

The McAlester City Council met in Special session on Monday, November 17, 2014 at 5:30 P.M. after proper notice and agenda was posted, November 13, 2014 at 2:19 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, P.E, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Scheduled Business

1. Consider and act to authorize the McAlester Public Works/Streets Division to complete remaining project work on CIP#1 (17th Street Improvements Project), or in the alternative to re-bid completion of the project.

Manager Stasiak informed the Council that the contractor had walked off of the job. The City had been working with the insurance bonding company and it was his understanding that there was approximately \$119,000.00 left in funding for the project based on the initial bid. He stated that the Public Works Department had discussed the project with two (2) local contractors that had expressed interest in completing the project and they were fully aware of the funds and work that was left to complete the project. Manager Stasiak explained that mini-bid packets had been sent to the two (2) contractors and only one (1) had responded, but the bid had been well over \$300 thousand. He informed the Council that he had then discussed with the Public Works Department the possibility of them taking over and completing the project.

Director Modzelewski addressed the Council explaining that they had fast tracked the bid process and met with two (2) contractors. He added that they had been made aware of the funding limitations of the project but when the one (1) bid had been received it was substantially over the funds that were left for the project. He stated that he was confident that the Street division could move forward and complete the project. He commented that he was viewing this as a clean up, compaction and concrete project. Director Modzelewski explained that they would begin with the driveways so the residents would have better access to their homes and they

would be working closely with Jered Eddy. He added that Mr. Eddy would be helping to direct the project, that weather permitting it should take approximately fifty (50) days to complete and they would be documenting in detail. He commented that if the project were to go over the remaining funds then they would go to the Surety bond.

There was discussion among the Council, Director Modzelewski, Attorney Ervin, Manager Stasiak and Timmy Don Adams, Public Works Operations Supervisor concerning the amount of the bid that was received, what it would cost if the City completed the project, how it could effect the Street Division, the project's hold over percentage, at what point would the City go against the contractor's bond, the current percentage of completion or the project, the amount of change orders that had been previously approved, EST applying the same criteria when inspecting the City crews work, the criteria that would cause the City to have to competitively rebid the project, the City's crew acting like a contractor, how this could effect the street crews if adverse weather hit the City and how the City making a claim against the original contractors bond would effect that contractor.

Vice-Mayor Read moved to authorize the McAlester Public Works/Streets Division to complete the 17th Street/CIP #1 project. The motion was seconded by Councilman Garvin. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Garvin, Smith, Karr, Barnett & Mayor Harrison

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

2. Discussion and possible action regarding Municipal Charter Amendments Election held on August 26, 2014. (*William J. Ervin, Jr., City Attorney*)

Attorney Ervin addressed the Council commenting that all had received his email regarding the Charter Election. He explained that in preparing the packet to submit to the Governor it had been discovered that all the publication requirements had not been met. He stated that the necessary information had been published but not in the time frame required by the Statute. He added that he had discussions with the City Clerk, the City Manager and today briefly with the Mayor. He stated that he didn't see any other thing to do but for the Council to take further action and re-notice and resubmit the issue to the electorate. Attorney Ervin stated that there were many other attorneys in the State of Oklahoma that were more knowledgeable in election law than he was and he could provide names of some if the Council wished to get a second opinion.

There was discussion among the Council including Attorney Ervin concerning the tremendous effort by the Hospital, the Mayor's ideas, the statutes regarding the election, the publications, why it had taken this long to become aware of the problem and if the Hospital had spent any money.

Mayor Harrison commented that he would like to look at all options before the Council goes through the time, expense and effort to call another election. He asked if there was any formal action that needed to be taken.

Councilman Smith clarified that the Mayor was going to pursue the other legal opinion and the Governor's office.

Attorney Ervin stated that he would furnish the Mayor with three (3) names and contact information the next day.

There was no action taken on this item.

Recess Council Meeting

Vice-Mayor Read asked for a motion to recess the Special Meeting to convene the McAlester Public Works Authority. A motion was made by Vice-Mayor Read and seconded by Councilman Smith to recess the Special Meeting to convene the McAlester Public Works Authority.

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

AYE: Councilman Read, Smith, Titsworth, Karr, Garvin, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Special Meeting was recessed at 6:21 P.M.

Reconvene Council Meeting

The Special Meeting was reconvened at 6:22 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Read moved to adjourn the meeting. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was adjourned at 6:22 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk