal office of the public body (201 West Gray, Norman, Oklahoma, 73069) during normal business hours at least twenty-four (24) hours prior to the meeting.

(OTHER PROCEEDINGS)

Thereupon the Mayor introduced an Ordinance, which was read by title by the Clerk or Deputy Clerk, and upon motion by Councilmember _____, seconded by Councilmember _____, said Ordinance was adopted by the following vote:

AYE:

NAY:

and upon motion by Councilmember Matthew Peacock, seconded by Councilmember Lauren Schueler, the question of the emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. O-2324-5

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, STATE OF OKLAHOMA (THE "CITY"), ON THE 10th DAY OF OCTOBER, 2023, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF FIFTY MILLION DOLLARS (\$50,000,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING BRIDGES IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, AND OTHER RELATED IMPROVEMENTS); AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed advisable by The City of Norman, State of Oklahoma (the "City") to construct, reconstruct, repair, improve, and rehabilitate bridges in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements); and

WHEREAS, the estimated amount necessary for such purposes is Fifty Million Dollars (\$50,000,000); and

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Section 27, Article 10, of the Oklahoma Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same is authorized by the registered qualified voters thereof, voting at an election held for such purpose.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

Section 1. Propositions. That the Mayor of the City, or in her absence or incapacity, the duly qualified Mayor Pro Tempore, be and hereby is authorized and directed to call a special election to be held in the City on the 10th day of October, 2023, for the purpose of submitting to the registered qualified voters of the City, for their approval or rejection, the following proposition:

PROPOSITION

Shall the City of Norman, State of Oklahoma, incur an indebtedness by issuing its bonds in the sum of Fifty Million Dollars (\$50,000,000) to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City of Norman, Oklahoma (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements); and levy and collect an annual tax, in addition to all other

taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty (20) years from their date?

Section 2. Description of Projects and Use of Proceeds.

(Proposition)

Bridge Projects

The Bridge Projects for which the proceeds of the aforesaid not to exceed \$50,000,000 general obligation bonds shall be expended consist of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements). The projects may be accomplished through participation with other governmental agencies and others, and may be accomplished in phases. Project costs include related construction testing, inspection, project implementation and administration, planning, permitting, engineering and design, right of way and real property acquisition. The specific projects (referenced by their respective National Bridge Inventory number, or “NBI”) for which at least seventy percent (70%) of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

NBI 09189 – 60th Avenue NE 0.5 Miles North of Rock Creek Road (Replace)	\$2,894,745
NBI 12549 – Lindsey Street 100’ West of Classen Boulevard (Rehabilitate)	\$346,556
NBI 26914 – East Post Oak Road 0.2 Miles East of 96th Avenue SE (Replace)	\$2,038,295
NBI 18911 – Main Street 0.3 Miles East of 24th Avenue SW (Rehabilitate)	\$749,141
NBI 09991 – Franklin Road 0.1 Miles West of 36th Avenue NE (Replace)	\$4,482,364
NBI 08335 – 24th Avenue SW 0.4 Miles south of Main Street (Rehabilitate)	\$1,864,403
NBI 05274 – North Porter Avenue 0.6 Miles South of Franklin Road (Replace)	\$15,361,758

NBI 19348 – Franklin Road 0.2 Miles West of 72nd Avenue NE (Rehabilitate)	\$915,005
NBI 18802 – 24th Avenue NE 0.9 Miles North of Robinson Street (Replace)	\$4,822,829
NBI 06106 – 72nd Avenue NE 0.1 Miles South of Tecumseh Road (Replace)	<u>\$4,942,618</u>
SUBTOTAL: (representing over 76.8% of \$50,000,000)	\$38,417,714
All remaining bond proceeds will be utilized to complete the above listed projects and/or complete additional bridge projects in the City	<u>\$11,582,286</u>
TOTAL BRIDGE PROJECTS:	\$50,000,000

Section 3. That such call for said election shall be by proclamation, signed by the Mayor or Mayor Pro Tempore and attested by the City Clerk, setting forth the proposition to be voted upon, a statement regarding the specific projects for which the proceeds of each of the aforesaid Bonds shall be expended and the dollar amount to be expended on such projects; that the ballots shall set forth the proposition to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Cleveland County Election Board.

Section 4. That the number and location of the polling places and the persons who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board, for elections in The City of Norman, Oklahoma.

Section 5. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor or Mayor Pro Tempore is hereby authorized to execute said Special Election Proclamation and Notice on behalf of the City, and the City Clerk or Deputy City Clerk is hereby authorized to attest and affix the seal of the City to said Special Election Proclamation and Notice, and to cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.

Section 6. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and the Special Election Proclamation and Notice upon the office of the Cleveland County Election Board, at least sixty (60) days prior to the date of the election.

Section 7. Pursuant to Title 62, Section 896.1, the City Clerk is hereby directed to publish such project information related to the City’s outstanding general obligation bonds, and project information related to the proposed general obligation bonds to be voted upon on October 10, 2023, in accordance with the Bond Transparency Act of 2017.

Section 8. That by reason of said City being without adequate bridges, it is deemed and hereby declared necessary for the immediate preservation of peace, health, or safety that this

Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

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PASSED AND ADOPTED AND SIGNED BY THE MAYOR THIS 8th DAY OF AUGUST, 2023.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

Mayor

ATTEST:

City Clerk

SPECIAL ELECTION PROCLAMATION AND NOTICE

Under and by virtue of Section 27 of Article X, of the Oklahoma Constitution and the Statutes of the State of Oklahoma, and Acts complementary, supplementary, and enacted pursuant thereto, the Charter of The City of Norman, Oklahoma (the "City"), as amended, and Ordinance No. O-2324-5 dated August 8, 2023, authorizing the calling of an election on the proposition hereinafter set forth, I, the undersigned Mayor of The City of Norman, Oklahoma, hereby call a special election and give notice thereof to be held in The City of Norman, Oklahoma, on the 10th day of October, 2023, for the purpose of submitting to the registered, qualified voters in said City the following proposition:

PROPOSITION

Shall the City of Norman, State of Oklahoma, incur an indebtedness by issuing its bonds in the sum of Fifty Million Dollars (\$50,000,000) to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City of Norman, Oklahoma (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements); and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty (20) years from their date?

The voting machines or devices used at said election shall set out the proposition as above set forth and shall also contain the words:

YES – FOR THE ABOVE PROPOSITION

NO – AGAINST THE ABOVE PROPOSITION

DESCRIPTION OF PROJECTS AND USE OF PROCEEDS

(Proposition)

Bridge Projects

The Bridge Projects for which the proceeds of the aforesaid not to exceed \$50,000,000 general obligation bonds shall be expended consist of constructing, reconstructing, repairing, improving, and rehabilitating bridges in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, and other related improvements). The projects may be accomplished through participation with other governmental agencies and others, and may be accomplished in phases. Project costs include related construction testing, inspection, project implementation and administration, planning, permitting, engineering and design, right of way and real property acquisition. The specific projects (referenced by their respective National Bridge Inventory number, or "NBI") for which at least seventy percent (70%)

of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

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TOTAL BRIDGE PROJECTS:	\$50,000,000

That only the registered, qualified voters of The City of Norman, Oklahoma, may vote upon the proposition as above set forth.

The polls shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.

Such election shall be conducted by those precinct officers designated by the County Election Board of Cleveland County, Oklahoma, which officers shall also act as counters and certify the results thereof as required by law.

WITNESS my hand as Mayor of The City of Norman, Oklahoma and the Seal of said City affixed hereto on the 8th day of August, 2023.

(SEAL)

Mayor

ATTEST:

City Clerk