

CITY COUNCIL CONFERENCE MINUTES

July 11, 2017

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:00 p.m. in the Municipal Building Conference Room on the 11th day of July, 2017, 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 Allison, Bierman, Clark, Hickman, Holman, Karjala, Wilson, and Mayor Pro Tem Castleberry

ABSENT:

Mayor Miller

Item 1, being:

A PRESENTATION REGARDING THE LOWER IMHOFF CREEK STUDY.

Ms. Carrie Evenson, Stormwater Engineer, said in 2009 the Stormwater Master Plan (SWMP) identified 4,200 liner feet (LF) of severe bank erosion along both banks of Imhoff Creek that was leading to trees and fences falling into the creek. The area is listed as Imhoff Creek No.2 (IC-2) with a watershed priority ranking of two with an overall City priority ranking of five for stormwater projects that need to be completed. The SWMP estimated repair costs are \$6.5 million. She said the purpose of the Lower Imhoff Creek Study was to find a solution to prevent further stream degradation and channel widening as well as stopping the progression of the channel banks toward homes and other structures by stabilizing stream banks upstream of Highway 9.

Ms. Evenson said there were two ways to stabilize stream banks:

Traditional Approach: Hard Armoring of Channel

- Pros: Protects property and addresses immediate erosion problems
- Cons: Increases velocity, makes downstream erosion worse, and reduces natural stream functions

Alternative Approach: Natural Stream Restoration Techniques

- Pros: Protects property and restores or maintains natural stream functions
- Cons: Cannot be used in stream conditions

Ms. Evenson said the purpose of the Lower Imhoff Creek Study is to address concerns of the property owners adjacent to the creek; refine design options that the SWMP presented and incorporate in our preference for use of natural stream restoration techniques; update SWMP costs; provide plan conceptual design; and plan for future projects to be considered in the annual Capital Project Budget process.

Ms. Evenson said in 2014, the property owners at 2802 Walnut Drive contacted the City regarding property damage and loss due to erosion of that streambank. She said \$200,000 was included in the FYE 2015 Capital Budget for the Lower Imhoff Creek Study and Council authorized a contract with Meshek and Associates on May 26, 2015, to provide a conceptual engineering design and phasing of stream improvements using more natural stream restoration techniques where possible.

In 2015, flooding led to damage of the channel liner immediately upstream of the study area requiring emergency repairs. An application was submitted to the Federal Emergency Management Agency (FEMA) for funding and Meshek and Associates worked with the contractor for the repair of that channel liner to make sure the designs were compatible. Design work on the channel liner repair and

Item 1, continued:

Lower Imhoff Creek Study continued throughout 2016 and the study was completed in 2017. The channel liner repair contract will be scheduled for Council's consideration on July 25, 2017.

Mr. Brandon Claborn, Meshek and Associates, said Imhoff Creek's flowline has significantly dropped over time and all the water within the creek is now confined inside the drainage channel so all the energy of the water flowing through that channel causes a lot of erosion which makes the banks unstable. When the flowline drops, the channel becomes steeper forming a new channel at the bottom making the channel wider and creating a channel within a channel. He said 2802 Walnut Drive has experienced a large loss of property to the creek, including trees and fencing, leaving a large drop-off in the backyard. There are also a lot of utilities that run along this corridor, such as gas lines, sanitary sewer lines, etc.

Mr. Claborn said Meshek and Associates prepared an updated Basin Hydrology and Hydraulic Model for Imhoff Creek that included a detailed channel survey and updated floodplain maps. He highlighted drainage channel design alternatives for bank stabilization such as using natural vegetation/rocks, in-channel toe protection, or using gabion baskets or other structural measures to stabilize slopes. A gabion is a cage, cylinder, or box filled with rocks, concrete, or sometimes sand and soil and caged riprap is generally used for erosion control (riprap is heavy, large, irregular-shaped rocks that fit into place, without mortar, to manage severely eroded lake banks or shorelines).

Mr. Claborn said Meshek and Associates recommends the City develop a Monitoring Plan to document the rate of change to the banks due to erosion and prioritize improvements as well as develop a plan for stream maintenance. He said bank stabilization options include reverse gabion, typical gabion, and rock toe (rock toes are low structures of rock placed along the water's edge used as an armoring technique to provide additional strength to banks). He said dedicated City Staff will need to be trained in techniques of stream restoration and bank stabilization in order to prevent future loss of property due to erosion.

Proposed bank stabilization will be done in two phases with Phase I being the stabilization of banks at Imhoff Road moving south 1,200 feet where there is the greatest risk to infrastructure for an estimated cost of \$3,150,300. Phase II will consist of repairs upstream of Imhoff Road for an estimated cost of \$4,347,950. These estimated costs include the purchase of additional easements.

Councilmember Hickman asked if the velocity of the water caused the damage to the creek and Mr. Claborn said yes. Councilmember Hickman asked if Meshek and Associates examined the culverts that discharge water into the creek and the rate at which that water is discharged versus the way water naturally flows into the creek and Mr. Claborn said no, but felt any discharge from the culverts would have a minor effect on the creek. Mr. Claborn said although damage from stormwater discharge can happen, Meshek and Associates do not believe that is occurring in this area.

Councilmember Holman asked when the original channel liner was installed and Ms. Evenson said in the late 1990s. Mr. Shawn O'Leary, Director of Public Works, said channel liners generally last 20 years, but this particular channel liner may not have been well maintained or failed because of the severe storm conditions experienced in 2015.

Councilmember Holman has heard that riprap can break loose and cause blockages if the rock is not securely placed. Ms. Evenson said this is true because if the velocity of the water is high enough it can shift the rock so the rock needs to be sized and placed appropriately to keep it from breaking loose or shifting.

Item 1, continued:

Mayor Pro Tem Castleberry said the problem and repair costs have been identified so where does the City go from here? Ms. Evenson said Staff is asking for direction from Council based on the report recommendations because the City does not have the funding for Phase I and needs direction on whether Council would like to proceed with these projects through the budget process, a stormwater utility, or General Obligation Bonds, etc. Mr. O'Leary said the process will take time, but the longer the City waits, the more expensive the projects become.

Councilmember Hickman said until funding is identified, is there is anything the City can do to temporarily address water velocity in the creek or help make long term solutions more sustainable? Mr. Claborn said continuing to move toward low-impact development solutions in this area would prevent additional runoff from being added to Imhoff Creek which will help slow the progress of erosion. Also, planting bushes and shrubs along the bare slopes will help slow the velocity of the water and protect the soil from further erosion. He said the more impervious surface the more runoff goes into the streams so minimizing the damage and maintaining that over time is the only option.

Councilmember Clark asked how much FEMA might contribute to the project and Mr. O'Leary said since May 2015, City staff has been working closely with officials from Oklahoma Emergency Management (OEM) and FEMA regarding storm damage assessments and the potential for state and federal disaster relief financing. Mayor Cindy Rosenthal declared a local disaster by resolution on May 19, 2015, and Governor Mary Fallin declared a state disaster by resolution on May 26, 2015. President Obama established a Presidential Disaster Declaration for Cleveland County on May 26, 2015, for the period of May 5-24, 2015, making the City eligible for up to 87.5% reimbursement (75%-federal; 12.5% state) for debris removal from the May 6, 2015, tornado and infrastructure repairs caused by the May 5-24, 2015, floods. He said approximately \$800,000 was approved by FEMA for disaster relief projects from 2015, but the process is slow and arduous.

Mr. O'Leary said a 250 foot segment of the existing articulated concrete block channel and a concrete block structure downstream were severely damaged during the May 2015 flood events. Another 150 feet of channel sustained minor damage during these events; however, during a heavy spring 2017 rain, the same 150-foot segment of channel sustained major damage. The debris washed downstream and filled up the plunge pool that was being used to dissipate energy prior to stormwater runoff moving farther downstream in the channel. Currently the debris is acting as a channel restriction instead of a plunge pool. The new damages that occurred after the May 2015 disaster declaration period are not automatically eligible for federal and state funding. Staff did recognize this segment of channel constructed with the same type of articulated concrete block would be subject to failure during future storms, so dialog was started and documented with FEMA about replacing additional segments of the block channel during the Project Worksheet writing stage. FEMA has a Hazard Mitigation Plan (HMP) program that enables them to award additional funds up to 100% of the amount of original damage as a resiliency program to reduce and hopefully eliminate future damage during other disaster events. Staff is working with OEM to start the HMP process in hopes of receiving assistance on this segment of the channel.

Mr. O'Leary said channel improvements will consist of replacing the failed articulated concrete block channel liner with a concrete lined channel within a 650 foot segment of the channel including replacing the damaged drop structure constructed to protect the channel further to the south. These improvements are located approximately 400 feet south of Westbrooke Terrace. Mayor Pro Tem Castleberry asked how repairing one section of the creek will help the entire system and Mr. O'Leary said the City will install a hard-armored channel (concrete) in this section to prevent further erosion. He said concrete is not what the City would prefer to use in terms of natural materials, but is the best option available for future sustainability.

Item 1, continued:

Councilmember Karjala said people are losing their backyards to the creek and that will continued to happen so the City has to do something because once property is lost to the creek it is lost forever. She said there is no guarantee there will ever be a stormwater utility to manage stormwater runoff issues and asked Council to please consider all options for funding Phase I. Councilmember Clark said she was shocked by the expense of the repairs, but does not want to be a part of a Council that ignores the problem; she wants to be a part of a Council that acts on the problem now.

Councilmember Hickman asked why Imhoff Creek has widened and deepened so much over the last 15 to 20 years and Mr. Claborn said a lot of it has to do with the Canadian River feeding into the streams and creeks as well as development around the creek that has taken place over the last 15 to 20 years.

Mayor Pro Tem Castleberry said Staff has given Council plenty to think about and hopefully Council will find a way to move forward.

Items submitted for the record

1. PowerPoint presentation entitled, "Lower Imhoff Creek Study," City Council Conference dated July 11, 2017
2. Lower Imhoff Creek Hydraulic & Hydrologic Study Project prepared by Meshek and Associates, L.L.C.

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Item 2, being:

DISCUSSION REGARDING A POTENTIAL CITY-WIDE ELECTION DATE TO BE HELD IN OCTOBER OR NOVEMBER FOR THE RENEWAL OF THE OG&E FRANCHISE AGREEMENT AND COUNCILMEMBER ELECTION CHARTER AMENDMENT ISSUES.

OG&E Franchise Agreement

Ms. Kathryn Walker, Assistant City Attorney, said in May 2017, representatives from the Oklahoma Gas and Electric Company (OG&E) approached the City about renewing the franchise agreement that expires in 2018. The agreement provides for a franchise fee equal to three percent of OG&E's

gross revenues arising from the sale of electricity within Norman's city limits. In addition to the franchise fee, OG&E furnishes free electricity to the City for operation of traffic signal lights and municipal buildings in an amount of up to one-half of one percent of the kilowatt hours sold to Norman customers within the preceding fiscal year. This provision resulted in the City receiving free electricity for traffic signal lights and municipal building for 10 months of the last fiscal year.

Ms. Walker said the franchise agreement grants OG&E the right, privilege, and authority to produce, transmit, distribute, and sell electricity within Norman's city limits as well as the right, privilege, and authority to construct, maintain, and operate a system of poles, wires, conduits, transformers, substations, and other facilities and equipment in, upon, across, under and over streets, alleys, public grounds, and other places for the purpose of producing, transmitting, distributing, and selling the electricity to the City of Norman and its inhabitants.

Article 18, Section 5(a) of the Oklahoma Constitution requires voter approval of a franchise in order for a City to grant the right to use its streets to sell and distribute utility services to its residents to a public utility company. Ms. Walker said OG&E is proposing the City place approval of the renewal of a 25 year