



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 2/27/2024

**REQUESTER:** Jason Murphy, Stormwater Program Manager

**PRESENTER:** Scott Sturtz, Interim Director of Public Works

**TITLE:** CONSIDERATION OF APPROVAL, ACCEPTANCE, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF AMENDMENT TWO TO CONTRACT K-1415-134: BY AND BETWEEN THE CITY OF NORMAN AND MESHEK AND ASSOCIATES, FOR THE LOWER IMHOFF CREEK STABILIZATION PROJECT AND APPROVAL OF THE FUND TRANSFER AS DETAILED IN THE STAFF REPORT.

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### **BACKGROUND:**

In November 2009, the City of Norman approved a Storm Water Master Plan (SWMP) developed by PBS&J, focusing on watershed delineation, stream restoration needs, and concept designs. The SWMP highlighted Imhoff Creek as a significant problem area, especially the Lower Imhoff Creek section between Lindsey Street and its confluence with the Canadian River, which is designated in the SWMP as Project IC-2. This section of Imhoff Creek faces severe bank erosion along both banks, causing property damage and threatening infrastructure like the Imhoff Road Bridge.

In response, on June 9, 2015, the City Council approved Contract K-1415-134 with Meshek & Associates, LLC, for \$143,000. This contract aimed to explore methods to address the issues highlighted in the SWMP, including data collection, hydrologic and hydraulic modeling, an ecological inventory, and development of stream restoration alternatives and recommendations.

On June 30, 2017, Meshek and Associates submitted the Lower Imhoff Creek Study Final Report. On July 11, 2017, City staff and Brandon Claborn, Principal Engineer for Meshek and Associates, presented the findings of this report to City Council. The report recommended a 5-year Monitoring Plan, staff training for maintenance, and two-phased stream mitigation improvements. Phase 1 would begin at Imhoff Road and ended approximately 1200 feet (1/4 mile) downstream of Imhoff Road, with an estimated cost of \$3,150,300. Phase 2 would begin upstream of Imhoff Road and end approximately 2000 feet (1/3 mile) upstream with an estimated cost of \$4,721,425. On August 8, 2017, Council approved Resolution R-1718-21 accepting the Lower Imhoff Creek Study Final Report.

Construction of the stream mitigation improvements were divided into two phases due to the cost to construct the entire project at one time. Meshek and Associates recommended that Phase I of the improvements be addressed first because the greatest impact to existing infrastructure can be found in this area, including potential impacts to Imhoff Road bridge and several sewer lines. Homes on the east side of the Phase 1 project area are also located closer to the streambank than those in the Phase 2 project area.

On April 27, 2021, City Council approved Amendment 1 to Contract K-1415-134 with Meshek and Associates in the amount of \$383,647 for a total contract amount of \$526,647 for engineering design services for Phase 1 including Federal Emergency Management Agency (FEMA) grant application preparation, hydrologic and hydraulic modeling, an erosion control workshop, and final construction plans and bid documents.

Due to the importance of this project, Council allocated \$550,000 per year for seven years beginning with the fiscal year 2021/2022 budget. On June 28, 2022, Council appropriated \$3,000,000 of American Rescue Plan Act (ARPA) entitlement funds to address the stormwater and streambank erosion problems on Lower Imhoff Creek.

With these allocations, design for Phase 1 is underway with 90% plans completed and paid for through Amendment 1 to Contract K-1415-134. Given the estimated costs of construction for each phase of this project and the limited funds available for stormwater projects in the City's Capital Fund, City staff has been pursuing alternate sources of funding beginning with Phase 1 in the form of a grant through the Federal Emergency Management Agency's Hazard Mitigation Grant Program (HMGP). One of the goals of HMGP is to support communities by facilitating large projects such as this one. As part of the amendment, City staff worked with Meshek and Associates to complete an application for HMGP funding for Phase 1 of construction costs and reimbursement of design costs associated with this project. The fiscal year 2020-2021 (FY 2021) HMGP provides Federal funds only for reimbursement of project costs that have already been incurred as a result of work completed in accordance with the Scope of Work. Not all project costs will be reimbursed with HMGP funds because a non-Federal funding match is required. Council approved Resolution R-2122-134 on June 28, 2022 authorizing City Staff to apply for this HMGP.

In November 2023, the Oklahoma Department of Emergency Management and Homeland Security (ODEMHS) officially informed the City of the grant award in the amount of \$383,647 for Design of Phase 1 as well as an additional \$19,065 for sub-recipient management costs (MC) for a total of \$402,712.

The grant for Phase 1 fell under the Consolidated Appropriations Act of 2022, which granted a minimum of 90% federal cost share for an emergency or major disaster declared during or having an incident period between January 1, 2020 and December 31, 2021. This grant is divided into two phases. The first phase, Phase A, is design. Phase A has a total cost of \$383,647 with 90%

federal match funds of \$345,282.30 and a 10% local match of \$38,364.70. The total cost of Phase A has already been paid for by the City.

On December 12, 2023, City Council accepted the HMGP grant in the amount of \$402,712 for Phase A; design services for the Lower Imhoff Creek Stabilization Project.

Upon successful completion of Phase A (design), FEMA will decide whether or not to extend the grant to pay for the construction phase of the project (Phase B). Phase B would award grant money in the amount of \$3,391,354.19 being comprised of a 90% federal match in the amount of \$3,052,218.78 and a 10% local match in the amount of \$339,135.41.

**DISCUSSION:**

Phase 2 of the Lower Imhoff Creek Stabilization Project includes the design of bank stabilization of a 2000-foot area north of the Imhoff Road Bridge, as shown on the attached aerial photo. City Staff requested a scope and fee from Meshek and Associates as they have been involved since the project's inception.

Meshek and Associates is prepared to begin work immediately on this project after the Notice to Proceed is issued.

Meshek and Associates Scope of Services (detailed in the attachment) includes:

- Detailed Topographic Survey
- Environmental (404 permitting)
- Hydrology & Hydraulic Modeling
- Preparation of a Letter of Map Revision (LOMR)
- Geotechnical Report
- Preliminary Plans
- Final Construction Plans and Bid Documents
- Project Management
- Land Acquisition Services

The fee for these services is \$654,889.38 which includes \$390,789.38 for design services and a not-to-exceed amount of \$264,100 for Land Acquisition Services, and an estimated completion within approximately 12 months. The fee is 13.8% of the estimated construction cost. Industry standard for construction design is 10% to 15% of the estimated total cost of construction. If awarded, funds exist in the form of ARPA funds in the Special Grants Fund, Imhoff Creek Stabilization, Design (Account 22595303-46201; Project DR0062) for \$390,789.38 and in Imhoff Creek Stabilization, Land (Account 22595303-46001) for \$264,100.

Construction can commence upon completion of the designs, acquisition of necessary rights-of-way, and issuance of any and all appropriate permits.

**RECOMMENDATION:**

Staff recommends approval of Amendment 2 to Contract K-1415-134 between the City of Norman and Meshek and Associates for the design of Phase 2 of the Imhoff Creek Stabilization Project in the amount of \$654,889.38.