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**Title:** AMENDMENT NO. ONE TO CONTRACT K-1920-114: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND FREESE AND NICHOLS, INC., INCREASING THE CONTRACT AMOUNT BY \$265,000 FOR A REVISED CONTRACT AMOUNT OF \$390,000 TO PROVIDE THE ENGINEERING DESIGN CRITERIA AND STANDARD SPECIFICATIONS AND CONSTRUCTION DRAWINGS UPDATE AND CITY ORDINANCE REVIEW AND BUDGET TRANSFER BETWEEN PROJECT ACCOUNTS.

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3/9/2021	1	City Council		

AMENDMENT NO. ONE TO CONTRACT K-1920-114: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND FREESE AND NICHOLS, INC., INCREASING THE CONTRACT AMOUNT BY \$265,000 FOR A REVISED CONTRACT AMOUNT OF \$390,000 TO PROVIDE THE ENGINEERING DESIGN CRITERIA AND STANDARD SPECIFICATIONS AND CONSTRUCTION DRAWINGS UPDATE AND CITY ORDINANCE REVIEW AND BUDGET TRANSFER BETWEEN PROJECT ACCOUNTS.

**BACKGROUND:** The City Council identified incentivizing optional “green building codes” as a secondary destination short-term goal (1-2 years) during the August 2017 Council Retreat. Since that time, the Council Community Planning and Transportation Committee (CPTC) has engaged in discussions regarding incentive programs for incentivizing green building practices and green infrastructure/low impact development (GI/LID) in the City of Norman. During this time, staff, private developers and experts in the field have also presented the CPTC with information and discussed potential options and ideas related to incentives for GI/LID and reduction to City parking requirements.

The Engineering Design Criteria (EDC) and Standard Specifications and Construction Drawings (Specifications) were adopted by the City Council in 1996 and were last updated in 2006. The City’s EDC and Specifications provide key technical guidance for the design and construction of public infrastructure including roads, bridges, stormwater systems, water lines, sewer lines, traffic signals, street lights, and others. The current need is to update these documents to incorporate new technologies and ordinances to provide better guidance to developers, consultants and contractors. City Council has appropriated funding in the Fiscal Year Ending (FYE) 2020 and 2021 Capital Improvement Program for an update of the EDC and Specifications. Staff has identified the opportunity to combine the GI/LID Incentives Program and EDC and Specifications Update into one

project to save effort and duplication.

The purpose of this project is to conduct a comprehensive review of the City's ordinances, standards, and guidance documents, such as the Engineering Design Criteria, Center City Form Based Code, Wichita/Sedgwick County LID Manual, Norman 2025 Plan, parking requirements, landscaping/irrigation requirements, and others, identify potential barriers to implementation of GI/LID; and recommend potential changes to incentivize GI/LID; including but not limited to variances to parking and landscaping requirements. This will be incorporated in the review and update of the EDC and Specifications as outlined below to complete one document.

**DISCUSSION:** The Public Works and Planning and Community Development Departments prepared a Request for Qualifications (RFQ) to solicit the services of a qualified firm to update the City of Norman EDC and Specifications. This will include conducting a comprehensive review of the City's ordinances and guidance documents, such as the Engineering Design Criteria, Center City Form Based Code, Wichita/Sedgwick County LID Manual, Norman 2025 Plan, parking requirements, landscaping/irrigation requirements, and others; identifying potential barriers to implementation of GI/LID; and recommending potential changes to incentivize GI/LID including, but not limited to, variances to parking and landscaping requirements. Three (3) statements of qualifications were received for this project. The Selection Committee included three (3) staff members consisting of Chris Mattingly, Capital Projects Engineer, Utilities Department; Carrie Evenson, Stormwater Program Manager, Public Works Department; Scott Sturtz, City Engineer, Public Works Department; and two (2) private citizens including Andy Sherrer, Republic Bank; and Dr. Robert Nairn, School of Civil Engineering and Environmental Science, University of Oklahoma. The Selection Committee members independently scored each statement of qualifications on a point scale as defined in the RFQ. Based on these scores, two (2) firms were selected to be interviewed by the Selection Committee. The two (2) firms were ranked based on their interviews, and Freese and Nichols, Inc., was selected for this project. Freese and Nichols, Inc., was selected based upon their experience working with other municipalities on similar projects and the proposed methods and procedures for completing the project.

Required services will include the following:

- Review of the current EDC and Standards.
- Comparison of City of Norman requirements to peer communities with recommendations for changes to meet the current industry standards.
- Incorporation of recommended revisions and corrections listed in the Meshek and Associates review report on the stormwater sections of the EDC.
- Review of City ordinances and guidance documents, such as the Center City Form Based Code, Wichita/Sedgwick County LID Manual, Norman 2025 Plan, parking requirements, landscaping/irrigation requirements, and others as applicable.
- Incorporation of new ordinances and code to include Water Quality Protection Zone (WQPZ), Lake Thunderbird Total Maximum Daily Load (TMDL), Americans with Disability Acts Public Right-of-Way Accessibility Guidelines (PROWAG), Center City Form-Based Code, and Tree Ordinance.
- Identification of potential barriers and areas of incentive for GI/LID.
- Review of parking requirements and provide recommendations for changes to reduce the amount required and incentivize GI/LID design.
- Review of irrigation requirements in the landscaping ordinance and provide recommendations

for changes to incentivize GI/LID and water conservation.

- Stakeholder and public input meetings.
- Development of LID design, operations and maintenance manual(s).

Staff began negotiations with Freese and Nichols, Inc., in January 2020. Budgeted capital funds in the amount of \$100,000.00 are available for Phase I of this project in Account No. 50599408-46201, Project No. BG0076. Because only a portion of the necessary funding was budgeted in FYE 2020, staff negotiated a contract with Freese and Nichols, Inc., to provide the services outlined above in three phases.

Phase I consisted of a diagnostic analysis and report of the City's existing EDC, Specifications, Standards, applicable City ordinances, and policy documents. This phase resulted in the definition of problems and issues arising from the City's current documents as defined by staff. The issues were compared against the backdrop of comments and interviews of a technical Advisory Committee, select City staff and stakeholders. Phase I also included a community benchmarking report to assist in establishing best management practices by reviewing these practices in comparable and aspirational communities to the City's current practices. The diagnostic report focused on updates to the current documents and procedures and identified barriers to adopting requirements for Green Stormwater Infrastructure Criteria. The cost for Phase I was \$125,000.

On February 25, 2020, City Council approved Contract No. K-1920-114 by and between the City of Norman and FNI in the amount of \$125,000 for Phase I.

If approved, Phase II will begin in March 2021 and will include preparation of the updated EDC and Standard Specifications, including a Green Stormwater Infrastructure (GSI) Criteria section. Updated construction drawings will be provided to reflect new and updated design criteria. Recommendations for proposed ordinance language based on the Diagnostic Report produced in Phase I will also accompany the updated criteria documents. Input from City staff and stakeholders will support the development of user-friendly documents; therefore, stakeholder involvement will continue throughout this phase. This phase will include workshops and hearings necessary to refine the final draft documents, verify that the final products are reflective of the community's needs and desires, and adoption of the EDC, Specifications, Standards and GSI Criteria documents.

Phase III of this project will be the implementation phase and may include development of additional documentation such as checklists, design guides and smaller publications/pamphlets. These materials will assist staff and stakeholders in the transition to the new EDC, Specifications, Standards and GSI Criteria documents and streamline the review and development process.

The scope of services for Phase III is dependent on the results of Phase II efforts, and separate City Council authorization will be required prior to initiation of Phase III services.

Pending approval by City Council, Phase II of this project is scheduled to begin in March 2021.

Budgeted capital funds in the amount of \$175,000 are available for Phase II of this project in Account No. 50599408-46201, Project No. BG0076. Project No. WA0337 contains funds from the Utilities Department, Water Fund (31), for a Water System Assessment. A transfer from the Water System Assessment design account is proposed because the current available balance of \$200,000 is sufficient to fund a system assessment after the transfer. Project No. WW0058 contains funds from the Utilities Department, Water Reclamation Fund (32), for a Wastewater Treatment Plant Effluent

Reuse project at the Compost Facility. A transfer from the WWTP Effluent Reuse project at the Compost Facility design account is proposed because the planned improvements were found to be too expensive. Project No. DR0061 contains funds allocated for Lake Thunderbird Total Maximum Daily Load (TMDL) compliance and monitoring. Green Stormwater Infrastructure will be a major component of any structural controls required to reduce the amount of nitrogen, phosphorus, and sediment being discharged in stormwater runoff. In addition, the City's Phase II Municipal Separate Storm Sewer System permit requires the City to review the EDC and any other City ordinances to identify any barriers to implementing low impact development practices. Any identified barriers will be selected for review, amendment or removal. This project will satisfy these permit requirements. Therefore, staff requests approval to transfer funds in the amount of \$13,000 from Account No. 50599968-46201, Project No. DR0061, \$38,500 from Account No. 31999942-46201, Project No. WA0337, and \$38,500 from Account No. 32999911-46101, Project No. WW0058, to Account No. 50599408-46201, Project No. BG0076.

If approved, Phase II is planned to be completed in approximately twelve (12) months or March 2022. Community and stakeholder input will be critical. In the meantime, the City will utilize all of its adopted policies and practices for public infrastructure projects.

**RECOMMENDATION NO. 1:** Staff recommends approval of Amendment No. 1 to Contract K-1920-114, between the City of Norman and Freese and Nichols, Inc., for completion of Phase II of the Engineering Design Criteria and Standard Specifications and Construction Drawings Update and City Ordinance Review project in the amount of \$265,000.

**RECOMMENDATION NO. 2:** Staff requests approval to transfer funds in the amount of \$13,000.00 from Account No. 50599968-46201, Project No. DR0061, \$38,500.00 from Account No. 31999942-46201, Project No. WA0337, and \$38,500.00 from Account No. 32999911-46101, Project No. WW0058, to Account No. 50599408-46201, Project No. BG0076.