

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

June 19, 2015

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:03 p.m. in the City Council Conference Room on the 19th day of June, 2015, 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: Councilmember Holman, Jungman, and Chairman Miller

ABSENT: Councilmember Williams

OTHERS STAFF PRESENT: Mayor Cindy Rosenthal
Councilmember Castleberry
Mr. Jeff Bryant, City Attorney
Ms. Susan Connors, Planning & Community
Development Director
Mr. Steve Lewis, City Manager
Mr. Todd McLellan, Development Engineer
Mr. Shawn O'Leary, Director of Public Works
Mr. Scott Sturtz, City Engineer
Ms. Kathryn Walker, Assistant City Attorney
Ms. Karla Chapman, Administrative Technician III

OTHERS PRESENT: Mr. Roger Gallagher, Concerned Citizen
Ms. Joy Hampton, *The Norman Transcript*
Ms. Carol Lindblad, Concerned Citizen
Ms. Jeanne Parker, Concerned Citizen
Ms. Sherri Stansel, Floodplain Committee Member
Ms. Sandy Taylor, Concerned Citizen
Ms. MaryAnne Tullius, Concerned Citizen

Item 1, being:

CONTINUED DISCUSSION REGARDING A POSSIBLE AMENDMENT TO THE NORMAN FLOODPLAIN ORDINANCE.

Chairman Miller said the Oversight Committee began discussions regarding possible amendments to the Norman Floodplain Ordinance in January and February, 2015, primarily due to Council approval of a land use and zoning change and a preliminary plat (including proposed floodplain modifications) for the Bishops Landing Project. She said this particular floodplain application raised an issue with the current ordinance.

Chairman Miller said the Oversight Committee has not met since February due to a Citizens' Quality of Life Initiative entitled "Norman Forward" presenting quality of life projects to Council in April and May, 2015; however, she felt this was a very good time to take up the floodplain discussion because of the recent record rainfall Norman has experienced.

Mr. Shawn O'Leary, Director of Public Works, said Norman had historic rainfall for both May and June, 2015, and stated current development criteria requires storm water systems to handle the 100 year frequency rainfall event. Mayor Rosenthal said she had a constituent make a statement that Norman is over-engineered regarding storm water criteria and that is why storm water does not discharge from the property correctly. Mr. O'Leary said he disagreed with that statement and said Norman can handle the 100 year frequency rainfall; however, at times, the rainfall intensity in May and June exceeded the 100 year frequency rainfall. He said storm water detention basins are designed to empty within a 24-hour period but many development detention basins ran over because the rate of rainfall exceeded the rate of discharge. Mayor Rosenthal asked if other cities utilize the 100 year frequency rainfall and Mr. O'Leary said yes, many cities do.

Item 1, continued:

Mr. O'Leary said Norman citizens typically get a 25% discount on their homeowner's insurance because Norman is a National Flood Insurance Program (NFIP) community. He said private insurance does not cover flood damage but flood insurance is available to homeowners who live in NFIP communities through Federal Emergency Management Agency (FEMA); however, floodplain insurance is not required and only 15% of property owners located in the floodplain have flood insurance. Mr. O'Leary said this percentage is the national average and is not unique to Norman.

Mr. O'Leary said during the May and June rain events, Staff has followed-up on 300+ citizen service requests; has performed basic repair and cleanup of storm water channels, pipelines, and inlets; is actively working the Imhoff Creek Capital Improvement Plan (CIP) Project approved by Council in May, 2015; and is currently performing a Vineyard Addition Flooding Analysis.

Mr. O'Leary said historic intense rainfalls in the past two (2) months and Norman's recent flooding experience validates the recommendations in the Storm Water Master Plan and confirms the need for a Storm Water (SW) Utility Fee to fund storm water projects. He felt floodplain solutions are embedded in the SWMP.

Mr. O'Leary said there are two (2) basic watersheds in Norman - Lake Thunderbird and the Canadian River. He provided a floodplain map for the city of Norman depicting the two (2) watersheds, as well as the many urban water channels that are located in Norman, e.g., Ten Mile Flat Creek, Brookhaven Creek, Merkle Creek, Imhoff Creek, Bishop Creek, etc. Mr. O'Leary said basically any rainfall runoff west of the railroad will drain to the Canadian River and any rainfall runoff east of the railroad will drain to Lake Thunderbird. Staff performed a rating system of Lower Bishop Creek during the rain events giving each channel a good, fair, or poor rating. Mr. O'Leary said modifications are needed for the channels that received a rating of poor. He highlighted a map from the 2009 SWMP identifying drainage and/or potential flooding problems, e.g., creek flooding, erosion problems, and local flooding.

Mr. O'Leary said capital improvement solutions were investigated in the SWMP and highlighted areas depicted on a map for the following:

- Buildings within the 100 year future floodplain;
- Detention solutions;
- Road solutions;
- Channel stabilization solutions; and
- Channel improvement solutions.

Mr. O'Leary said in 2013 and 2014, Staff presented a summary of proposed storm water projects to Council and discussed a proposed SW Utility Fee. The 59 different projects presented to Council are estimated to cost \$82,530,490 and include improvements to Imhoff Creek that will assist with the flooding that occurs at Lindsey Street and McGee, as well as buyout projects.

Mr. O'Leary said the SWMP identifies properties that are located in the floodplain that the City could potentially buy versus improvements to infrastructure. He said there are 12 projects that include some entire buyout components; 62 properties city-wide (conceptually) which is estimated to cost approximately \$10.4 million. He said the cost of acquisition of the properties is likely less than infrastructure improvements needed to protect these homes.

Ms. Kathryn Walker, Assistant City Attorney, said in 2011 Norman took a proactive approach and purchased flood prone properties in the floodplain. She said Staff identified four (4) properties in the Bishop Creek Watershed that were scheduled for a sheriff's sale. She said one of Norman's goals is to protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas. Ms. Walker said acquisition is an eligible expenditure of the Greenbelt Acquisition Fund.

Item 1, continued:

Ms. Walker said the property seller approached the City to negotiate a price for the five (5) properties to include the foreclosure acquisition and the City negotiated \$185,000 for the five (5) properties. She said the 2007 appraised value for the five properties was \$223,000 and the demolition of the properties and clearing the land cost approximately \$10,000 to \$15,000.

Councilmember Castleberry asked if making the wall located at the intersection of Cockrell Street and Comanche Street a couple of feet higher would assist with flood control on the street. Mr. O'Leary said he was not certain that heightening the wall would make any significant difference since it might contain the water rather than letting the water flow naturally. He said it should be noted that the demolition of the five (5) properties allowed for more water storage in the area, thus helping to reduce flooding. Mayor Rosenthal agreed and felt further channelization of water will increase water velocity. Councilmember Miller asked whether the City could sell any of the land acquisition and Staff said the City would not allow structures to be built and felt it could be a prime location for a future park.

Ms. Walker said recent flooding motivated owners of two East Main Street properties to approach the City asking for their property to be purchased. She said the two properties are as follows:

1. 820 East Main Street: Owners initial offer is \$119,000 and the 2015 Market Value (MV) (assessor) is \$53,017; and
2. 822 East Main Street: Owners initial offer is \$90,000 and the 2015 MV is \$51,328.

Ms. Walker said currently there is \$296,488 in the Greenbelt Acquisition Fund; however, she wanted to let the Committee know that the Greenbelt Commission (GC) has scheduled an agenda item to discuss trail funding at the June 25, 2015, Community Planning and Transportation Committee (CPTC) that may go forward for Council consideration in the near future. She said trail funding is also a priority of the Greenbelt Acquisition Fund. The Committee asked if the owner's offers included private property and Mr. Jeff Bryant, City Attorney, said the offers may include personal property but that would be discussed in a future executive session if Council determines this issue should move forward.

Councilmember Jungman asked if the Greenbelt Acquisition Fund gets replenished from year to year and Ms. Susan O'Connor, Planning and Community Development Director, said yes, there is a \$50,000 line item each year for the Greenbelt Acquisition Fund in the annual budget.

Ms. Walker requested Committee guidance as to whether or not Staff should pursue acquisition of the Main Street properties by obtaining an appraisal of the properties, contacting the property owners to begin negotiations, and/or looking for different funding mechanisms (other than the Greenbelt Acquisition Fund) to buy-out the properties.

Councilmember Jungman felt Staff should begin working with the property owners since money is funded into the Greenbelt Acquisition Fund on an annual basis. He said trails are important, but felt obtaining flood prone areas through buy-outs are a higher priority for the City and Mayor Rosenthal agreed. Mayor Rosenthal said another priority of the Greenbelt Acquisition Fund is to purchase property that can become a greenbelt for the City. She felt this property, along with the 2011 acquisition property, would be ideal greenbelt land for the City. Mayor Rosenthal asked whether other cities develop funding for flood prone areas to be utilized as possible greenbelts.

Chairman Miller asked if the two property owners would qualify for FEMA assistance and Mr. O'Leary said possibly, however he does not know if the property owners have applied for FEMA assistance. She felt Staff should look at the property to determine a fair price and begin working with the owners. Chairman Miller said purchasing the property may be the most economical for the City as well as help out the citizens, but felt the Greenbelt Acquisition Fund should not be depleted to do so.

Item 1, continued:

Councilmember Castleberry agreed the City should look into buying/assisting the two (2) property owners but at the same time be good stewards of the taxpayers' money. He agreed Staff should move forward and reach out to the property owners.

Councilmember Holman said Staff should begin negotiating with the property owners and agreed the City should look at other funding ways to buy this and similar property. He said the 2011 land acquisition, this possible land acquisition, and the future options regarding Griffin State Hospital land would create a wonderful greenbelt area for Norman.

The Committee directed Staff to contact the property owners, obtain appraisals, and look at all available funding options. The Committee will resume discussions regarding a possible amendment to the Norman Floodplain Ordinance at the next meeting.

Items submitted for the record

1. PowerPoint Presentation entitled "Norman Floodplain Ordinance," Council Oversight Committee, presented by Shawn O'Leary, Director of Public Works, (Norman Flood Plain Administrator), dated June 18, 2015

Item 2, being:

MISCELLANEOUS PUBLIC COMMENTS.

Councilmember Castleberry said recently, in Norman, a young person was severely bitten by a dog and felt Norman has a lack of rules and/or ordinances regarding dogs. He requested the Oversight Committee schedule an ordinance review regarding dogs in the near future.

ADJOURNMENT.

The meeting adjourned at 5:45 p.m.

ATTEST:

City Clerk

Mayor