

The McAlester City Council met in Special session on Monday, May 19, 2014 at 5:30 P.M. after proper notice and agenda was posted, May 16, 2014 at 3:28 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, Buddy Garvin, Jason Barnett & Steve Harrison  
Absent: John Titsworth  
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Gary Wansick, Police Chief; Timmy Don Adams, Public Works Operations Supervisor and Cora Middleton, City Clerk

**Scheduled Business**

1. Consider, and act upon, Change Order No. 3 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of ten days and an increase of the contract price in the amount of \$22,007.75. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 3 for the installation of geogrid reinforcement to bridge unsuitable subgrade material.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to approve Change Order No. 3 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of ten days and an increase of the contract price in the amount of \$22,007.75.

Before the vote, John C. Modzelewski, City Engineer and Public Works Director addressed the Council explaining the various problems with the subgrade material that the Contractor had encountered during that stage of the street construction project. He added that even with the different methods that had been used there were still isolated areas of the site that were still unsuitable and would not dry. Mr. Modzelewski explained that after much discussion between the Contractor and the City's consulting engineer all parties proposed the use of geogrid reinforcement material to cover those problem areas so the project could move forward.

There was discussion among the Council including Ms. Tammy Robinson, Project Resident Engineer, and City Attorney Ervin concerning discussions in several emails, why the project had been shut down, the broken lines and illegal utility taps that had been discovered during the excavation, how much of the project area would not dry, how the number of bore samples was determined, if the contract allowed for rain days, if there had been unusually wet weather during this project, if the matting was really needed and how much was needed and modifying the change order to not give all of the requested extension.

Vice-Mayor Read moved to approve the increase of \$22,007.75 but not give the additional days. The motion was seconded by Councilman Smith.

Before the vote on the amended motion, there was a lengthy discussion among the Council, Manager Stasiak, Ms. Robinson and Tony McDonald, owner of Austin Paving concerning the number of days that the project had endured inclement weather, the contractor having enough time to complete the project, if there had been previous change orders, the amount of the original estimate to reconstruct the road and if this change order allowed enough cushion.

Rick Ealey and David Robinson addressed the Council expressing their concerns over the length of time this project was taking and how many of the residents did not have access to their drives.

After the citizens expressed their concerns the Council continued its discussion concerning why it had taken so long for the Contractor and the Engineering Consultant to come to a conclusion of how the subgrade problems would be addressed, the two (2) independent consultants used by the Contractor and Engineering Consultant making the same recommendation, if the two (2) year guarantee would allow enough time for any future problems to present themselves, the various ways that subgrade drying problems could be addressed and what the substantial completion date of the project would be with this change order.

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

AYE: Councilman Read & Smith

NAY: Councilman Karr, Garvin, Barnett & Mayor Harrison

Mayor Harrison declared the motion failed.

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

AYE: Councilman Karr, Garvin, Barnett & Mayor Harrison

NAY: Councilman Read & Smith

Mayor Harrison declared the motion carried.

2. Consider, and act upon, Change Order No. 4 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change

Order. The change order requests an extension of forty days to the substantial completion date. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 4 for the extension of time to the construction contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue due to weather impacts from rain and snow events, and change in the construction method to complete the paving operations.

A motion was made by Councilman Karr and seconded by Mayor Harrison to approve Change Order No. 4 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue, and authorize the Mayor to sign the Change Order. The change order requests an extension of forty days to the substantial completion date.

Before the vote, John C. Modzelewski, City Engineer and Public Works Director addressed the Council explaining the reasons for the request for the extension of a total of forty (40) days with this Change Order.

There was discussion among the Council including Tony McDonald, owner of Austin Paving and Attorney Ervin concerning the number of days that had been requested, how the Contractor could meet other commitments if they were given forty (40) days, how the change in construction method would affect the completion date, the noise Ordinance not applying to the City and how the Contractor would keep the concrete cool while laying it in the heat of the day.

During this discussion, Vice-Mayor Read moved to amend the motion to approve ten (10) additional days for the change in the paving method but not allow the thirty (30) days for inclement weather. That motion was seconded by Councilman Barnett.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Tabled from previous meeting. Consider, and act upon, authorization of payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management Services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve payment and authorize the Mayor to sign payment requisition.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management Services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account.

Before the vote, John C. Modzelewski, City Engineer and Public Works Director addressed the Council explaining that the recommendation of staff was to approve the payment and authorize the Mayor to sign the payment requisition.

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

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

NAY: Vice-Mayor Read

Mayor Harrison declared the motion carried.

Mayor Harrison asked for a motion to recess the regular meeting and convene the McAlester Public Works Authority.

Councilman Smith moved to recess the regular meeting to convene the McAlester Public Works Authority. The motion was seconded by Councilman Karr, there was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the regular meeting was recessed at 7:05 P.M.

The regular meeting was reconvened at 7:06 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, Barnett, Karr, Garvin & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was adjourned at 7:07 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk