

**CITY OF PURCELL  
PURCELL PUBLIC WORKS AUTHORITY  
JOINT SPECIAL MEETING  
SEPTEMBER 15, 2020  
6:00 P.M.  
DOWNSTAIRS COMMUNITY ROOM  
CITY HALL  
230 W. MAIN STREET**

**MINUTES**

**1. Call to order and declaration of a quorum present.**

Mayor Cox called the meeting to order and declared a quorum to be present at 6:00 p.m.

**2. Roll Call.**

Roll call was conducted by City Clerk/Secretary, Dorothy Kennedy, with the following results:

Councilmen/Trustees present: Danny Jacobs, Theda Engert, Jay Tate, Ted Cox

Councilman/Trustees absent: Graham Fishburn

Staff present: Dale Bunn, Victor Lohn, Dorothy Kennedy, Clent Kennedy, John Blue, Michael Minor

Counsel: Ted Haxel

**3. Pledge of Allegiance.**

Mayor/Chairman Cox led the Pledge of Allegiance.

Mayor Cox offered the invocation

**4. Welcome.**

Mayor/Chairman Cox welcomed guests.

Mayor/Chairman Cox advised since this is a special meeting and there is no Citizens Comment or Councilmen Comments. We are not able to have them.

*At this time Mayor/Chairman Cox skipped to agenda item 6.*

**6. Discussion and or action concerning entering into a non-exclusive agreement with Oklahoma Fiber, LLC dba OEC Fiber allowing OEC Fiber to use Purcell right of ways to construction fiberoptic cables in order to supply broadband data and other related services.**

Councilman/Trustee Jacobs made a motion second by Councilman/Trustee Tate to approve a non-exclusive agreement with Oklahoma Fiber, based upon the approval of the written agreement of the City Attorney with authorization to sign the agreement by the City Attorney, City Manager and Mayor.

*Before the vote City Attorney Ted Haxel asked if we could discuss three items? The contract that was prepared by OEC, he stated he has three issues. The issues are:*

- 1. The City of Purcell will not receive any funds what-so-ever from the internet. Purcell will receive 5% from video services. He pointed out that OEC may provide video services at some future time, but they do not have to. He wanted the Council to understand that the likelihood of the City receiving any money connected with this contract is very small. The contract allows OEC Fiber to use the City rights-of-way to put their lines in. What the contract does, is to allow the citizens of Purcell to connect with a really good internet system. There is nothing in the contract that states when they will start or end. It also doesn't say if they are going to provide video services to every house in this community. Mr. Haxel asked the Council to tell both him and the City Manager if that is acceptable.*
- 2. Mr. Haxel requested a clause in the contract that said execution of this contract does not grant OEC the right to extend electric service in the City of Purcell beyond what you already have. He reported OEC will not sign it. Their*

*position is that there is a paragraph giving OEC the right to OEC Fiber do all the necessary things to provide internet and video services and that is all that it does. Mr. Haxel verifies that it does indeed say that. OEC's position is "that is what we can rely on and that it will not expand their right to provide electricity within the City". Mr. Haxel was informed that if we put the clause in, the contract would have to go to OEC, then to board and staff, then to two legal firms and it will probably will not be approved because there is already a paragraph that takes care of it. Mr. Haxel asked to let the record show that anything that we do, we do with the understanding that we are giving OEC or OEC Fiber no right to extend electric service to any part of Purcell, other than what they already have.*

3. *There was a 'me too' clause that if we enter into an agreement with any other provider with a better deal, that OEC would get the better deal. Mr. Haxel stated they agreed to allow him to strike that out.*

*Mr. Haxel further stated that he would like the Council to tell both Mr. Bunn and him that it is alright to sign something that does not include money for internet. OEC will inform you that they do not sign contracts with anyone. He was informed that no city gets a contract that gives a percentage of internet services. They have written and filed it this way so that they do not have to pay. Mr. Haxel reaffirmed that if signed we will be allowing them to use our right-of-way, taking the risk of them cutting our lines one day, but in return you are getting the community a good internet system.*

Mayor Cox declared we have a motion and a second on the table to authorize Management to sign a contract that the City Attorney and City Manager agreed to. Mayor Cox called for a vote:

Yes: Jacobs Tate, Engert, Cox

No: None

Absent: Fishburn

*Back to agenda item 5:*

5. **Discussion and possible action concerning recommendation(s) concerning the possibility of awarding bid(s) for the Purcell Municipal Hospital Replacement Project, as provided by Waldrop Construction, Inc., low bids are listed on Exhibit "A" on 5219 Bid Results. (For purposes of the Open Meeting Act bid tabulation 5219 PPWA, as provided by Waldrop Construction, Inc., and recorded as Exhibit "B").**

Mr. Max Waldrop was present to review bids with members of Council/Authority. In attendance with Mr. Waldrop was Jason Coleman with Waldrop Construction firm.

Mr. Waldrop informed Council/Trustees it appears at this time we are 5% under budget overall. He recommends approval of all bids with the exception of 22A (Mechanical) but recommended to accept the second low bid. He advised we do not take that lightly because it is \$96,000 higher. The second low bidder does have the qualifications, but the low bidder does not. He advised he believes it is the best interest of the City to accept the number two low bid. On bid 26A, (Electrical) bidders 1, 2, 3 or 4 did not have the required qualifications, he recommended to rebid. On 27A (Nurse Call) he recommends holding since it is still being reviewed. He informed Council/Trustees that Hospital CEO, Kem Scully is waiting on a demonstration from the bidder before making that award.

Mr. Waldrop advised the intention would be to re-advertise the Electrical starting on September 17, take bids October 7<sup>th</sup> and have another special meeting the following week, possibly the 13<sup>th</sup>. At the special meeting we would award the Electrical and Nurse Call and sign the G-Max Agreement which is the Guaranty Maximum price for the entire project that Waldrop provide to the City.

Mayor/Chairman Cox made a motion second by Councilman/Trustee Jacobs to approve all bids presented with the exception the three mentioned which were of 22A (Mechanical) and accept the second lowest bid, 26A (Electrical) that we rebid and, 27A (Nurse Call) is placed on hold.

Yes: Cox, Jacobs, Engert, Tate

No: None

Absent: Fishburn

6. **Discussion and possible action concerning recommendation from City Staff and Counsel concerning proposed construction of a suitably sized water line, with possible upgrade by the City of Purcell (City) or Purcell Public Works Authority (Authority), as determined by Sullivan & Associates, the City and/or the Authority to a 12 inch water line, to be located on Johnson Road between 180<sup>th</sup> and HWY 39 (190<sup>th</sup>) to service Vista**

**Bonita Development and future developments, and executing all documentation related thereto, including but not limited to contracts and agreements.**

Mr. Haxel advised that he has drafted contract, but Mr. Owen has not yet seen it. The prepared contract has blanks that he needs additional information to insert. He recommended Mr. Sullivan be asked to give his opinion concerning a six inch line versus an eight inch line. He advised the vote being the same as the OEC Fiber that Mr. Bunn, Himself, Mr. Sullivan and Mr. Owen meet to come to an agreement that fits them.

Mr. Kenny Sullivan reported that Johnson Road area has long been identified as an area of water stress. During times of high demand, we have pressure concerns. For several years this area has been on the radar for upgrade to a twelve inch line. This would allow us to tie the west district with the south district and also assist in water emergency.

Mr. Sullivan advised he was informed that a developer wanted to put in 30-50 houses along Johnson Road and asked what size line they would need. After running numbers for 30-50 houses he determined that a six inch line would be plenty. He advised the developer is generally responsible for getting enough water to the development to support his development. New information came to him, that there are two more pieces of land involved and that they are planning for 150 to 175 houses. Mr. Sullivan advised if he is planning on those numbers, he should put in an eight inch line.

Mr. Sullivan stated that Purcell has generally required the developer to bring the line from Hwy 39 to the south perimeter. If the developer plans to put in 30-50 homes he should be responsible for the cost of a six inch line. If he plans for 150-175 homes, he should be responsible for the cost of an eight inch line. He advised the City should be responsible for the upgraded line to a twelve inch line. Mr. Sullivan made that statement as his recommendation.

Councilman/Trustee Jacobs stated that two meetings ago a gentleman from D. Owen reported they were looking at 176 homes. Then last week the information was for two pieces of property and the count was 130 to 140. Councilman/Trustee Jacobs asked, if it is correct, that a six inch will not work. Mr. Sullivan replied that a six inch will not work if those are the true numbers.

Councilman/Trustee Jacobs stated that for Mr. Haxel's agreement we would need the distance for the eight inch line. He further stated in the previous two meetings this subject was discussed. In the discussions it was stated that the City does not give tap fee waivers. Mr. Sullivan advised the developer generally is required to run the water to his property and into the subdivision and there is typically no waiver. Councilman/Trustee Jacobs advised that money is used for water wells, storage for the future and we can't give that up. He further stated that in the past we have not offered waivers to developers and feels we should continue with the same practice.

Councilman/Trustee Jacobs made a motion second by Councilman/Trustee Tate to approve that the parties confer with Mr. Haxel for an eight (8) inch line, the length of the line, that the City upgrade to a twelve (12) inch line and denial of the tap waiver request.

Yes: Jacobs, Tate, Engert, Tate

No: None      Absent: Fishburn, Cox

Mayor/Chairman Cox rejoined the meeting at 6:21 p.m.

**7. Adjourn.**

Mayor/Chairman Cox declared the meeting to be adjourned at 6:22 p.m.

*Approved this 5th day of October, 2020*

**Attest:**

\_\_\_\_\_  
**Ted Cox, Mayor/Chairman**

\_\_\_\_\_  
**Dorothy Kennedy, City Clerk/Secretary**