

CITY COUNCIL CONFERENCE MINUTES

December 13, 2016

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:18 p.m. in the Municipal Building Conference Room on the 13th day of December, 2016, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Allison, Castleberry, Chappel, Clark, Heiple, Hickman, Holman, Karjala, Mayor Miller

ABSENT: None

Item 1, being:

CHANGE ORDER NO. THREE TO CONTRACT K-1314-136: A NORMAN UTILITIES AUTHORITY CONTRACT WITH ARCHER WESTERN CONSTRUCTION, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$152,808.92 FOR A REVISED CONTRACT AMOUNT OF \$49,073,905.70 AND EXTENDING THE CONTRACT 53 CALENDAR DAYS FOR THE WATER RECLAMATION FACILITY PHASE 2 IMPROVEMENTS.

Mr. Mark Daniels, Utilities Engineer, said the Wastewater Master Plan (WWMP) adopted by the Norman Utilities Authority (NUA) in 2001 recommended additional facilities to treat an average daily design flow (ADF) of 21.5 million gallons per day (MGD) that would ultimately be needed to serve the area approved for urban development in the 2025 Land Use and Transportation Plan. The WWMP recommended expansion of the South Water Reclamation Facility (WRF) from 12 MGD to 17 MGD and construction of a new North WRF with an ultimate ADF of 4.5 MGD. Staff recommended the South WRF be rehabilitated and expanded and the North WRF be designed and constructed in the future when the capacity of the recently expanded Lift Station D was at capacity. Based on this premise, voters approved a rate increase in October 2013, in part for expanded treatment capacity of the South WRF.

Norman's Oklahoma Pollutant Discharge Elimination System (OPDES) permit for the South WRF issued by the Oklahoma Department of Environmental Quality (DEQ) required construction of new disinfection facilities and compliance with final discharge limits by July 1, 2013. On September 12, 2014, the NUA and DEQ agreed to Consent Order 12-077 to include completion of construction of disinfection facilities by January 1, 2016; attaining compliance with final limits for Fecal Coliform by July 1, 2016; completion of construction of all facilities by January 1, 2017; and attaining compliance with final limits for Total Suspended Solids by July 1, 2017. On April 22, 2014, the NUA approved Amendment No. Two authorizing Garver to proceed with the construction phase including construction administration, full-time construction observation, preparation of operation and maintenance manuals, equipment start-up and staff training, and implementation of the supervisory control and data acquisition system.

On April 22, 2014, the NUA approved Contract K-1314-136 with Archer Western Construction, L.L.C., in the amount of \$48,822,550 for WRF Phase 2 Improvements to add disinfection services, expand the average daily design flow from 12 MGD to 17 MGD, and rehabilitate many existing processes.

Change Order No. One was approved by the NUA on September 8, 2015, to include several Contract Modification Requests (CMRs) and a time extension of 47 calendar days for final completion.

Change Order No. Two added owner directed CMRs to remedy maintenance situations or improvements not originally included in the project scope, added contractor related CMRs to remedy unforeseen conditions that were not included in the original scope, and added contract time extensions for unforeseen weather conditions encountered during the project.

Item 1, continued:

Change Order No. Three will add owner directed and contractor requested CMRs that were not included in the original scope of work and add a contract time extension. Owner directed CMRs include removal and land application of sludge from old final clarifiers prior to demolition; approval of a credit for use of existing conduit between the existing electrical room and new electrical control room; modifying size of electrical conductors and new headworks equipment; installing two additional plug valves for flame arrestor assemblies on top of digester; adding six-inch ductile iron pipe spool pieces at sludge flow meters to ensure proper operation; installing fall protection anchors adjacent to three new odor control air supply fans on roof and repairing adjacent roof; credit for accepting two multistage post-aeration blowers at the Ultraviolet (UV) Facility; credit for re-routing 12-inch drain lines from aeration basins; removing existing concrete box culverts beneath parking area and hauling to storage; credit for reducing locating thickness on interior of digester from 80 mils to 50 mils; increasing size of grounding wire from the Motor Control Center to main control building; installing eight foot wide by six foot tall stainless steel channel guides on effluent side of each UV channel and furnishing twelve aluminum stop logs; credit for deleting above grade exterior coatings on concrete for the new aeration basins; installing one 6-inch and two 2-inch butterfly valves on air lines between new aeration basins; installing two stainless steel supports under the new walkway slab between existing aeration basin and new aeration basin; and installing protective coating on interior of influent splitter box to primary clarifiers.

Contractor requested CMRs to remedy unforeseen conditions encountered include relocation of approximately 250 feet of communications cable in two-inch conduit serving the Westside Lift Station that was in conflict with new construction; removing and disposing of sludge discovered inside the existing floating cover on digester that was being demolished; modifying connection between odor control piping; modifying effluent weir wall for three existing aeration basins to match height of new aeration basins by extending concrete wall upward by one foot and ten inches and install new weir plate; credit for deleting sheet piling required at the retaining wall east of Environmental Services building due to unknown underground obstructions and moving wall to the west; disposing of existing buried and abandoned headworks structure in conflict with new influent flow measurement structure; installing air relief valve on 24-inch recycle activated sludge piping at new high point caused by unforeseen buried electrical duct bank; removing existing abandoned electrical manhole and duct bank in conflict with new 48-inch effluent piping from new aeration basins; forming, reinforcing, and pouring missing concrete support wall at headworks; and removing and disposing of existing buried and abandoned manhole and piping to the south for existing headworks structure that is in conflict with Headworks Washer/Compactor Conveying Slab.

Change Order No. Three also extends the contract by 53 calendar days with substantial completions extended to January 29, 2017. Final construction will be extended from February 5 to March 30, 2017; however, the contractor agrees to be responsible for fines of up to \$575 per day for failure to meet construction completion deadline of January 1, 2017. The contractor also agrees to reduce the contract amount by \$500 per day for a total of \$26,500 to partially compensate NUA for additional construction inspection services to be incurred as a result of the time extension.

Councilmember Castleberry said at the time Council approved the contract, he had expressed concerns about Archer Western coming back to Council with additional expenses and asked if the change orders were due to changes on the project or the City asking for additional work that was not in the original bid. Mr. Daniels said it is a mix of both and over half of the additional work is due to Staff requesting changes.

Item 1, continued

Mr. Komiske said one of the biggest items is the extra removal of sludge because that was an estimated per unit cost when the project was bid. Councilmember Castleberry said he is okay with change orders where the City requests additional work, but he has a problem with change orders where Archer Western has underbid items. Mr. Kyle Kruger, Garver Engineering Project Manager, said if the changes by Archer Western are unjustified, the work will not be approved.

Councilmember Allison said \$137,000 of the \$152,800 requested in the change order is contractor requested versus owner requested, which is a pretty substantial difference. Mr. Jeff Bryant, City Attorney, said the contractor requested items were due to unforeseen conditions. Mr. Daniels said \$50,000 was for demolishing an old buried structure that no one knew was there and other costs were due to discovering other unknown underground obstructions while trying to install new pipe.

Councilmember Allison asked if Staff had in writing that the contractor would pay all fines, if any, and Mr. Daniels said yes, it is in writing.

Councilmember Hickman asked if the change orders are all related to site condition changes. He understands there have to be change orders, but he is not hearing articulated reasons for the requested changes by the vendor. Mr. Komiske said the detailed list of items and costs on the change order are included in the agenda packet.

Councilmember Castleberry said the City is paying Garver to manage the contract so how much money is Garver saving the City? Mr. Kruger said Garver has two full-time people on the project making sure the City is getting the project they paid for and meetings are held daily to try to identify problems before they happen. He said everything being presented to Council is an effort to minimize out-of-pocket additional expense to the City of Norman.

Mr. Michael Graves, Vice-President of Garver Engineering, said a .5% change order on a \$50 million contract is unheard of as the standard is generally 10%. He said this is an existing site that has had various construction projects since the 1940s and there have been treatment improvements upon treatment improvements so there are going to be unforeseen conditions. What he is hearing is that Council is okay with unforeseen conditions, but is not okay with underbidding and Councilmember Castleberry said that is correct. Mr. Graves clarified Council wanted a detailed list of items that were underbid and Councilmember Castleberry said yes. Mr. Graves said that number is zero, there have been no underbid items in this change order, just unforeseen conditions or unit cost overruns. He said if Archer Western had underbid the project than that would be on them, not the City. In addition to making sure Archer Western is charging the right amount for the additional work, Garver pays as much attention to the additional time they want to do that work because time is money. Garver is as scrupulous about time extensions as they are about cost overruns.

Items submitted for the record

1. Text File K-1314-136, Change Order No. 3, dated December 1, 2016, by Mark Daniels, Utilities Engineer
2. Change Order No. 3 to Contract K-1314-136

* * * * *

Item 2, being:

CHANGE ORDER NO. TWO TO CONTRACT K-1516-72: A CITY OF NORMAN CONTRACT WITH CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$58,750 FOR A REVISED CONTRACT AMOUNT OF \$443,619.40 FOR THE WEST MAIN STREET DRAINAGE PROJECT.

Mr. Scott Sturtz, City Engineer, provided background on the contract. He said in an effort to relieve the flooding problem along Midway Drive, a portion of the City's 2008 Drainage Project in the Cambridge Place Addition neighborhood consisted of installing drainage inlets at the low point of Midway Drive and carrying the water in storm water pipelines to the storm water system located in the parking lot of Arbor House. This helped alleviate some of the flooding problems, but has not completely solved the problem. The project was designed to complete the upgrade to the Midway Drive storm water system by upsizing the bid documents and specifications for the construction of the West Main Street Drainage Project. On May 10, 2016, Council approved Contract K-1516-72 with Central Contracting Services, Inc., to furnish and install all materials for the West Main Street Drainage Project. On October 25, 2016, Council approved Change Order No. One to Contract K-1516-72 to replace approximately 600 feet of the 12-inch waterline and relocate the waterline under the new storm water pipe.

Mr. Sturtz said as part of a separate storm event in September 2016, the existing bridge on Havenbrook Street just east of 36th Avenue N.W. over Brookhaven Creek was closed due to a collapse in the roadway. After further investigation, it was determined the existing corrugated metal storm water pipes under the roadway were corroded to the extent that two of the pipes had collapsed allowing the roadway to settle by over two feet. Havenbrook Street currently carries approximately 1,200 vehicles per day over the bridge. The bridge was built in 1982 and the original design consisted of nine nine-foot diameter corrugated metal storm water pipes with pavement over the bridge at full-depth concrete with curb and gutter and sidewalks on both sides of the roadway. The Havenbrook Street Bridge was found to be structurally deficient and no longer capable of supporting traffic.

Since that time, Staff has developed and evaluated a number of options for repair and replacement of the bridge. Staff concluded that Havenbrook Bridge must be permanently repaired immediately and treated as an emergency repair. On November 28, 2016, City crews from the Storm Water and Street Maintenance Divisions were assigned to demolish the portions of the existing bridge that must be replaced or repaired. The nine existing corrugated metal pipes will be replaced with nine new "coated" corrugated metal pipes of the same size. The coating is a protective product to ensure a longer life in corrosive soil conditions. Other structural elements of the bridge will be repaired or replaced as needed and the existing concrete pavement and sidewalks will be replaced.

To expedite the re-opening of Havenbrook Street Bridge, it was determined that executing a change order with an existing contract was the best way to proceed. Change Order No. Two to Contract K-1516-72 with Central Contracting Services, Inc., will add additional labor and materials to pave the roadway and install new sidewalks while City crews will install the new coated storm water pipes. The bridge is expected to open to traffic in March 2017.

Item 2, continued:

Councilmember Karjala said the bridge was originally constructed by the developer and asked if Staff has reached out to the developer about helping with the bridge repairs. Mr. Sturtz said no, after the bridge was built it was accepted by the City and considered to be public infrastructure maintained by the City. He said the bridge was very well constructed and the only reason this problem occurred is because the storm water pipes corroded and collapsed.

Items submitted for the record

1. Text File K-1516-72, Change Order No. Two, dated December 5, 2016, by Carrie Evenson, Storm Water Engineer, with Attachment A: Havenbrook Street Bridge location map
2. Change Order No. Two to Contact K-1516-72

* * * * *

Item 3, being:

CHANGE ORDER NO. ONE TO CONTRACT K-1617-46: A CITY OF NORMAN CONTRACT WITH PHOENIX CONSTRUCTION DISASTER SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$58,842.58 FOR A REVISED CONTRACT AMOUNT OF \$525,742.58 TO ADD STRUCTURAL REPAIRS TO THE NORMAN TRAIN DEPOT RECONSTRUCTION PROJECT.

Ms. Jud Foster, Director of Parks and Recreation, said Mr. Larry Curtis with KFC Engineering has been working with Staff since December 2015, evaluating the Norman Train Depot when structural problems were discovered. The Norman Train Depot is a wood framed, brick clad structure originally completed in 1909 and an initial on-site investigation found the west parapet wall of the south office area had noticeably rotated inward towards the roof parapets and the center clay tile roofs appeared to be out of alignment as well. Temporary shoring was installed beneath the roof joists in the south office area to brace the roof and the plaster ceiling was removed revealing the cast stone parapet cap was cracked and had allowed moisture to penetrate the building causing deterioration of the wall structure to the point that total structure rebuild of the damaged section was needed.

On October 25, 2016, Council approved Contract K-1617-46 with Phoenix Construction Disaster Services, Inc., in the amount of \$466,900 for the Norman Train Depot Reconstruction Project. During the reconstruction process of the damaged section, additional water damage was found on stud walls and rafters on the north and south gables that is causing structural deficiencies that must be remediated. He said Change Order No. One in the amount of \$48,842.58 will include labor and materials for the additional repairs that consist of the removal and reinstallation of brick and stone on additional deteriorated wall framing; installation of new wall framing with attached interior plaster; installation of new metal brackets; installation of new wood framing with plywood sheathing; replacement of two rafters; anchoring two steel wall beam supports; installation of new flashing; rebuilding two window frames and reinstalling existing windows, brick, and stone; removal and reinstallation of chimney and south gable brick veneer to pour concrete beam; reinstallation of glulam beams; installation of custom made brackets to hold glulam beams; and painting, where needed.

Councilmember Clark asked if mold has been found and Mr. Curtis said to his knowledge, no mold has been found.

Item 3, continued:

Items submitted for the record

1. File No. K-1617-46, Change Order No. One, dated December 6, 2016, by Matthew Hendren, Parks Superintendent
2. Change Order No. One to Contract K-1617-46
3. Letter dated December 6, 2016, from Larry E. Curtis, P.E., KFC Engineering, to Mr. Matthew Hendren, Parks Superintendent, with photos of damaged sections of the Norman Train Depot

* * * * *

Item 4, being:

DISCUSSION REGARDING INCENTIVES AND INFRASTRUCTURE SPECIFICATIONS FOR THE CENTER CITY FORM BASED CODE.

Mayor Miller said several presentations regarding the Center City Form Based Code (CCFBC) have been reviewed by Council and those presentations focused on the Administrative Process, the Regulating Plan, and Building Form Standards (BFS) in the various zoning frontages. She said tonight's discussion will include possible incentives and infrastructure specifications. Although there are basic incentives included in the administration of the CCFBC, no financial incentives have been incorporated into the Code.

Ms. Susan Connors, Director of Planning and Community Development, said the CCFBC was generated through a Steering Committee of 15 members that included architects; neighborhood representatives; Councilmembers; representative from the University of Oklahoma (OU); business owners; property owners; traffic engineers; and developers. She said the Steering Committee met 15 times from February 2014, through June, 2016. Information regarding the Form Based Code (FBC) was presented to Council on October 18, November 17, and December 13, 2016.

Ms. Connors said, through the Steering Committee, the City created a FBC boundary that included 42 blocks generally located on Tonhawa Street on the north, the railroad tracks on the east, Boyd Street on the south, and a west boundary between Elm Avenue, University Boulevard and Flood Avenue. She said the Campus Corner area was excluded from the FBC because the Campus Corner area needs a parking solution, such as a parking structure, before the City can decide what other types of uses could exist in Campus Corner.

Ms. Connors said the FBC is a method of regulating development to achieve a specific urban form as well as a tool that favors regulating a property's form over its use. The FBC sets certain standards for the appropriate form and scale of building facades, streets, and blocks that allows for mixed uses within the same block or building and creates a place with unique character. She said FBC promotes environmentally-friendly development, civic interaction, physical health, and sustainability. The FBC includes an introduction on how to use the FBC; an Administration Process; Regulating Plan; Building Form Standards; Urban Space Standards; Parking Standards; Function (use); and Definitions.

Ms. Connors said conventional zoning limits the development of land to a single use; encourages sprawl; does not encourage streetscapes; limits density per acre; proscribes lot size; and encourages automobile dependency.

Item 4, continued:

Ms. Connors said Urban Space Standards in the FBC deal with streetscapes and street types with the intent to establish an environment that encourages and facilitates pedestrian activity; ensures the coherence of the street-space to assist residents, building owners, and managers; and contributes to ultimate sustainability, privacy, reduction of noise and air pollution, maintenance of habitat, water conservation, and storm water management. She said there are also street type specifications because streets are a community's first and foremost public space and should be carefully designed. Streets must balance the needs of all forms of traffic, such as automobiles, transit, bicycles, and pedestrians, and City streets, not highways or roads, must be developed to create people-oriented places that balance all transportation modes. She said the FBC contains street right-of-way descriptions, e.g., Main Street would be two lanes with a middle turning lane with parking on both sides of the street. The FBC also identifies neighborhood street sections that do not coincide with current neighborhood streets to allow for wider streets so there can be on-street parking that would not interfere with drive lanes. Alleys are also an important part of the FBC because they identify parking access to the rear of the properties that would allow frontages to be pulled up to the sidewalk.

Streetscape Standards included in the Urban Space Standards require all plant material (including trees) to pass any inspections required under State regulations; all turf grass to be solidly sodded at installation, not seeded, sprigged, or plugged or allow vegetative ground covers to be used in place of turf grass; and requires the owner to maintain the lot, the portion of street space between the Required Building Line (RBL) and the back of curb, and the portion of the alley between the lot line and the edge of the alley pavement. Ms. Connors said a list of trees allowed in the FBC include native and acceptable adapted species.

The Urban Space Standards also include regulations on plazas, squares, and civic greens that apply to spaces that are either publicly owned or publicly accessible. These plazas, squares, or civic greens should be situated at prominent locations since squares are active pedestrian centers and civic greens are spaces intended for less intensive foot traffic.

Ms. Connors said incentives provided in the FBC identifies straightforward administrative approvals if the FBC is followed.

Mayor Miller asked Ms. Connors about the current rezoning process and Ms. Connors said a public pre-development meeting is held and depending on the type of development, a Greenbelt Commission meeting could be needed. A Planning Commission public hearing is held with a final public hearing at a City Council meeting that includes First and Second Readings. Ms. Connors said the FBC process would only require a Staff pre-development and Development Review Committee meetings to ensure requirements of the Code are being met, but there would be no public hearing or Council action.

Councilmember Allison said there is not enough time tonight to really discuss such a big topic as incentives and Councilmember Clark agreed. Councilmember Allison said he would rather address the Urban Space Standards at this time and asked Staff what they were wanting from Council regarding Urban Space Standards. Ms. Connors said Staff is basically just informing Council about the public space and public street space that has been considered in the FBC and what types of infrastructure has been identified within the FBC.

Item 4, continued:

Councilmember Allison said he has had discussions with constituents regarding pushing access into alleys and asked how the City is going to obtain funding to improve the alleys to make that happen. Does the City have money programmed to fix the alleys because some are in really bad shape. Ms. Connors said the FBC area is platted and because of that redevelopment or new construction does not include additional infrastructure so Staff has not really pushed infrastructure onto developers. In addition, there is no required re-platting of the 25 foot lots within the oldest parts of the City, which is a long-standing policy so there could be one building constructed on four lots. Councilmember Allison was concerned that construction of public improvements would be too random if someone were only addressing one or two lots within a one block area and the City already faces this development issue with sidewalks. Ms. Connors said there are potential ways to address that. Mayor Miller said this process is used in other communities where in-fill and redevelopment have taken place and the City will have to make changes about the way things are being done, such as requiring in-fill and redevelopment to meet the same requirements as new development.

Councilmember Castleberry asked if Recoupment District efforts could be used to fix the alleys. He said if he were redeveloping one lot in the middle of a block and the City made him repave the entire alley that would benefit that entire block he would not be developing. Ms. Connors said a Recoupment District could be one way of addressing those infrastructure issues. Mayor Miller felt that being able to redevelop in ways currently not allowed is a pretty good incentive for developers to make public improvements needed.

Councilmember Clark said there had been ideas of a civic green area where a farmers market and/or food trucks could be seasonally located and asked if there was idea of where that location would be and who would pay for that transition? Ms. Connors said the suggested location is along James Garner Boulevard because of the vacant areas along there and the idea was that these types of temporary uses could eventually lead to a more permanent uses.

Councilmember Chappel said franchise utilities operate in alleys and this could lead to development conflict especially for structures that are four or more stories. He said changes to utilities cannot be done on a piece by piece basis, there needs to be a larger scale plan so that is something to keep in mind.

Councilmember Hickman asked if people are allowed to build over lot lines and Ms. Connors said yes, in the older portions of the City that is allowed. Mr. Shawn O'Leary, Director of Public Works, said people can request lot line adjustments to eliminate lot lines in order to create larger lots. Councilmember Hickman asked if lot line adjustments require Council approval and Mr. O'Leary said no, lot line adjustments are administered by the Planning Director. Councilmember Hickman felt the fundamental problems in Norman are due to the City allowing redevelopment without re-platting or allowing construction over lot lines all without requiring infrastructure improvements. He said developers can purchase multiple lots and build over multiple lot lines without re-platting, which leads to construction of larger structures without improvements to the infrastructure of the neighborhood whether that infrastructure is water, sewer, sidewalks, etc. Mayor Miller said the FBC could be a master plan for an area that will stop some of the issues of what the public considers to be inappropriate in-fill development. She said and this is a good reason to move forward with the FBC.

Mayor Miller said she would like to continue this discussion in January.

Councilmember Holman said, outside of the Center City issue, there needs to be an alleyway plan because alleyways throughout Norman need to be improved.

Ms. Joy Hampton, [The Norman Transcript](#), asked if the City is going to require storm water improvements. Is the City going to allow construction of three and four story structures without addressing storm water? Mayor Miller said storm water is part of the overall infrastructure discussion that still needs to take place.

Item 4, continued:

Councilmember Castleberry said he would like to see some examples of development plans built through the FBC process to see if it actually works. Ms. Connors said the consultants were asked to prepare several examples and Staff will provide those to Council. Councilmember Castleberry said that would be helpful in identifying unintended consequences of the plan.

Councilmember Hickman asked if changes are made to re-platting requirements, infrastructure requirements, etc., would that be embedded in the FBC or would that be a separate issue and Ms. Connors said the FBC is a zoning document while many of the issues being discussed are subdivision issues so changes to the Subdivision Ordinance may be needed. Councilmember Hickman wondered if the FBC should move forward while Council discusses the subdivision issues since they are not in the same document. Mr. Steve Lewis, City Manager, said Staff will have to notify approximately 900 property owners within the FBC boundary of the zoning change if the FBC is adopted so Staff would like to make sure Council is ready to move forward with the FBC before beginning that notification process.

Councilmember Hickman said if Council wanted to require re-platting of lots in an area larger than the Center City area, would that require notification to property owners or would that only require public notice in the newspaper and through public meetings? Ms. Connors said it would require public notice of a zoning requirement change through the Planning Commission and City Council. Mr. Lewis said, historically, changes to subdivision regulations are a process vetted through the development community and the public prior to Council action.

Items submitted for the record

1. Memorandum dated December 9, 2016, from Susan Connors, Director, Planning and Community Development, to Mayor and City Councilmembers
2. PowerPoint presentation entitled, "Center City Form Based Code (CCFBC)," dated December 13, 2016

* * * * *

The meeting adjourned at 6:28 p.m.

ATTEST:

City Clerk

Mayor