

MINUTES

CITY OF WARR ACRES
SPECIAL CITY COUNCIL MEETING
WARR ACRES CITY HALL
TUESDAY
FEBRUARY 24, 2015
3:00 P.M.

1. The meeting was called to order at 3:04 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Mayor Patrick Woolley
Vice Mayor James Mickley
Councilwoman Cathy Maxey
Councilman Stewart Shapiro
Councilman Stephen Fuhrman
Councilman William McClure
Councilman Glen Lipinski
Councilman Donnie Ryan

ABSENT

Councilman Roger Godwin

2. Discussion and possible action on approval of change in appropriation in the CIP budget from South MacArthur Project to 50th and MacArthur Project in the amount of \$110,000 and approval to pay the City's 20% match for the 50th and MacArthur Project in the amount of \$555,617.

Engineer Wallace handed out the calculation sheet and explained it to the council that this has been a long ongoing project and it started under a different engineer. When it originally went to ACOG the engineer estimate was \$1.8 million, when they took it over it was closer to \$2.1 million. In November 2013 the engineers estimate turned into ACOG for the project was \$2,625,000. This project in through a Federal grant and is an 80% federal and 20% city funded and does not include the earmark money that was used for right of ways, engineering or utility relocation. This money is shown on the spreadsheet and he will explain. November 2013 was the last plan that was submitted to ACOG. When the final plans were submitted to ACOG in October 2014 and at that time the engineers estimate was \$2,742,000 so he explained that this is the way the project has gone. He said they could see that the cost continually went up and he cannot tell them exactly where the original budget of \$450,000 came from but if you take 20% of our original figure it is \$420,000 so I am sure Pam upped that to \$450,000 to cover any extra. However, as time went by and cost went up, not sure if thinking would have more money from earmark for project or what, so not sure why amount budgeted didn't get changed.

Regardless, when the invoice came in we realized the appropriation was short \$110,000. He explained that the one spreadsheet was what ODOT used to come up with the city's portion of \$555,617. The top portion of the spreadsheet shows the different items of the project and the estimated cost for each. These are ODOT's estimate and the engineers estimate base on projects in division four. SRB's estimate did include a 5% contingency. They don't show that on the spreadsheet but the two estimates are pretty close. The other cost that the 80/20 is applied to is the inspection cost. The second section of the spreadsheet is the earmarked money and where it was applied. The second paper he handed out was his attempt to explain where the money was used and what is left for the project. The engineering fees are the original contract that they took over was \$83,000 and now the supplement would allow them to have the ability to have some oversight and inspections services, there are a certain number of hours that will be required to be on site to make sure things are moving forward. The Mayor said that where it shows the supplement of \$37,500, if they would recall when the overlay of MacArthur was done they paid ODOT 6% for inspections. He said that Mike discovered a problem went to the construction foreman and told him they were not doing it right, ODOT inspectors were not present. The concern he has as well as Mike and Craig is that this is an ODOT project, not sure when their inspectors would be present. This project is going to need much closer watching than the overlay project did, so he wants SRB to be watching and working as the project manager. Craig explained that ODOT must be over any project that involves Federal money. ODOT is the only administrator that is approved by the Feds so they will still have the administrative duties for this project. He stated what they hope to do is schedule the bi-monthly meetings to make sure the meetings take place, discuss any issues, and manage those. He said they would be available to ODOT in case they need something. They will also come out and look to see what is taking place and if everything looks ok. So the supplement is for that to oversee the project and ODOT remains the administrator, because they have to due to the Federal funding. Councilman McClure asked if ODOT has that responsibility then the job cannot run without the guy being there, is that right. Craig stated that any ODOT project is for the contractor to construct the project along the ODOT specifications and ODOT by the approved set of plans. The ODOT inspector and engineer have the responsibility to ensure that that is what the contractor does. So to answer your question they are supposed to make sure that those two things happen. Councilman McClure asked if then SRB could shut the job down if something is not being done right. Craig stated that if he was there and saw something then he would bring it to the attention of the ODOT engineer or inspector. He cannot shut it down but he can let them know something is wrong. He said that he would be the city's representative to make sure thing were going right and actually ODOT recommended it, referencing a project that has been going on in Tulsa for about 10 years and they asked for someone from the city to help oversee everything. Starting the project out with a city representative works a lot better because then everyone knows there is the extra oversight. He then proceeded to go through the rest of the paper explaining that the RW stands for right of way and includes the condemnations and those figures have been confirmed by Pam. The UT stands for utility relocation and includes the Cox relocation for \$82,820, the OG&E original amount of \$84,712 and if you remember the city approved an amendment to that for a couple of poles that were encroaching on the project, there were also the two additional cost of the relocation of services, the city

bought the utility easement but there were two businesses that had specific needs. So if that is included in the 100% reimbursement then that changes the totals and he wanted to make sure they knew that. The ODOT estimate is higher because they are basing it on more recent projects. Attorney Love asked if ODOT decides to go with an outside consultant could that cause change. Craig stated that is something that the 6% inspection fee that the comptroller is putting out as a guideline and they have to have the money in the bank for a project from the local government because they cannot use State funds for the federally funded projects. That is an estimated amount and there are two things that could cause that to change. If the bids come in higher than the engineers estimate the city would have the opportunity to review and decide whether they want to go ahead and award the contract and that could change the cost. The other thing that could change that is if ODOT decides to use an outside consultant then the 6% could go up. If the bids were to come in lower than the city would have a windfall off of what the city has paid to the State and traditionally they hold that until after the end of the project in case there are any change orders, then at the end if there is money left over they will refund. The Mayor stated that on the overlay on 63rd, it was only a few day projects, but ODOT did elect to hire an outside inspector. The inspector was there from the time they started until completion and they did a very thorough job. If you look at that earmarked money \$611,000 was used for this project and non out of taxpayer money. The remaining will go towards the construction and lowers the 20% match. Attorney Love clarified what was under consideration; it is a two part question, one for a change in appropriation and the other to pay the claim. Councilman Fuhrman questioned why money the money was being taken from the South MacArthur Project. Attorney Love and the Mayor explained that the money was being moved from the one account to the other and the Mayor stated that the South MacArthur Project was still 3-4 years down the road and there would be more money available. The Mayor said that the South MacArthur appropriation is an estimate and will change over time, right now the only thing going on is the engineering and you have to have the money appropriated. Councilman Fuhrman stated that he was wondering why the money was pulled from that project. The Mayor stated that was really the only place to take it from if you pull the money from several other items then you short the city on things that are needed, he would rather pull the money from a project that is still 3-4 years down the road. Councilman McClure wants a running total of expenditures on this project, he stated he knows this is pretty close to everything, what the expenses are, everything that we have. The Mayor stated that we can do that, right now this is what we intend to spend. We can put it in a sheet and have it monthly at the council meetings. We can keep it updated and you will see what all checks are paid every month, because he wants to see that himself. Craig stated that the only thing that he didn't have on the spreadsheets, he stated that he had the ledger sheets that Pam had given him, was the right of way acquisitions, there were 29 of those, and the condemnations cost. The Mayor stated that the rights of ways are already on a list and we can just keep updating it as we go.

Motion by Ryan, second by Mickley to approve the change in appropriation and to pay the claim. Poll vote: Mickley, yea; Maxey, yea; Fuhrman, yea; Shapiro, yea; McClure, yea; Ryan, yea; Lipinski, yea; and Woolley, yea.

Motion Passed Unanimously.

3. Adjournment.

Motion by Shapiro, second by Ryan to adjourn. Poll vote: Mickley, yea; Maxey, yea; Fuhrman, yea; Shapiro, yea; McClure, yea; Ryan, yea; Lipinski, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 3:31 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer