



McAlester City Council

NOTICE OF MEETING

Special Meeting of the City Council

Agenda

Tuesday, November 23, 2010 – 5:00 pm
McAlester City Hall – 2nd Floor Conference Room
28 E. Washington Ave.

Kevin E. Priddle..... Mayor
Vacant..... Ward One
Steve Harrison Ward Two
John Browne..... Vice-Mayor, Ward Three
Robert Karr Ward Four
Buddy Garvin..... Ward Five
Sam Mason Ward Six

Peter J. Stasiak..... City Manager
William J. Ervin..... City Attorney
Cora M. Middleton..... City Clerk

This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: www.cityofmcalester.com within the required time frame.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.

CALL TO ORDER

Announce the presence of a Quorum.

ROLL CALL

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the November 9, 2010, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- B. Approval of the Minutes from the November 10, 2010, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

SCHEDULED BUSINESS

1. Consider, and act upon, award of bid to Utility Service Company, Inc., for the renovation and maintenance of the six (6) water storage tanks and authorize the Mayor to enter into a construction contract with addendum, between McAlester Public Works Authority (MPWA) and Utility Service Company, Inc. in an amount of \$324,751.00 for seven (7) years for a total of \$2,273,257.00.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____, 2010 at _____ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: www.cityofmcalester.com.

Cora M. Middleton, City Clerk

The McAlester City Council met in Regular session on Tuesday, November 9, 2010, at 6:00 P.M. after proper notice and agenda was posted, November 4, 2010, at 4:31 P.M.

Call to Order

Mayor Priddle called the meeting to order.

Anthony Washington, Mt. Triumph Baptist Church led the Pledge of Allegiance and gave the invocation.

Roll Call

Council Roll Call was as follows:

Present: Steve Harrison, John Browne, Buddy Garvin & Kevin Priddle
Absent: Robert Karr
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Gayla Duke, Chief Financial Officer; David Medley, Utilities Director; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Swearing in Ceremony

Municipal Judge Deborah Hackler administered the oath of office to Council-Elect Sam Mason.

Mayor Priddle then asked for the Roll to be called again.

Roll Call

Council Roll Call was as follows:

Present: Steve Harrison, John Browne, Buddy Garvin, Sam Mason & Kevin Priddle
Absent: Robert Karr

Citizen's Comments on Non-agenda Items

There were no citizen's comments.

Mayor Priddle asked for a moment of silence to honor a former McAlester High School graduate that was killed while serving in Afghanistan, James McCluskey and to honor a former Mayor, Tom Glenn.

Consent Agenda

- A. Approval of the Minutes from the October 20, 2010, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the October 26, 2010, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for October 27, 2010 through November 9, 2010. *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$88,743.55; Nutrition - \$649.30; Landfill Res./Sub-title D - \$12,000.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$8,456.19; E-911 - \$3,148.70; Economic Development - \$18,821.91; Gifts & Contributions - \$749.00; Fleet Maintenance - \$16,679.50 and CIP Fund - \$3,378.84.
- D. Authorize the Mayor to sign Antero Resources Corporation Division Order for Property Number 60712, UTTERBACK 3-1H Pittsburg County, Oklahoma. The DO is a confirmation that the well has reached producing status, provides the legal description of the spacing unit, and confirms the City's interest in revenues. *(Cora Middleton, City Clerk)*
- E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.29701-KM.
- F. Concur with Mayor's re-appointment of Susan Kanard to the Planning Commission for a term that expires May 20, 2013. *(Kevin E. Priddle, Mayor)*
- G. Concur with Mayor's re-appointment of Denise Lewis to the Planning Commission for a term that expires May 20, 2013. *(Kevin E. Priddle, Mayor)*

Councilman Mason requested that item "E" be removed for individual consideration. Mayor Priddle requested item "C" be removed for individual consideration as an informational purpose.

Vice-Mayor Browne moved to approve Consent agenda items "A, B, D, F and G". The motion was seconded by Councilman Harrison. There was no discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Items Removed from Consent Agenda

- C. Approval of Claims for October 27, 2010 through November 9, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$88,743.55; Nutrition - \$649.30; Landfill Res./Sub-title D - \$12,000.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$8,456.19; E-911 – \$3,148.70; Economic Development - \$18,821.91; Gifts & Contributions - \$749.00; Fleet Maintenance - \$16,679.50 and CIP Fund - \$3,378.84.

Councilman Harrison moved for approval of item “C”, seconded by Councilman Mason.

Before the vote, Mayor Priddle commented that he wanted to point out that on page five (5) there was about eight thousand dollars (\$8,000.00) in legal expenses dealing with the Randy Green issue. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion.

- E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.29701-KM.

Councilman Mason moved for approval of item “E”, seconded by Councilman Harrison.

Before the vote, Councilman Mason inquired about the nature of the claim. Manager Stasiak stated that it was very likely for a pothole, with no prior notice.

There was a brief discussion concerning the City’s obligation to maintain the streets within the City limits. Councilman Mason then asked for the City Attorney’s opinion.

Mr. Ervin stated that Oklahoma law requires that Municipalities have prior knowledge and have failed to address either by repair or other steps. He commented that the insurance company had recommended that this claim be denied and staff also had recommended that the claim be denied. He added, based on the information supplied to him, he also recommended that this claim be denied. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Browne, Garvin, Mason, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion.

Councilman Harrison moved to open a Public Hearing to address an ordinance amending the Budget for Fiscal Year 2010-2011. The motion was seconded by Vice-mayor Browne, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:16 P.M.

Public Hearing

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from the citizens or the Council and Vice-Mayor Browne moved to close the Public Hearing. The motion was seconded by Councilman Harrison. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:17 P.M.

Scheduled Business

1. Presentation, accept and place on file, a Quarterly Report by the Pride-In-McAlester.
(Mark Wilkett, President)

Executive Summary

Quarterly Report for Pride-In-McAlester - President, Mark Wilkett.

2. Consider and act upon, an additional \$20,000 for the Main Street Program. *(Peter J. Stasiak, City Manager and Kathy Wall, Director of Main Street Program)*

Executive Summary

A motion to approve an additional \$20,000 for the Main Street Program.

Mayor Priddle stated that item 1 and 2 would be pulled because all items needed to be to the City Manager with all backup by 10:00 A.M. the Tuesday morning preceding the Council meeting.

3. Consider and act upon, authorizing the Mayor to sign a Staffing Agreement between Express Service, Inc. and the City of McAlester. *(Peter J. Stasiak, City Manager)*

Executive Summary

This item involves a motion to approve a Staffing Agreement between Express Services, Inc. and the City of McAlester.

Councilman Mason moved to authorize the Mayor to sign a Staffing Agreement between Express Service, Inc. and the City of McAlester. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that the City had opened up the receptionist area in the front lobby to answer phones and furnish information to citizens. He commented that the administrative assistants and one part-time employee had developed a schedule to cover that area. He added that this had become a hindrance to the Department Heads who needed their administrative assistants. He further explained that the City was requesting to engage the services of Express Service to hire a part-time employee to work thirty-one (31) hours per week. He stated that individual would work the morning shift Monday through Wednesday and all day on Thursday and Friday.

Mr. Ervin commented that he had reviewed the agreement and had a few items that he recommended the City make. He briefly reviewed the changes, most of which dealt with indemnifications.

Mayor Priddle restated the motion as authorize the Mayor to sign a Staffing Agreement between Express Service, Inc. and the City of McAlester, with the noted changes as recommended per the City Attorney. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Harrison, Browne, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

4. Consider, and act upon, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officers*)

Executive Summary

This item involves amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011.

ORDINANCE NO. 2376

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Harrison moved for approval of **ORDINANCE NO. 2376**, seconded by Councilman Garvin.

Before the vote, Ms. Duke explained the amendment was to purchase and install frequency drives and replace the electrical in the pump building at the East Water Treatment Plant and to purchase and install a Network File Server. She added that the amendment would also allow for the contracted receptionist services.

David Medley explained that the services of a licensed electrician were needed to install the variable frequency drives.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

Vice-Mayor Browne moved to approve the EMERGENCY CLAUSE, seconded by Councilman Harrison. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, declaring a vacancy and approving a resolution setting the election dates for Ward 1. *(Cora Middleton, City Clerk)*

Executive Summary

A motion to approve declaring a vacancy and approving the resolution setting the election dates for Ward 1.

Councilman Garvin moved for approval of RESOLUTION NO. 10-14, declaring a Council vacancy and setting the election dates for Ward 1. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak stated that this would set January 11, 2011 as the date for the vacancy in Ward 1 and was the same date as the school board election. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

6. Discussion, and possible action, on approval of certain costs related to the fire department from the City of McAlester's fire department's portion of the county quarter cent excise tax for fire services. *(Bret Brewer, Fire Chief)*

Executive Summary

A motion to approve the purchase of a 911 emergency notification system for the McAlester fire department, along with rescue equipment for our ropes rescue team.

Councilman Harrison moved for approval of certain costs related to the fire department from the City of McAlester's fire department's portion of the county quarter cent excise tax for fire services. The motion was seconded by Vice-Mayor Browne.

Before the vote, Fire Chief Brewer thanked the Council for considering this item. He then explained that the phone system at the station was thirty (30) years old, there was static on the lines, the conversations could not be heard and calls were constantly being dropped. There was a brief discussion concerning the phone system, the rope equipment needed for the Departments

rope rescue team and the balance in the City's portion of the County Sales tax. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, award a bid to Utility Service Company, Inc., for the renovation and maintenance of the six (6) water storage tanks and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Utility Service Company, Inc. in an amount of \$324,751.00 for seven (7) years for a total of \$2,273,257.00. (*David Medley, P.E. Utilities Director*)

Executive Summary

A Motion to award a bid for **Rehabilitation, Management and Full Service Maintenance Program, Including Bio-film Removal & Active Mixing System for Potable Water Storage Tanks** and authorizing the Mayor to enter into a renovation and maintenance contract, after review and approval by the City Attorney's Office, with Utility Services Company, Inc. of Perry, Georgia in an amount of \$2,273,257.00.

Councilman Garvin moved to award a bid to Utility Service Company, Inc., for the renovation and maintenance of the six (6) water storage tanks and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Utility Service Company, Inc. in an amount of \$324,751.00 for seven (7) years for a total of \$2,273,257.00. The motion was seconded by Vice-Mayor Browne.

Before the vote, David Medley informed the Council that the Utilities Department had opened bids for the Rehabilitation, Management and Full Service Maintenance Program, Including Bio-film Removal & Active Mixing System for Potable Water Storage Tanks in the Council Chambers on October 25, 2010. He explained that only one (1) had been received and that bid had come in lower than the Engineering estimate. He added that the project had been bid with four (4) alternative items and he briefly reviewed those alternatives.

Manager Stasiak commented that he and Mr. Medley had spoken earlier and he was requesting to table this item for two (2) weeks to allow the Council time to review all of the information.

There was a lengthy discussion among the Council concerning tabling the item, the problem that two (2) of the Council members had with tabling the item, if the City Attorney had reviewed the bid document, errors within the contract that needed to be corrected, having an outside engineering firm review the document, correcting the issues with an addendum and the type of errors that were pointed out.

Vice-Mayor Browne moved to amend the motion to approve the contract contingent to addendum drawn up, mutually agreed upon by both parties and reviewed by the City Attorney and an outside engineering firm. The motion was seconded by Councilman Garvin.

Before the vote, Councilman Harrison commented that Council action should be the last step in the process.

Mayor Priddle restated the motion as approve the contract contingent to an addendum prepared by the City Attorney in conjunction with Utility Service, and reviewed by Mehlburger Brawley prior to signing of the contract. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Browne & Mayor Priddle

NAY: Councilman Mason & Harrison

Mayor Priddle declared the motion carried.

8. Consider, and act upon, the sale of two (2) packer bodies, that will be removed from existing sanitation trucks. (*John Modzelewski, P.E. Engineering and Public Works Director*)

Executive Summary

A motion to approve the sale of two (2) 2009 Wayne Model PXIII 25 CY Packer Bodies, Serial # 17256 and Serial # 17355, to Waste Research, Inc.

Councilman Garvin moved to approve the sale of two (2) 2009 Wayne Model PXIII 25 CY Packer Bodies, Serial #17256 and Serial #17355 that would be removed from existing sanitation trucks. The motion was seconded by Councilman Harrison.

Before the vote, John Modzelewski explained that the Public Works Department had two (2) fairly new sanitation trucks that could be transformed into dump trucks by removing the packer bodies, selling them and replacing them with dump beds. He added that the bid prices included removing the packer bodies from the sanitation trucks. Mr. Modzelewski then informed the Council that the prices for the Packer bodies was as follows:

Packer Body Serial #17256 was \$9,750.00

Packer Body Serial #17255 was \$8,500.00

He added that these prices were F.O.B. Choteau, OK and that since First National Bank and Trust Co. was the lease holder for the two (2) sanitation trucks they had approved the sale and the amount of the two (2) packer bodies.

There was a brief discussion concerning the dump beds that were to be purchased and retaining at least one (1) sanitation truck for use in the recycling program if it was expanded in the future. There was no further discussion and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

9. Consider, and act upon, a recommendation by the Audit & Finance Advisory Committee to prepare a Request for Proposal (RFP) to solicit for a Bond Finance Representative for the City of McAlester. (*Gayla Duke, CFO*)

Executive Summary

A motion to approve the recommendation by the Audit and Finance Advisory Committee to solicit proposals for a City of McAlester Bond Finance Representative.

Mayor Priddle that this item would be pulled because of a timing issue.

New Business

There was no new business.

City Manager's Report

Manager Stasiak stated that he did not have any comments for this meeting.

Remarks and Inquiries By City Council

Councilman Harrison welcomed Councilman Mason back to the Council.

Vice-Mayor Browne welcomed Councilman Mason, and he wished former Councilman Fiedler good luck in his future endeavors. He requested that Manager Stasiak add the north lane of South Street to the list of streets that needed to be repaired. He commented that he had been contacted by Komar about their new facility about having the street into that facility lit.

Councilman Garvin commented on the work being done on North Gate and he was please with all of the work going on since the appointment of Manager Stasiak and the other new staff. He stated that there were still incidents with cars being tampered with and he asked that if any of the citizens noticed street lights out, to contact him and he would forward the information to the City staff.

Councilman Mason stated that it was good to be back and that even though the Councilmen did not always agree on the issues that was what it was all about.

Mayor Priddle commented that the Council had done very well over the past couple of years to disagree without being disagreeable. He thanked the City Manager and the Street Department for sticking with the repairs and doing them correctly. He reminded every one that Thursday, November 11, 2010 was Veterans Day and urged them to honor the veterans and to thank them for their sacrifices.

Ms. Duke asked if she could thank the local dentists that had donated toothbrushes that had been given out at City Hall's Trick or Treat event on October 29th.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Garvin moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Harrison and the vote was taken as follows:

AYE: Councilman Mason, Harrison, Browne, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:26 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:30 P.M.

Adjournment

There being no further business to come before the Council, Councilman Harrison moved for the meeting to be adjourned, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:30 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk

The McAlester City Council met in Emergency session on Wednesday, November 10, 2010 at 4:00 P.M. after proper notice and agenda was posted, November 10, 2010 at 1:00 P.M.

Call to Order

Mayor Priddle called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present: Steve Harrison, John Browne, Robert Karr, Buddy Garvin, Sam Mason & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: Pete Stasiak, City Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

1. Consider, and act upon, declaring a vacancy and approving a resolution setting the Special election dates for Ward 1.

Vice-Mayor Browne moved to declare a vacancy on the Council and for approval of amended RESOLUTION NO. 10-14, setting the Special Election for Ward 1. The motion was seconded by Councilman Harrison.

Before the vote, Mr. Ervin explained the Emergency meeting had been called to comply with the Open Meeting Act. He stated that earlier today it was determined there was a defect in Resolution No. 10-14 and if the Resolution wasn't amended it would cause the City to suffer an immediate financial loss. He reviewed the means that were used to notify the public of the meeting and stated that he felt that all efforts had been made to satisfy the statute. He then explained that the defect was in the filing period. State Statute required thirty-five (35) days between the filing period and the election. It was determined that the filing period set in the original Resolution fell within the thirty-five (35) day requirement. He stated that the difference between the original Resolution and the amended Resolution was the change in the filing period from 8:00 A.M., December 6, 2010 through 5:00 P.M. December 8, 2010 to 8:00 A.M., November 29, 2010 through 5:00 P.M., December 1, 2010. This would bring the dates within the election law. He added that it was the City's intent to provide the amended Resolution to the Election Board today.

There was no other discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Adjournment

There being no further business before the Council, Councilman Karr moved adjournment. The motion was seconded by Councilman Garvin.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the meeting was adjourned at 4:06 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk



McAlester City Council

AGENDA REPORT

Meeting Date: November 23, 2010
Department: Utilities
Prepared By: David. Medley, P.E.
Date Prepared: November 19, 2010

Item Number: _____
Account Code: 41-5975401
Budgeted Amount: \$1,500,000
Exhibits: Addendum, Engineering
Comments

Subject

Consider, and act upon, award of bid to Utility Service Company, Inc., for the renovation and maintenance of the six (6) water storage tanks and authorize the Mayor to enter into a construction contract, with approval of the attached addendum with Utility Service Company, Inc. in an amount of \$324,751.00 for seven (7) years for a total of \$2,273,257.00.

Recommendation

Motion to award of bid for **Rehabilitation, Management and Full Service Maintenance Program, Including Bio-film Removal & Active Mixing System for Potable Water Storage Tanks** and authorizing the Mayor to enter into a renovation and maintenance contract, with approval of the attached addendum with Utility Services Company, Inc. of Perry, Georgia in an amount of \$2,273,257.00.

Discussion

On October 25, 2010, the Utilities Department opened bids for the project in the Conference Room at City Hall. One (1) bid was received and the attached bid tabulation sheet has been prepared by the City Clerk.

The references of the contractor have been checked and the Utilities Director is confident that Utilities Service Company, Inc. can complete the project in a professional manner. The project was bid with four (4) alternative items. Selection of Alternative Items No. 3 would allow all renovation and work to be completed in 12 months on all water storage tanks at an annual cost of \$324,751 for seven (7) years (maintenance is also included in the seven (7) years). Selection of Alternative Item No. 4 would allow for annual maintenance of the tanks after the initial seven years for a yearly cost of \$152,877 (with adjustments annually according to the consumer price index). Selection of Alternative Items No. 3 and No. 4 would save interest costs almost entirely since selection of Alternative Items No. 1 and No. 2 (which would accomplish the same work) would cost \$2,273,254.00, a \$3 difference. Selection of Items No. 3 and No. 4 would also allow for a much less annual budget demand.

Funds are available in the MPWA Utility Maintenance Capital Outlay account for the project. The Utilities Department recommends the award of the bid in the amount of \$2,273,257.00 to Utilities Service Company, Inc. of Perry, Georgia.

Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	_____ DRM _____	_____ 10/27/10 _____
City Manager	_____	_____

ADDENDUM # 1

The Water Tower Rehabilitation, Management and Maintenance Contract between the McAlester Public Works Authority, hereafter referred to as the "MPWA" and Utility Service Company, Inc., hereafter referred to as the "Contractor", dated November ____, 2010, is amended in the following particulars by mutual agreement of the MPWA and the Contractor in consideration of those mutual promises made:

1. Owner/Party: The original bid proposal and draft agreement reflected the "City of McAlester" as Owner and party of the first part. That the parties understand and agree that all relevant documents will be changed to reflect The McAlester Public Works Authority as the contracting party of the first part or "owner".

2. That the parties hereby understand and agree that payments for item bid numbers (2), (3) and (4) on the "Bid Proposal" (Fourth item listed on Table of Contents/Index), shall be due and payable upon receipt of invoice, on or before the 31st day of January, in each prospective calendar year, applicable for each such bid item.

3. That in reviewing the contract documents and specifications, typographical errors and scrivener's errors have been identified. While the parties agree that these errors are not substantive, or significant to the bid submitted by the Contractor the parties hereby agree that the following errata corrections will be made as follows:

- a. "AGREEMENT" "5.(n) ADDENDA:" (page 1 of document) shall be modified by adding "NO. 1 dated the ____ day of November, 2010.";
- b. "AGREEMENT" (page 2 of document) shall be modified by Replacing "Kevin J. Priddle" with "Kevin E. Priddle" and adding "Title: Chairman/Mayor.";

- c. “Specifications” General Information: Items To Be Addressed in RFP: (D) (page 3), shall be modified from “each perspective firm” to “each prospective firm”;
- d. “Skyline Tank- Exterior Lead Abatement Specifications” (Page 2) shall be modified by the addition of “ 7. Apply New Logos”;
- e. “Seminole Tank- Interior-Wet” “3.” (Page 3) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- f. “Seminole Tank- Exterior Lead Abatement Specifications” (Page 3) shall be modified by renumbering items 7 through 13 to be items 1through 7;
- g. “Buffalo Tank- Interior-Wet” “3” (Page 5) shall be modified by re-designating items “f” through “j” to be items “a” through “e”;
- h. “Carl Albert Tank- Interior-Wet” “3.” (Page 6) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- i. “Taylor Industrial Tank- Interior” “3.” (Page 8) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- j. “Plant Tank- Interior-Wet” “3.” (Page 11) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- k. “Skyline Tank- Interior-Wet” “3.” (Page 33) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;

- l. “Seminole Tank- Interior-Wet” “3.” (Page 34) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- m. “Buffalo Tank- Interior-Wet” “3.” (Page 34) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- n. “Taylor Industrial Tank- Inspection Service” (Page 36) shall be modified by removing items “1. NSF Approved Chemical Bio-Film Removal” and “2. Washout, disinfect and inspect the tank” and renumbering remaining items 1 through 5 respectively;
- o. “Carl Albert Tank- Interior-Wet” “3.” (Page 37) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- p. “500,000 Gallon Standpipe- Buffalo Tank” (Page 38) shall be modified to “500,000 Gallon Standpipe- Plant Tank”;
- q. “Plant Tank- Interior-Wet” “3.” (Page 38) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- r. “Taylor Industrial Tank- Interior-Wet” “3.” (Page 38) shall be modified by the addition of “b. *Intermediate Coat*: One [1] complete finish coat of Tnemec Series N140 Epoxy shall be applied to achieve a dry film thickness of 4 to 6 mils.” the subsections under said number three shall then be re-designated “a” through “e”;
- s. “Taylor Industrial Tank- Schedule and Pricing” (Page 57) “Year 3” “2012” shall be modified by the addition of “Inspect, Service, Maintain Mixing System”;

- t. "Taylor Industrial Tank- Schedule and Pricing" (Page 57) "Year 4" "2013" shall be modified by the addition of "Inspect, Service, Maintain Mixing System";
- u. "Skyline Tank- Schedule and Pricing" (Page 58) "Year 9" "2018" shall be modified by the addition of "Bio-Film Removal and Washout Inspection";
- v. "Seminole Tank- Schedule and Pricing" (Page 59) "Year 9" "2018" shall be modified by the addition of "Bio-Film Removal and Washout Inspection";
- w. "Buffalo Tank- Schedule and Pricing" (Page 60) "Year 9" "2018" shall be modified by the addition of "Bio-Film Removal and Washout Inspection";

4. The Parties hereby understand, agree and adopt the "Submittal Requirements" attached to this addendum as Exhibit "A", and the same are hereby incorporated into the agreement of the Parties by reference herein.

5. Finally, The parties hereby understand and agree that the modifications and amendments contained herein, have not materially altered the nature, scope or value of the project. That in the interest of clear communication, theses changes have been mutually discussed, negotiated and incorporated into the original agreement and understanding between the parties. Further, the parties hereby acknowledge receipt of all necessary consideration in exchange for the mutual promises contained herein.

Agreed and signed at or before the time of executing the water tower rehabilitation, management and maintenance contract between the parties, this _____ day of November 2010.

Attest:

McAlester Public Works Authority,

City Clerk

by: _____
Chairman

(SEAL

Attest:

Utility Service Company, Inc.

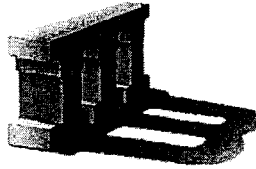
Secretary

by: _____
Chairman

(SEAL)

Approved as to form and legality this _____ day of November, 2010.

McAlester City Attorney



MEHLBURGER BRAWLEY

THE MERGING OF NRS, INC.
THE MEHLBURGER FIRM - BRAWLEY ENGINEERING CORP.

November 15, 2010

Pete Stasiak, City Manager
City of McAlester
PO Box 578
McAlester, OK 74502-0578

Re: Review of Bid Documents and Specifications
Renovation and Maintenance of Potable Water Storage Tanks

Dear Mr. Stasiak,

We have completed our technical review of the bid documents and specifications and offer the following comments and recommendations.

1. The bid documents or specifications did not have any submittal requirements. We recommend that submittal requirements be incorporated into the documents to ensure City approval of coatings or miscellaneous metals such as handrails, roof vents, hatches and any structural improvements to the tanks are reviewed and approved prior to installation. Enclosed is an example specification for submittal requirements.
2. The payment schedule on the bid proposal, Items No. 2, 3 and 4 should be clarified. Specifically, will this be due at the beginning or end of the Fiscal Year; or other agreed to date?
3. Since the work will not likely begin until after the first of the year, we recommend that the dates on the schedule be pushed out one year. i.e. change 2010 work to 2011 and so on.
4. The Plant tank is scheduled to have a mixer installed. This tank is used for backwash of the filters only and does not contribute any water to the distribution system. Therefore the benefit of a tank mixer is minimal. We recommend the City negotiate a cost to remove this mixer from the renovation schedule.

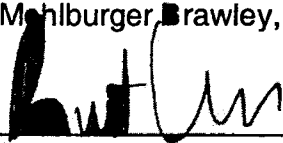
November 15, 2010

Page 2

5. The schedule indicates renovation of the interior and exterior surfaces of all tanks between years 9-13. The bid proposal states that ALL future maintenance and renovation cost be included in Bid Items 2, 3 and 4. We spoke with a Representative of Tnemec Paints and a properly maintained tank should not need extensive coatings replacement for 20 to 30 years. We recommend that the City negotiate out the costs to perform the interior and exterior renovations in years 9-13 as highlighted yellow on the schedule.

Thank you and should you have any questions please contact our office at (918) 420-5500.

Mehlburger Brawley, Inc.



Robert Vaughan, P.E.
Project Manager

RV/mj

Project No. MC-10-02

cc: David Medley, Utilities Director, City of McAlester