CITY COUNCIL CONFERENCE MINUTES

July 23, 2013

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:15 p.m. in the Municipal Building Conference Room on the 23rd day of July, 2013, 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 24 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Castleberry, Griffith, Heiple, Holman, Kovach, Miller, and Williams
ABSENT:	Councilmember Jungman and Mayor Rosenthal

Item 1, being:

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-42 WITH SHELL CONSTUCTION COMPANY, INC., DECREASING THE CONTRACT BY $89,174.13 FOR A REVISED CONTRACT AMOUNT OF $493,087.87 FOR THE 2010 ROAD RECONSTRUCTION BOND PROJECTS AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Greg Hall, Street Maintenance Superintendent, said City Council approved Contract No. K-1112-42 on October 11, 2011, with Shell Construction Company in the amount of $582,262 for the first phase of total reconstruction projects included in the 2010 Street Maintenance Bond Program. Four neighborhood streets were included in the project that included Johnson Street, Himes Street, Mosier Street, and Hayes Street, all located south of Robinson Street east of Flood Avenue. He said the City and contractor mutually agreed to delete Hayes Street from the project due to delays on the Robinson Street Underpass Project and the anticipated disruption to the neighborhood. Hayes Street was rescheduled to take place in 2013 as part of another contact. He said the 2010 Road Reconstruction Bond Projects are complete and was inspected by Staff on November 18, 2012. Mr. Hall said Change Order No. One to Contract No. K-1112-42 decreasing the contract amount of $89,174.13 reflects the deletion of Hayes Street as well the addition of minor unit price items on Himes Street and Johnson Street.

Items submitted for the record

1. Text File No. K-1112-42, Change Order No. One
2. Change Order No. One to Contract No. K-1112-42 with Detailed Cost Itemization

Item 2, being:

DISCUSSION REGARDING CHANGE ORDER NO. TWO TO CONTRACT NO. K-1112-107 WITH SUN CONSTRUCTION SERVICES, L.L.C., INCREASING THE CONTRACT BY $2,186.40 FOR A REVISED CONTRACT AMOUNT OF $244,133.40 FOR THE BUILDING "A" RENOVATION PROJECT, PHASE 1, AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Scott Sturtz, City Engineer, said Building A in the Municipal Complex was constructed in 1978 and currently houses 61 employees of the Planning and Community Development and Public Works Departments. Building A did not meet current accessibility standards of the Americans with Disabilities Act (ADA) and, in addition, customer service and public meetings were compromised due to a lack of adequate space and employees were crammed in small work spaces.

Mr. Sturtz said Building A renovations were scheduled in two phases to accommodate Capital Fund budget limitations without a disruption of customer service. City Council approved Contract No. K-1112-107 with Sun Construction Services, L.L.C., on March 27, 2012, in the amount of $217,328. Change Order No. One to Contract No. K-1112-107 was approved by City Council on August 13, 2012, in the amount of $24,619 and covered construction phasing alternatives to accelerate the completion date of the overall project. Change Order No. Two increasing the contact by $2,186.40 addresses several requests from the contractor that included additional cabinetry and countertops; additional light fixtures and electrical outlets; an additional swing gate in the permit area; additional plumbing; modification of a closet door; and modifications of the restrooms. He said the Building "A" Renovation Project, Phase I, is now complete.

Item 2, continued:

Items submitted for the record
1. Text File No. K-1112-107, Change Order No. Two
2. Change Order No. Two to Contract No. K-1112-107

Item 3, being:

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTACT NO. K-1213-47 WITH SUN CONSTRUCTION SERVICES, L.L.C., INCREASING THE CONTRACT BY $1,308.60 FOR A REVISED CONTRACT AMOUNT OF $78,864.60 FOR THE BUILDING "A" RENOVATION PROJECT, PHASE 2, AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Sturtz said Building A renovations were done in two phases to accommodate Capital Fund budget limitations without a `disruption of customer service. City Council approved Contract No. K-1112-47, which was Phase 2 of the project, with Sun Construction Services, L.L.C., on March 27, 2012, in the amount of $63,420. He said there were two bid alternates that were separated from the base bid to insure the base bid was within the project budget. These alternatives included the replacement of four exterior steel doors and hardware at the four corners of the building at a cost of $7,650 and the installation of four interior glass and aluminum doors at a cost of $6,496. These doors provide security within the building and were recognized by the Police Department as an effective security measure for Staff and citizens.

Mr. Sturtz said Change Order No. One to Contract No. K-1112-47 in the amount of $1,308.60 allowed for additional work including the painting of existing paneling in one office; electrical work; modification to exterior doors; additional millwork; removal of track lighting; installation of the northeast door; and installation of closet shelving. He said the Building "A" Renovation Project, Phase II, is now complete.

Items submitted for the record
1. Text File No. K-1213-47, Change Order No. One
2. Change Order No. One to Contract No. K-1213-47

Item 4, being:

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-1213-65 WITH CENTRAL CONTRACTING SERVICES, INC., DECREASING THE CONTRACT BY $11,300 FOR A REVISED CONTRACT AMOUNT OF $362,540 FOR THE APPLE CREEK WATER LINE PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Mr. Jim Speck, Capital Projects Engineer, said the Apple Creek Water Line Project provided for the replacement of approximately 2,800 feet of ductile iron waterline with polyethylene vinyl chloride in the Apple Creek Apartment area of Prairie Creek Addition. City Council approved Contract No. K-0910-62 with Cardinal Engineering and Contact No. K-0910-55 with Lemke land Surveying for on-call engineering and drafting services on August 25, 2009. The waterline replacement design was performed by Staff with the assistance of Cardinal Engineering and Lemke Surveying. On May 26, 2013, City Council approved Contract No. K-1213-65 with Central Contracting Services, Inc., in the amount of $373,840 for the construction of the waterline.

Mr. Speck said the project is now complete and Change Order No. One to Contract No. K-1213-65 decreasing the contract amount by $11,300 allows for the adjustment of the bid quantities to final quantities installed.

Items submitted for the record
1. Text File No. K-1213-65, Change Order No. One
2. Change Order No. One to Contract No. K-1213-65

Item 5, being:

PRESENTATION BY MARK DERICHSWEILER FROM THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY ON THE DRAFT TOTAL MAXIMUM DAILY LOAD STUDY FOR LAKE THUNDERBIRD.

Mr. Ken Komiske, Director of Utilities, introduced Ms. Shellie Chard-McClary, Director, Water Quality Division, and Mr. Mark Derichsweiler, Watershed Planning Section, Oklahoma Department of Environmental Quality (ODEQ). Mr. Derichsweiler gave a brief overview of ODEQ's proposed modification to incorporate Lake Thunderbird's nutrient, turbidity, and dissolved oxygen into the Oklahoma Water Quality Management Plan.

Mr. Derichsweiler said the Federal Clean Water Act (CWA) was adopted in 1972 and requires States to develop Water Quality Standards (WQS) which provide goals and pollution control targets for improving water quality where minimum standards are not met. The waterbodies where these minimum standards are not met are considered to be "impaired" and are listed on what is known as the 303d List because regulations fall under Section 303(d) of the CWA. The plan to improve water quality for impaired waterbodies is accomplished by establishing limits known as Total Daily Maximum Loads (TMDLs) for each pollutant exceeding standards. He said TMDL's set levels for pollutants that allow waterbodies to achieve their WQS for beneficial uses that include drinking, recreation, aesthetics, irrigation, fishing, and swimming. He said there is a two-step approach to achieving CWA goals that include technology based requirements for all pollutions discharged and additional water quality based controls to meet WQS. He said ODEQ takes samples from waterbodies and compares monitoring results to WQS to identify problem areas then compiles a list to be submitted to the Environmental Protection Agency (EPA) every two years. He said Lake Thunderbird has been on that list for the last few cycles. He said there are priority standards for problem areas on the list and Lake Thunderbird is a high priority.

Mr. Derichsweiler said problems found in Lake Thunderbird include high turbidity (clarity of water), low dissolved oxygen, and high chlorophyll-a. Elevated levels of chlorophyll-a means too much algae is growing in the lake creating a high concentration of nutrients, especially nitrogen and phosphorus. High levels of algae can cause surface scum, poor water clarity, and noxious odors and can affect the taste of drinking water as well as increasing the cost of treating the water.

Mr. Derichsweiler said the TMDL allocates pollutant loads to point sources known as waste load allocation (WLA) and nonpoint sources know as load allocation (LA). A point source is described as a discernible, confined, and discrete conveyance from which pollutants are or may be discharged to surface waters. He said point source discharges are single, identifiable, and localized that are usually, but not always, discharges from pipe and nonpoint sources are generally from agricultural runoff that cannot be identified as entering a waterbody at a single location. He said the National Pollutant Discharge Elimination System (NPDES) Program regulates point source discharges. He said Norman, Oklahoma City, and Moore's stormwater systems are regulated point sources so there is a margin of safety (MOS). He said DEQ regulates stormwater discharges from Municipal Separate Storm Sewer Systems (MS4s), industrial sites, and construction sites. He said polluted stormwater runoff is commonly transported through MS4s from which it is often discharged untreated into local creeks or rivers. He said to prevent harmful pollutants from being washed or dumped into an MS4 operators must obtain a NPDES permit and develop a Stormwater Management Program. He said there are a few unincorporated areas in Oklahoma that will not be regulated by a permit, but that is less than 2% of the total TMDLs.

Mr. Derichsweiler highlighted the project timeline and said a TMDL report was submitted to the EPA in November 2012, and a series of public meetings were held. He said ODEQ is now in the public comment period, which is scheduled to run through August 1, 2013. After the comment period closes ODEQ is required to go through the comments and prepare a response for each comment known as a responsiveness summary to be circulated to everyone who made comments and be posted on the ODEQ website. The revisions will be made to the draft report and submitted to the EPA for approval. The report has to be approved by the EPA before it takes affect.

Mr. Derichsweiler said it is not practical from a scientific or financial standpoint to take samples all the time to measure pollutant loadings on a watershed for a long period of time. He said models estimate pollutant loadings in-between measurements and give a continuous picture of loading. He said the EPA developed a model framework to establish the cause/effect linkage between pollutant loading from the watershed and water quality conditions in the lake. The water quality linkage analysis was performed using the Environmental Fluid Dynamics Code (EFDC) reservoir water quality model. The model was developed to simulate water quality condition in Lake Thunderbird for sediments, nutrients, organic matter, dissolved oxygen, and chlorophyll-a. The EFDC lake model was developed with water quality data collected at eight locations in the lake during a one year period from April 2008 through April 2009. Model results were calibrated to

Item 5, continued:

observations for water level, water temperature, nitrogen, phosphorus, dissolved oxygen, organic carbon, and algae (chlorophyll-a). The calibrated lake model was used to evaluate the water quality response to reductions in watershed loading of sediment and nutrients. The linked watershed and lake model framework were used to calculate average annual loads that, if achieved, should meet WQS within a reasonable time. The calibrated model results supported the development of TMDLs to achieve compliance with WQS for turbidity, chlorophyll-a, and dissolved oxygen.

Mr. Derichsweiler said a 35% reduction of all loadings of nitrogen, phosphorus and total suspended solids (TSS) from the Lake Thunderbird Watershed would be needed to meet WQS; however, the lake is meeting all criteria for organic matter or dissolved oxygen. He said algae began increasing due to a reduction in turbidity in the lake over a ten year period so it will take some time to meet the chlorophyll-a standard. He said turbidity is generally caused by soil erosion and sediment runoff and is a measure of cloudiness of water from suspended particles such as sediment, clay, silt, plankton, or microscopic organisms. Higher turbidity/TSS increases water temperatures because the suspended particles absorb more heat, which in turn reduces concentration of dissolved oxygen. Turbidity also reduces sunlight penetration to aquatic plants and if plants do not get enough sunlight then photosynthesis will occur reducing the level of dissolved oxygen. Turbidity/TSS can affect fish by clogging the gills they need to breathe, rotting their fins, and reducing their resistance to diseases. It can also add to the mechanical wear of water supply pumps and distribution systems thus increasing water treatment costs. He said projections indicate reduction standards will have been met in six years, but that does not mean Lake Thunderbird will be impairment free in six years.

Mr. Derichsweiler said waste load allocations (WLA) are assigned based on the percentage of existing loadings in 2009. He said no WLA's were assigned for Midwest City, Del City, Lexington or Noble because they are such a small part of the watershed. No reductions are required for unincorporated areas.

Mr. Derichsweiler highlighted recommendations from the report. He said the Central Oklahoma Master Conservancy District (COMCD) has been taking water from the bottom of the lake and adding liquid oxygen to increase oxygen levels known as hypo limnetic oxygen injection and this should be continued. Cities should also continue to re-vegetate the lake shoreline to help reduce sediment loadings and consider establishing treatment wetlands on the Little River arm above the Twin Bridges for long term reduction. He said general recommendations include improving controls of sewer overflows; implementing enhanced controls for on-site wastewater systems (septic tanks), and establishing a stakeholder/citizen advisory committee.

Mr. Derichsweiler said ODEQ tried to strike a balance for telling communities what they need to do for reduction of TMDL and allowing communities to develop a compliance policy to reach their goals. He said they tried to make MS4 permit requirements open ended and flexible. Permit requirements will include submitting an approvable TMDL compliance plan within 24 months of EPA approval; identifying potential significant sources; selecting a general strategy for meeting the WLAs; implementing enhanced or more frequent construction site inspections and considering enhanced enforcement measures; determining a schedule for achieving the WLA; tracking Best Management Practices (BMP) implementation; and implementing educational programs. He said there is a monitoring component that goes along with the MS4 permit and it may be advantageous for Norman, Oklahoma City, and Moore to collaborate on a coordinated regional monitoring program. He said a monitoring program must be fully implemented within three years of EPA approval. He said the goals of the monitoring plan will be to show the effectiveness of BMP's and demonstrate progress toward achieving the required reduction. He said if progress cannot be shown, then revisions to the compliance plan will need to be made. He said an annual report must also be submitted.

Mr. Derichsweiler said a statewide Stormwater Construction General Permit (OKR10) is required for construction near bodies of water and ODEQ is proposing changes to the requirements that would apply solely to the Lake Thunderbird Watershed. He said the permit would apply to any construction site consisting of one acre or greater. Construction sites would have to meet all conditions of the general permit and comply with additional conditions implemented by cities for TMDL compliance. He said projects within the Lake Thunderbird Watershed must submit all Storm Water Pollution Prevention Plans (SWP3) for sites of five acres or larger. He said specific requirements within the control measures of the permit include a 100 foot minimum buffer for all streams; sediment basins for all locations draining five acres or more; weekly site inspections; quicker corrective actions; immediate stabilization; and soil nutrient testing before using fertilizer.

Item 5, continued:

Mr. Derichsweiler said a Multi-Section General Permit (OKR05) is required for industrial sites and ODEQ is proposing addition requirements that include an update for additional TSS and nutrient reduction measures within 12 months; monthly inspections and maintenance; monitoring and reporting once a month if the permit has numeric effluent limits; and complying with any additional pollutant prevention or discharge monitoring requirement established by the local MS4 municipalities. These requirements would apply to asphalt paving, concrete products, and sand and gravel mining.

Councilmember Heiple asked why model results took so long to obtain and if Council could see the models and Mr. Derichsweiler said ODEQ spent a year monitoring the lake and lost EPA funding along the way. He said the final results of the models will be available soon. Councilmember Heiple said parameters can change the outcome of results and asked if the requirements are federally mandated, state mandated, or did ODEQ create them?" Mr. Derichsweiler said the requirements were originally developed by EPA and are widely used. Councilmember Heiple asked who controls the parameters and Mr. Derichsweiler said ODEQ hired a consultant to develop and control parameters. Councilmember Heiple said all the models he has seen on the EPA website use bell curve models based on average conditions, but it is not the average conditions that hurt the lake, it is the extraordinary condition or occurrences.

Councilmember Kovach said months ago Mr. Derichsweiler expressed concerns that the model was not as good as it could be because ODEQ was being rushed and Mr. Derichsweiler said although ODEQ did not have time to review different alternatives for reduction, they are confident the model results are within an acceptable error range. Councilmember Kovach said he would like to coordinate with the other cities involved for a regional monitoring program. He felt the Association of Central Oklahoma Governments (ACOG) should also be involved.

Councilmember Miller asked if ODEQ is continuing to monitor the lake and if the model projects future results and Mr. Derichsweiler said monitoring is ongoing, but future projections have not been done.

Councilmember Griffith asked if ODEQ could modify input in the model to reflect current weather conditions and Mr. Derichsweiler said there is no funding, but the 2008/2009 precipitation and temperature used were right at the long term average. Ms. McClary said there have been discussions with COMCD about obtaining the model and collecting data that would eventually lead to an updated TMDL. She said the TMDL is not final forever and there is always the opportunity to submit amendments to the EPA.

Councilmember Castleberry asked where the EPA is on water reuse and Ms. McClary said updates are expected in early 2014. She said Oklahoma Water Resources Board (OWRB) water quality standards allow lake managers to adopt another set of regulations for sensitive water supplies, which makes it more difficult to do reuse because cities would have to prove that the lake would not be degraded by discharge. She said if COMCD and those with water rights were to get that removed, ODEQ could legally issue a discharge permit. She said WQS's allow for a project or study to demonstrate that water would not negatively impact the lake and Garver Engineering is working on a project that would show what such a study might look like.

Mr. Derichsweiler said a public meeting will be held at the Norman Public Library tonight at 6:30 p.m.

Items submitted for the record

1. Oklahoma Department of Environmental Quality Public Notice regarding the Draft Nutrient, Turbidity, and Dissolved Oxygen TMDLs for Lake Thunderbird dated June 10, 2013
2. 208 TMDL Factsheet for Nutrients, Turbidity, and Dissolved Oxygen in the Lake Thunderbird Watershed
3. Lake Thunderbird Report for Nutrient, Turbidity, and Dissolved Oxygen TMDLs Executive Summary
4. PowerPoint presentation entitled, "Lake Thunderbird TMDL Project Overview," prepared by the Oklahoma Department of Environmental Quality dated July 23, 2013

The meeting adjourned at 6:25 p.m.

ATTEST:

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City Clerk Mayor