

Council Chambers
Municipal Building
May 15, 2012

The McAlester City Council met in Special session on Tuesday, May 15, 2012, at 5:30 P.M. after proper notice and agenda was posted, May 11, 2012, at 3:36 P. M.

Call to Order

Mayor Harrison called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Sam Mason & Steve Harrison
Absent: Buddy Garvin
Presiding: Steve Harrison, Mayor

Staff Present: John Modzelewski, City Engineer/Public Works Director; Mel Priddy, Community Services Director; David Medley, Utilities Director; Darrell Miller, Assistant Police Chief; Brett Brewer, Fire Chief; Pam Kirby, Human Resource Manager; Toni Ervin, Chief Finance Officer; Peter Stasiak, City Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Scheduled Business

1. Consider, and act upon, Change Order No. 4 to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$12,962.15. This will add five days to the contract time and change the substantial completion date to June 1, 2012. (*John C. Modzelewski, P.E. City Engineer and Public Works Director*)

A motion was made by Councilman Karr and seconded by Councilman Read to approve Change Order No. 4 to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$12,962.15, adding five (5) days to the contract time and change the substantial completion date to June 1, 2012.

Before the vote, John Modzelewski addressed the Council regarding the requested Change Order. There was a lengthy discussion among the Council including Mr. Modzelewski, Manager Stasiak, City Attorney Ervin and Robert Vaughan concerning the 270 feet of concrete that had been poured over failing sub-grade, what the change order would cover, why the Contractor poured the concrete after having been directed not to pour, and how these delays were affecting the City and the businesses in that area.

City Attorney Ervin informed the Council that after re-reading the contract, if they approved the Change Order they would waive future claim against the contractor's performance bond. He then informed the Council what would happen if the change order was not approved, if the change order was approved and if the Contractor failed to complete the contract.

There was further discussion among the Council concerning the City Engineer's opinion, Robert Vaughan's opinion, what recourse the City would have if they did not approve the Change Order, what the total amount of the contract was, and not having any assurances that the current Contractor would perform any better.

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

AYE: Councilman Read & Karr

NAY: Councilman Smith, Mason & Mayor Harrison

Mayor Harrison declared the motion failed.

Mayor Harrison called for a point-of-order and moved to approve Change Order No. 4 to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$12,962.15, covering the removal of the concrete, reworking the sub-grade and re-pouring the concrete. The motion was seconded by Councilman Karr.

Before the vote, there was a brief discussion regarding the motion to reconsider, if the motion could be made to include the \$18,000.00 that was in the new proposal and if the motion was appropriate. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr & Mayor Harrison

NAY: Councilman Read, Mason & Smith

Mayor Harrison declared the motion failed.

WORKSHOP

1. Discussion of Fiscal Year 2012/2013 Budget.

Manager Stasiak explained that this workshop was to address any of the Council's concerns with the preliminary Budget and hopefully to get some good ideas and direction from the Council.

He began by reviewing how the information was calculated by annualizing the past nine (9) months of information. He stated that the Budget had not aggressively approached the revenues or highly conservative, but the information from the last nine (9) months had been used. He then began highlighting the changes in the General Fund. He commented on the Oil and Gas Royalty Leases, the number of budgeted Full time and Part Time employees, he discussed including a 1.8% Step increase for the Non-Uniform and a 1.5% Cost of Living Adjustment, explaining that these would both be effective July 1, 2012. He added that the Step Increases had been frozen

some time ago and now the City was facing the problem of currently hiring employees at a step one that would be making the same amount as employees that were hired at a step one before the step freezes. Manager Stasiak discussed including a Step Increase for five (5) officers in the Police Department and a Cost of Living Adjustment with both effective July 1, 2012. He added that no contract had been negotiated for the Fire Department.

Manager Stasiak informed the Council that a part-time position would be converted to a full-time position in the Utility Office and the appointment of a Planning Director would be included in the proposed budget. He reviewed the three (3) items that had been included in the budget for CIP, the employee benefits explaining that the recommendation for health insurance would be to move to Aetna because their offer had been the best and included a \$75,000.00 credit for the first two (2) months premium, and he reviewed the outside organizations that the City helped to fund and the level at which each group was funded.

There was a brief discussion among the Council and Manager Stasiak regarding some of the items that the Manager had reviewed.

He informed the Council that all changes would be made and the final budget proposal would be presented to the Council by the next meeting.

A motion was made by Councilman Read and seconded by Vice-Mason Mason for an Executive Session in accordance with Title 25, Sec. 307.B.2 to discuss negotiations concerning employees and representatives of employee groups: IAFF. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Special Meeting was recessed at 7:45 P.M.

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF

The Special Meeting was reconvened at 8:36 P.M. Mayor Harrison reported that the Council had recessed the Special Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2. Only that matter was discussed, the Council took not action, and returned to open session at 8:36 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

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

AYE: Councilman Karr, Mason, Smith, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:37 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk