

(NOT OFFICIAL UNTIL APPROVED BY THE OCWUT BOARD)
OKLAHOMA CITY WATER UTILITIES TRUST

MEETING MINUTES

December 19, 2006

The Agenda was posted on the Council Chamber Board at 4:45 p.m., on December 14, 2006 and Extra Item was posted at 9:37 a.m. on December 15, 2006

TRUSTEES PRESENT

Pete White, Chairman
James D. Couch, Trustee
Cody Graves, Trustee
Patrick Ryan, Surrogate Trustee

TRUSTEE ABSENT

Mick Cornett, Trustee
Carl Edwards, Vice-Chairman

OTHERS PRESENT

Frances Kersey, City Clerk's Office
Marsha Slaughter, Water and Wastewater Utilities
Craig Keith, Municipal Counselor's Office
Bret Weingart, Water and Wastewater Utilities
David Burch, Water and Wastewater Utilities
Linda Bull, Water and Wastewater Utilities
Marla Adams, Water and Wastewater Utilities
Linda Davenport, Water and Wastewater Utilities
Monte Hannon, Water and Wastewater Utilities
Joe Aillet, Black and Veatch
Tim Johnson, Johnson and Associates, Inc.
Bruce Goldblatt, Alliance Data
David McGehee, Citizen, Lake Hefner
James Wilson, Citizen, Lake Hefner
Eric Eissenstat, Fellers, Snider

1. Call to Order at 2:01 p.m.
2. Administer Oath of Office to Patrick J. Ryan as Surrogate for Pete White on the McGee Creek Authority and the Lake Atoka Reservation Association.

Frances Kersey, City Clerk swore in Councilman Patrick Ryan as Surrogate Trustee and Surrogate Board Member for Pete White to the McGee Creek Authority Trust and the Lake Atoka Reservation Association Board.

3. Approve Minutes of the December 5, 2006, Oklahoma City Water Utilities Trust Meeting.

APPROVED. Moved by Graves, seconded by Couch. Ayes: Graves, Ryan, Couch and White.

4. CONSENT DOCKET

A. PLANS, SPECIFICATIONS, AND ADDENDA

- (1). Approve Plans and Specifications for Project **WC-0570**; Water Main Replacement; NW 50th Street to NW 42nd Street from State Street to Libby Avenue (The City of Warr Acres); Water and Wastewater Utilities Department; Authorize the Secretary to Advertise for Bids to be Received January 9, 2007.

APPROVED AND AUTHORIZED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- (2). Ratify and Approve Addendum No. 2 for **Project ST-0095, Phase III**; North Canadian Wastewater Treatment Plant Improvements; 12800 North Anderson Road; Triad Design Group.

RATIFIED AND APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

B. AMENDMENTS AND CHANGE ORDERS

- (1). Approve Amendment No. 1 in the Amount of \$9,179.39 (No OCWUT Funds) for **Project PC-0301 and WC-0527**; Tow Way Construction and Water and Wastewater Facilities Construction; South Douglas Boulevard Between SE 49th Street and SE 59th

Street; Brewer Construction Company; Authorize \$25,000 in Incentive Pay (No OCWUT Funds) for Early Completion of Work; Accept the Project and Place Maintenance Bond Into Effect.

APPROVED, ACCEPTED AND PLACED MAINTENANCE BOND INTO EFFECT. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- (2). Approve Amendment No. 3 in the Amount of \$1,253,335 to the Contract for Engineering Services for **Project SC-0670**; City-Wide Wastewater Master Plan; Black and Veatch Corporation.

APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- (3). Approve Amendment No. 2 in the Amount of \$100,000 to the Contract for Professional Services for **Project SM-0114/WM-0093**; Scanning and Indexing Services; Business Imaging Systems, Inc.

APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

4. B. (4). Approve Amendment No. 2 in the Amount of -\$24,114.40 for **Project WC-0420, Phase I**; Water Main Replacement; NW 50th Street to NW 54th Street from Western Avenue to Aspen Drive, and Westchester Drive from Pennsylvania Avenue to Nichols Drive; Amis Construction Company; Accept the Project and Place Maintenance Bond Into Effect.

APPROVED, ACCEPTED AND PLACED MAINTENANCE BOND INTO EFFECT. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- (5). Approve Amendment No. 2 in the Amount of \$139,480 for **Project WT-0066**; New Backwash Water Storage Tank and Rehabilitation of Existing Backwash Water Storage Tank; Lake Draper Water Treatment Plant; 13700 South Douglas Boulevard; Wynn Construction Company, Inc.

APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- (6). Approve Amendment No. 1 in the Amount of -\$3,300.54, and Change Order No. 1 in the Amount of \$1,100 for **Project WC-0562**; Water Main Extension; NE 4th Street Between Walnut Avenue and Research Parkway; Cimarron Construction Company.

APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- C. Accept Quit Claim Deed; Authorize Reimbursement in the Amount of \$117,231 to Paradigm Development Group, L.L.C., (Developer) for Oversize Share of the Total Cost for Sanitary Sewer Main Extension **Project SB-0020** Under Policy “B-1”; North of NW 150th Street and West of County Line Road (Montereau Subdivision); Jerlow Construction Company; Accept the Project and Place Maintenance Bond into Effect.

ACCEPTED, AUTHORIZED AND PLACE MAINTENANCE BOND INTO EFFECT. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

5. EASEMENTS

- A. Accept Permanent and Temporary Easements for **Project SC-0667**; Chisholm Creek Sanitary Sewer Relief Interceptor; East of Western Avenue From NW 150th Street to NW 183rd Street; Scott and Denise Sidwell (Claimant); Brenton Hills Homeowners Association (Claimant); Church of the Harvest of America (Claimant); ERC, Properties, LLC (Claimant); Matthew and Melissa Crusan (Claimant).

ACCEPTED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- B. Approve Renewal of Lease and Easement with T-Mobile Central, LLC, for an Antenna Facility on the Lake Hefner Reservation; Lake Hefner Water Tower; 3827 North Hefner Road.

APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

6. REPORTS

- A. Receive Status Report of the Water and Wastewater Utilities Department for November 2006.

RECEIVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- B. Receive Financial Obligations and Allocation of Unrestricted Cash Report for December 2006.

RECEIVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

- C. Receive Report on Request to Rebate Wet-Stall Fees at the Lake Hefner Marina.

RECEIVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

Mr. David McGehee of 12625 Peppertree Place, Oklahoma City, Oklahoma 73142, had a series of questions and agreed to meet with staff.

7. Ratify OCWUT Payment for the Period of November 21, 2006, Through December 12, 2006.

RATIFIED. Moved by Graves, seconded by Couch. Ayes: Graves, Ryan, Couch and White.

8. Approve Permit Among the Oklahoma City Water Utilities Trust, The City of Oklahoma City, and RC Sand and Dirt, Inc., for Removal of Silt Material from Lake Overholser.

APPROVED. Moved by Graves, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

9. Approve Allocation of Funds for Capital Equipment Purchases for Fiscal Year 2007; Authorize the General Manager to Purchase Applicable Equipment From State Contracts and Prepare Specifications for the Remaining Equipment.

APPROVED. Moved by Couch, seconded by Ryan. Ayes: Graves, Ryan, Couch and White.

EXTRA ITEM:

1. Authorize Legal Counsel and Designated Trust Representatives to Enter Into Settlement Negotiations With Systems and Software, Inc., Regarding the Non-Performance by Systems & Software, Inc., of the Obligations in the System Provider Contract Dated November 1, 2005.

AND/OR:

2. Enter Into Executive Session With Legal Counsel and Designated Trust Representatives for the Purpose of Confidential Communication Concerning a Pending Investigation and Claim Involving the Non-Performance by Systems & Software, Inc., of the Obligations in the System Provider Contract Dated November 1, 2005, as Authorized by 25 O.S. (2006 Supp.) § 307 (B). (4).
Oklahoma City, Oklahoma 73102

Moved by Couch, seconded by Graves to enter into executive session by Roll Call Vote: Ayes: Graves, Couch, Ryan and White.

Entered into Executive Session at 2:29 p.m.

Returned to open session at 2:42 p.m.

Chairman White stated instructions were given.

10. New Business.

None.

11. Comments from Trustees, Staff, and Citizens.

Ms. Slaughter discussed the low lake levels with Trustees and said there would be a Canton Release on January 20, 2007 of 15,000 acre feet.

12. Adjournment.

Chair adjourned at 2:47 p.m.

ATTEST:

Frances Kersey, City Clerk

Pete White, Chairman