



CITY OF NORMAN, OK STAFF REPORT

MEETING DATE: 11/12/2024

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 A HAZARD MITIGATION ASSISTANCE GRANT FROM THE OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$2,953,160 TO BE USED FOR THE LOWER IMHOFF CREEK INFRASTRUCTURE PROTECTION PROJECT; AND OF CONTRACT K-2425-66 WITH THE OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY; AND BUDGET APPROPRIATION AND BUDGET TRANSFER AS OUTLINED IN THE STAFF REPORT.

BACKGROUND:

A Storm Water Master Plan (SWMP) was developed for the City of Norman by PBS&J and accepted by City Council in November 2009. The SWMP recommends design and installation of stream bank stabilization techniques along stream segments of Imhoff Creek. The identified problem in the SWMP for Imhoff Creek is “4,200 lineal feet (LF) of severe bank erosion along both banks beginning at the upstream face of Highway 9 to approximately 2,000 LF upstream of Imhoff Road. The erosion along the banks has caused property fences and trees to fall into the creek.”

As Imhoff Creek adjusted to changing upstream conditions, down cutting and widening resulted in extreme bank and bed erosion, which are characteristic in this portion of Imhoff Creek. Continued development along the length of the stream has exacerbated the runoff problems leading to trees and fences falling into the creek, loss of property and threats to infrastructure, including the Imhoff Road Bridge. In July of 2021, a critical failure of this bridge due to increasing erosion problems, led to this road being closed until April of 2022 to complete emergency repairs, with a resulting cost of just under \$2 million dollars.

On June 9, 2015, Council approved Contract K-1415-134 by and between the City of Norman and Meshek & Associates, LLC, in the amount of \$143,000. The contract services included detailed data collection and modeling resulting in the Lower Imhoff Creek Study Final Report.

On August 8, 2017, Council approved Resolution R-1718-21 accepting the Lower Imhoff Creek Study Final Report. The Lower Imhoff Creek Study Final Report recommended implementation of a 5-year Monitoring Plan to evaluate the rate of degradation to the channel; training to City

maintenance staff to learn new techniques for maintaining more natural stream restoration devices such as gabion walls, cross vanes, and others; and design and construction of stream mitigation improvements. The improvements were proposed to the City in phases, with Phase I beginning at Imhoff Road and ending approximately 1200 feet (approximately ¼ mile) downstream of Imhoff Road, and Phase II upstream of Imhoff Road and end at the end of the improved channel.

Furthering the SWMP's recommendation to design and install stream bank stabilization techniques, the City Council considered and approved Amendment 1 to Contract K-1415-134 with Meshek and Associates on August 27, 2021. The scope of K-1415-134 Amd. 1 included preparation of Federal Emergency Management Agency (FEMA) Grant Application materials, surveys, permitting, modeling and project planning and management for Phase I, the downstream portion. Council ultimately allocated \$550,000 per year for seven years beginning with the fiscal year 2021-2022 budget to the Imhoff Creek Stormwater Project (DR0062). Funds for K-1415-134 Amd. 1 were used from Stormwater Project, Design in the amount of \$383,647.

On June 28, 2022, Council approved Resolution R-2122-134 authorizing City Staff to apply for a Hazard Mitigation (HMGP) Grant for Phase I including construction costs and reimbursement of the funds spent from the Imhoff Creek Stabilization project for design. Due to the estimated cost of construction for Phase I and II, 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. Total costs for Phase I of this project will be approximately \$3,400,000 and estimated cost of Phase II are \$4,400,000.

In November 2023, ODEMHS officially informed the City of the grant award in the amount of \$383,647 for Design of Phase I cost as well as an additional \$19,065 for sub-recipient management costs (MC) for a total of \$402,712. In December 2023, Council approved contract K-2324-98 with the Oklahoma Department of Emergency Management (ODEMHS) and Homeland Security to accept a grant in the amount of \$402,712 for reimbursement of the design portion of the Lower Imhoff Phase I project. Reimbursements (\$270,551.19) were processed in fiscal year 2023-2024 (FYE 2024), deposited into Special Revenue Fund and subsequently transferred back to the Capital Fund.

DISCUSSION:

On October 21, 2024, FEMA notified City officials funding for the construction phase of the Imhoff Creek project, Phase I, had been awarded. The grant award in the amount of \$2,953,160, includes federal funds in the amount of \$2,662,835 (90%) and \$290,325 (10%) in local match. If accepted, funds are available in the Capital Improvement Projects Fund, Imhoff Creek Stabilization, Construction (Account 50595531-46101; Project DR0062) for both the local match and the reimbursable federal match. The construction phase is FEMA's "Phase II" funding stage. Thus, the funding and SLA addressed by this item relate to FEMA's funding Phase II for the City's Phase I (downstream portion) of the Lower Imhoff Creek Stormwater Project.

If this grant is accepted, construction should begin by March 2025 and be completed by June 2026. City Staff would then continue to seek additional funding sources to construct the City's Phase II (upstream portion), including requesting that all reimbursed funds from this grant to be allocated to the City's Phase II (upstream portion) of Lower Imhoff construction.

RECOMMENDATION 1:

Staff recommends appropriation of funds in the amount of \$270,551 from Capital Fund Balance (Account 50-29000) to the Special Grants Fund, Imhoff Creek Stabilization, Construction (OEM/FEMA Grant, Account 22595531-46101; Project DR0062) to help fund the reimbursable grant portion of the project.

RECOMMENDATION 2:

Staff recommends transfer of funds in the amount of \$2,392,284 from the Capital Projects Fund, Imhoff Creek Stabilization, Construction (Account 50595531-46101; Project DR0062) to the Special Grants Fund, Imhoff Creek Stabilization, Construction (OEM/FEMA Grant, Account 22595531-46101; Project DR0062) to fund the reimbursable grant portion of the project.

RECOMMENDATION 3:

Staff recommends approval of Contract K-2425-66, relating to the City's acceptance of FEMA's funding Phase II, between the City of Norman and the Oklahoma Department of Emergency Management and Homeland Security.

Reviewed by: Jason Murphy, Stormwater Program Manager
Scott Sturtz, Interim Director of Public Works
Clint Mercer, Chief Accountant
Anthony Francisco, Director of Finance
Rick Knighton, Interim City Attorney
Darrel Pyle, City Manager