



## CITY OF NORMAN, OK STAFF REPORT

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**MEETING DATE:** 2/14/2023

**REQUESTER:** Scott Sturtz, City Engineer

**PRESENTER:** Shawn O'Leary, Director of Public Works

**TITLE:** CONSIDERATION OF ADOPTION, REJECTION, AMENDMENT, AND/OR POSTPONEMENT OF ORDINANCE O-2223-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I OF CHAPTER 16 (PUBLIC IMPROVEMENTS) OF THE CODE OF THE CITY OF NORMAN BY ADOPTING AND INCORPORATING BY REFERENCE THEREIN THE CITY OF NORMAN STANDARD SPECIFICATIONS AND CONSTRUCTION DRAWINGS AND THE ENGINEERING DESIGN CRITERIA FOR STREETS, STORMWATER, WATER LINES, AND SANITARY SEWERS DATED FEBRUARY 28, 2023, PROVIDING ENFORCEMENT REMEDIES INCLUDING PENALTIES FOR VIOLATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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### **BACKGROUND:**

The Engineering Design Criteria (EDC) and Standard Specifications and Construction Drawings (Specifications) were adopted by the City Council on September 24, 1996, and the last of nine amendments was adopted on July 11, 2006. The EDC provides developers and consultants with a standardized design for all public improvements including roadways, stormwater systems, erosion control, street lights, traffic signals, sidewalks, waterlines and sanitary sewer lines. These documents do not provide guidance on where or what type of development can occur. The need for new public infrastructure is typically established through the Comprehensive Land Use Plan, Zoning Codes and Subdivision Regulations. However, once the location and type of development is selected, the EDC provides the technical guidance on the design of the public improvements to meet City standards. The Standard Specifications provide the framework for the contractor's obligations in constructing public infrastructure to ensure that all projects are completed in a consistent manner. The Construction Drawings provide the contractor standard details to be used in the field for the construction of the improvements. By having standardized construction on public infrastructure the City can more easily inspect, accept and maintain the infrastructure.

In recent years, several studies and discussions have highlighted the need to update the EDC and Specifications. In 2014 the Comprehensive Transportation Plan (CTP) recommended that the EDC and Standards be updated to reflect the recommendations of the Norman CTP.

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.

In addition, it was identified that the EDC and standards required updating to incorporate new technologies and ordinances to provide better guidance to developers, consultants and contractors.

In response to these needs, City Council appropriated funding in the Fiscal Years Ending (FYE) 2020 and 2021 Capital Improvement Program for an update of the EDC and Specifications. Staff identified the opportunity to combine the GI/LID program and EDC and Specifications update into one project to save effort and duplication.

The purpose of this project was to conduct a comprehensive review of the Engineering Design Criteria and Specifications, City ordinances, standards, and guidance documents. To 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 has been incorporated in the review and update of the EDC and Specifications as outlined below to complete one document.

Public Works prepared a Request for Qualifications (RFQ) to solicit the services of a qualified firm to update the City of Norman EDC and Specifications. 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. (FNI), was selected for this project based upon their experience working with other municipalities on similar projects and the proposed methods and procedures for completing the project.

Required services included 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).

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 \$125,000.00 for Phase I. Due to the funding being identified over two fiscal years, the project was split into 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.

On March 9, 2021, City Council approved Amendment Number 1 to contract K-1920-114 with Freese and Nichols for Phase II for the preparation of the updated EDC and Specifications, including a Green Stormwater Infrastructure (GSI) Criteria section and updated construction drawings to reflect new and updated design criteria in the amount of \$175,000.

## **DISCUSSION:**

The EDC and Specifications have been updated based on the criteria listed above to provide the City with a current modernized document to better serve the community. All of the criteria set forth have been met by the project team and public input has been gathered and considered. This project has successfully accomplished the primary objectives, which were:

- Comprehensive update of the 25-year-old EDC, Standard Specifications and Construction Drawings
- Consolidation of multiple, disconnected manuals into one easily-accessible, modern manual
- Addition of Norman Green Stormwater Infrastructure (GSI) manual to EDC
- Incorporation of Complete Streets Policy in EDC
- Update Traffic Impact Analysis (TIA) guidelines
- Incorporation of PROWAG in EDC
- Incorporation of WQPZ policy and practices in EDC
- Correlation of EDC with CTP

This EDC has included the addition of Section 7000, which is a Sustainable Stormwater Development manual. The City of Norman adopted the City of Wichita and Sedgewick County, Kansas Stormwater Manual as a part of the Water Quality Protection Zone (WQPZ) by Ordinance O-1011-52 on June 28, 2011. This manual provides design guidelines for engineered solutions that are low impact development strategies. This document has become outdated and a new one was necessary. The EDC, if adopted, will replace the outdated manual. The inclusion of this manual in the EDC also provides guidance for all sustainable stormwater development. Future discussion with City Council will include options that the project team developed for incentivizing sustainable stormwater development to encourage the implementation of future development and designs.

The EDC and Specifications impact developers, consultants, contractors and the citizens of Norman. Because of these impacts, public participation played a significant role in the process. In Phase I a stakeholder committee was formed consisting of 25 members representing developers, home builders, consultants, community members and contractors. In Phase II the stakeholder committee was expanded to 33 members to get better representation from the community. During the development of the EDC the stakeholders were divided into subcommittees to focus on each of the technical areas. Some members served on multiple subcommittees. In addition to the stakeholder committee, public outreach was performed. Following is a timeline of the public engagement for the EDC and Specification update.

- June 2020 - The stakeholder committee met to discuss the preliminary diagnostic report process and the committee involvement.
- September - December 2020 - The stakeholders reviewed the diagnostic report and provided feedback.
- May 6, 2021 - The initial stakeholder meeting for Phase II was held.
- June - November, 2022 - The subcommittees met nine times to receive information from FNI on the proposed changes and provide feedback.
- September 29, 2022 - A draft of the EDC was provided to the stakeholders for review and comment.
- October 6, 2022 - A stakeholder meeting was held to discuss the EDC and the details of the project website where comments could be left for response from the project team.
- November 28, 2022 – Comments were provided to Mayor Heikkila from one specific local developer with a list of comments from developers and consultants.
- November 29, 2022 - Community participation began with the Council Study Session when the project website was announced and opened for public input. At this meeting, Council requested a longer response period for public input. The timeline for response was extended from December 15 to December 30 to meet this request.
- December 7, 2022 – A public meeting was held during the day in a virtual format.
- December 7, 2022 - An in person public meeting was held in the evening for public education and response.
- December 30, 2022 – The website was closed to comments from stakeholders and public to begin response and inclusion of comments.

A log was kept of all comments made on the website. Each comment received a response on the website. For ease of review a table of comments and responses has been provided with this item. A total of 31 comments were received with several being duplicate comments. The stakeholder committee accounted for 18 of the comments and the additional 13 comments were

from the public. In addition, the comments received by Mayor Heikkila from one specific local developer on November 28, 2022, were logged and each comment was responded to by the project team. A table with each comment and response is attached to this item.

The EDC and Specifications are long-term documents with an expected life of 20 or more years. However, the document is not static and periodic changes are required as the community changes and new technologies and materials are developed. To keep up with these changes the EDC and Specifications will be reviewed by staff every two years to determine if there is a need for amendment. If it is determined that changes are required, stakeholders will be contacted to provide input and the amendment will require City Council to adopt.

Now that public feedback has been received and responded to on the Engineering Design Criteria, Specifications and Construction Drawings, Council's review and approval is required to move forward with implementation. If Council approves the documents, the adopted documents will become effective in 30 days or on March 28, 2023. Staff will move forward with the next steps, which include notifying the development, design and construction industries as well as the citizens of Norman. This will include public notices, notices to relevant associations and information on the City of Norman website. The current documents will be replaced with the new documents to be effective on March 28, 2023.

Future Council Actions may be required to amend existing ordinances to be consistent with the EDC and Specifications. As an example, the WQPZ ordinance will need to be amended to remove reference to the Wichita/Sedgewick County Stormwater Manual.

#### **RECOMMENDATION:**

Staff recommends approval of Ordinance O-2223-24 adopting the Engineering Design Criteria, Standard Specification and Construction Drawings becoming effective on March 28, 2023.