



CITY OF NORMAN, OK CITY COUNCIL SPECIAL SESSION

Municipal Building, Executive Conference Room, 201 West Gray, Norman,
OK 73069

Tuesday, March 26, 2024 at 5:00 PM

MINUTES

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session in the Executive Conference Room of the Norman Municipal Building on the 26th day of March, 2024, at 5:00 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray Street 48 hours prior to the beginning of the meeting.

CALL TO ORDER

PRESENT

Mayor Larry Heikkila
Councilmember Ward 1 Austin Ball
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 3 Bree Montoya
Councilmember Ward 4 Helen Grant
Councilmember Ward 5 Michael Nash
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

ABSENT

Councilmember Ward 6 Elizabeth Foreman

AGENDA ITEMS

1. DISCUSSION REGARDING THE SUMMIT LAKES PARTICIPATION AGREEMENT AMENDMENT TWO WITH MEMORANDUM OF UNDERSTANDING AND SUBMITTAL OF AN APPLICATION FOR A HIGH HAZARD POTENTIAL DAM GRANT OPPORTUNITY FOR REPAIR OF MISTY LAKE DAM.

Ms. Beth Muckala, Assistant City Attorney, provided background information on the Summit Lakes participation agreement for the Misty Lake dam repairs. She said the stormwater system for this area consists of seven lakes. The Misty Lake dam is a high hazard dam and is in need of repair. The Oklahoma Water Resources Board issued a Consent Order requiring certain measures be taken until it is repaired.

Ms. Muckala said the City of Norman and Norman Utilities Authority entered into a participation agreement with Summit Lakes Property Owners Association (POA), Summit Lake Villas POA, and Summit Lakes, L.L.C., the developer of the area, on June 27, 2017, for repair of the dam. She said the basic terms of the agreement included repairs funded by private parties with loans; the City collecting private assessments; approval from the Oklahoma Water Resources Board (OWRB), and City assumption of ownership and maintenance upon successful completion. After the initial participation agreement was approved, the POAs were unable to secure financing as anticipated so they began internal collection of assessments to be supplemented with savings.

Item 1, continued

In January 2021, the Participation Agreement was amended to alter funding timing and method; specify the Developer to fund Section 11 portion early; alter loan and assessment language to account for POA payment from savings vs. loan funds; and the City added language to address cost overages.

The plans were resubmitted to OWRB in early 2021 and were approved on May 20, 2021. In the summer of 2021, the POAs had collected over \$600,000 in funds so Staff could move forward with the Requests for Qualifications to get the project underway. A construction manager at risk contract was approved on October 21, 2021, with Downey Construction (Downey) and Downey began the bidding process in order to lock in their guaranteed maximum price (GMP) for the project. Unfortunately, once the bids were received, Downey submitted their GMP in the amount of \$1,070,794.43 as the total cost of the repairs. The POAs tried to come up with a way to cover the delta, but were not able to do so and the contract with Downey was lapsed.

The POAs approached the City in August 2022 regarding private construction vs. the City managing the project to save costs. After many meetings and discussions with all parties including OWRB, it was determined the project could move forward in this manner. On September 27, 2023, OWRB updated the Consent Order to reflect the change. In October 2023, the POAs proposed the City take the property in fee ownership once complete vs. an easement. This change required more work be done by the City, i.e., title work, surveys, etc. OWRB reached out to the City on March 11, 2024, about a grant opportunity and Staff is currently in the process of putting the application together as it is due by March 31, 2024.

Ms. Muckala said there are two items on tonight's regular Council agenda for Council's consideration. The first is a contract amendment that explicitly states the POA's permission to submit the application for grant funding and sets out basic requirements. The second is a resolution specifying qualifications of the project and grants permission for grant application by the City. She said a final amendment is anticipated after the results of the grant application are known to outline the chosen method of construction.

2. CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES, TITLE 25 §307(B)(4) TO DISCUSS PENDING LITIGATION IN THE CASE OF CITY OF NORMAN VS. THE UPLANDS DEVELOPMENT CO., L.L.C., ET. AL., IN THE CLEVELAND COUNTY DISTRICT COURT CASE CJ-2021-227 AND CITY OF NORMAN VS. HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C., ET. AL., IN THE CLEVELAND COUNTY DISTRICT COURT CASE CJ-2021-228.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 2 Schueler.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 3 Montoya, Councilmember Ward 4 Grant, Councilmember Ward 5 Nash, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

Item 2, continued

The City Council adjourned into Executive Session at 5:19 p.m. Mr. Darrel Pyle, City Manager; Ms. Kathryn Walker, City Attorney; Ms. Beth Muckala, Assistant City Attorney; and Ms. Shaakira Calnick, Internal Auditor, were in attendance at the Executive Session.

Motion made by Councilmember Ward 7 Holman, Seconded by Councilmember Ward 2 Schueler.

Voting Yea: Mayor Heikkila, Councilmember Ward 1 Ball, Councilmember Ward 2 Schueler, Councilmember Ward 3 Montoya, Councilmember Ward 4 Grant, Councilmember Ward 5 Nash, Councilmember Ward 7 Holman, Councilmember Ward 8 Peacock

The Executive Session was adjourned out of and the Special Session was reconvened at 6:02 p.m.

Pending litigation in the cases of City of Norman vs. The Uplands Development Co., L.L.C., et. al., Cleveland County District Court Case CJ-2021-227 and City of Norman vs. Hallbrooke Development Group One, L.L.C., et. al., were discussed in Executive Session. No action was taken and no votes were cast.

ADJOURNMENT

The meeting adjourned at 6:03 p.m.

ATTEST:

City Clerk

Mayor