



CITY OF NORMAN, OK CITY COUNCIL CONFERENCE

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

Tuesday, April 25, 2023 at 5:30 PM

MINUTES

It is the policy of the City of Norman that no person or groups of persons shall on the grounds of race, color, religion, ancestry, national origin, age, place of birth, sex, sexual orientation, gender identity or expression, familial status, marital status, including marriage to a person of the same sex, disability, relation, or genetic information, be excluded from participation in, be denied the benefits of, or otherwise subjected to discrimination in employment activities or in all programs, services, or activities administered by the City, its recipients, sub-recipients, and contractors. In the event of any comments, complaints, modifications, accommodations, alternative formats, and auxiliary aids and services regarding accessibility or inclusion, please contact the ADA Technician at 405-366-5446, Relay Service: 711. To better serve you, five (5) business days' advance notice is preferred.

CALL TO ORDER

Mayor Heikkila called the Meeting to Order at 5:30 p.m.

PRESENT

Mayor Larry Heikkila
Councilmember Ward 1 Austin Ball
Councilmember Ward 2 Lauren Schueler
Councilmember Ward 4 Helen Grant
Councilmember Ward 5 Rarchar Tortorello
Councilmember Ward 6 Elizabeth Foreman
Councilmember Ward 7 Stephen Holman
Councilmember Ward 8 Matthew Peacock

ABSENT

None

AGENDA ITEMS

1. DISCUSSION REGARDING ROAD USE, EASEMENT, AND LEASE AGREEMENTS WITH NEXTERA ENERGY TRANSMISSION SOUTHWEST RELATING TO ITS DRAPER-PLEASANT VALLEY-MINCO TRANSMISSION LINE PROJECT.

Ms. Beth Muckala, Assistant City Attorney, said NextEra Energy Transmission Southwest, L.L.C. (NEET) and its affiliates have been active in energy generation and transmission projects nationwide. In April of 2022, NEET was awarded the Minco-Pleasant Valley-Draper Project by the Southwest Power Pool (SPP) to be regulated by the SPP and according to those regulations, enforced by the Federal

Energy Regulatory Commission (FERC). The project is a 48-mile long transmission line interconnecting Minco, Pleasant Valley, and Draper substations owned by Oklahoma Gas and Electric Company (OG&E) all located within SPP territory.

The transmission line poles (100 to 125 feet tall) are designed to incorporate a compact footprint that can withstand harsh weather conditions and include concrete foundations and guyed structures.

Ms. Muckala said the Road Use and Maintenance Memorandum of Understanding (RUA) sets a framework that allows the City and NEET to work together for the ultimate creation of agreements regarding the protection, repair, and maintenance of roadways affected by NEET's construction. The RUA requires NEET to provide final project details in advance of construction and they must address matters vital to the City including road and crossing capacities, stormwater implications, floodplain compliance, environmental and severe weather response, and intensity, duration, and proposed route of use. Under this agreement, repair and maintenance required by the project as well as ongoing repair and operation are the responsibility of NEET. She said pre and post-construction inventories that will include City Staff presence will be at the expense of NEET.

The previous proposal for lease of the property has been withdrawn. She said Staff reviewed the agreement and submitted a lot of comments on changes, but never received comments back so it was withdrawn.

Ms. Muckala said the easement consists of two agreements, one that grants NEET the right to lay transmission lines and one that addresses compensation. She said as a public entity, the City has interests that are much different than private entities that are presented with the documents so Staff had a lot of changes to suggest. She said similar to the RUA, NEET seemed very receptive to the easement changes, but Staff has not received a response to date.

Ms. Muckala said property at Franklin Road and 12th Avenue N.E. is currently leased to the Norman Utilities Authority so Utility Staff has been very involved in evaluating the feasibility of putting lines in and whether that would affect City plans for the property. She said Staff offered counter comments on value based on the Utility Department's research of the value of the property, removed language allowing NEET flexibility and requires specific surveyed easement boundaries for consideration, removed waiver and other language, and replaced indemnity, insurance, and related language making the agreement language more inline with other City agreements. NEET has suggested a lay-down yard lease for the same property, but they have decided to research other properties for that purpose.

Councilmember Schueler asked how much of the property NEET is asking for and Mr. Nathan Madenwald, Utilities Engineer, said approximately nine acres. He said the property is 160 acres so there will still be space for a proposed northside Water Treatment Plant.

Councilmember Peacock asked if the compensation is in lieu of a franchise agreement and Ms. Muckala said no, the easement is outside of the right-of-way. Staff was careful to make sure the project would not interfere with franchise utilities. Councilmember Peacock asked if there would be possibility for a future franchise fee the City would benefit from and Ms. Kathryn Walker, City Attorney, said no, NEET is not a franchisee and are not providing the service to the customers.

Ms. Muckala said on tonight's agenda, Council will be considering the RUA and Staff anticipates the easement/compensation/lease agreement to be on Council's agenda in May.

Items submitted for the record

1. Staff report dated April 25, 2023, from Shawn O'Leary, Director of Public Works, to Elisabeth Muckala, Assistant City Attorney
2. PowerPoint entitled, "Agreements relating to NextEra Transmission Line," dated April 25, 2023

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ADJOURNMENT

The meeting was adjourned at 5:55 p.m.

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ATTEST:

City Clerk

Mayor