

McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, August 11, 2015 – 6:00 pm McAlester City Hall – Council Chambers 28 E. Washington

Steve Harrison	Mayor
Weldon Smith	
John Titsworth	Ward Two
Travis Read, Vice Mayor	Ward Three
Robert Karr	
Buddy Garvin	Ward Five
Jason Barnett	Ward Six
Peter J. Stasiak	City Manager
William J. Ervin	
Cora M. Middleton	City Clerk

This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: www.cityofmcalester.com within the required time frame.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.

CALL TO ORDER

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

CEREMONY AND AWARDS

Employee of the Month for July, 2015 is Bill Geary, Groundskeeper for the City of McAlester. (Steve Harrison, Mayor)

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the July 21 2015, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- B. Approval of the Minutes from the July 28 2015, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- C. Approval of Claims for July 22, 2015 through August 5, 2015. (Toni Ervin, Chief Financial Officer)
- D. Concur with the Mayor's Re-Appointment of Mr. Robert Way, 981 Swan Rd, McAlester, to the McAlester Housing Authority Board for a term to expire March, 2019. (Steve Harrison, Mayor)
- E. Concur with the Mayor's Re-Appointment of Mr. Larry Walla, to the McAlester Housing Authority Board for a term to expire March, 2019. (Steve Harrison, Mayor)
- F. Accept and place on file the McAlester Main Street Annual Performance Report for July 2014 through June 2015. (Lacey Sudderth, Executive Director)
- G. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200553-ME. (Cora Middleton, City Clerk)
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-09, in the amount of \$6,601.00, for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- I. Consider and act upon, authorization of payment to EST, Inc., Invoice #34989, in the amount of \$11,330.00 for Construction Management Services and Materials Testing Services related to CIP#2 and funded through the McAlester Public Works Authority

Construction Fund Series 2013 Project Account. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

- J. Consider and act upon, authorization of payment to EST, Inc., Invoice #34990, in the amount of \$65,578.50 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- K. Consider and act upon, authorizing the Mayor to sign an agreement for one year between the City of McAlester and McAlester Regional Health Center Authority for the full use of the MRHC's Wellness Center. (Cora Middleton, City Clerk)

ITEMS REMOVED FROM CONSENT AGENDA

PUBLIC HEARING

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR THE WESTERLY 85 FEET OF LOT 3, IN BLOCK 600, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-2 (TWO-FAMILY [DUPLEX] DWELLING DISTRICT).

SCHEDULED BUSINESS

1. Presentation and update on McAlester Regional Health Center by Mr. David Keith. (David Keith, CEO, McAlester Regional health Center)

Executive Summary Presentation and update.

2. Consider and act upon, authorizing the Mayor to sign "Application for Federal Assistance SF-424" to provide Federal Funding for: Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement". (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

Executive Summary

The recommendation is to authorize the Mayor to sign Application for Federal Assistance SF-424 to provide funding for: Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement".

3. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement", Project 3-40-0057-013-2015. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

Executive Summary

The recommendation is to authorize the Mayor to sign a contract between the City of McAlester and Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement", Project 3-40-0057-013-2015, for an amount of \$209,825.50.

4. Consider and act upon, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classifications of the zoning district for The Westerly 85 feet of Lot 3, in Block 600, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B (Single-Family Residential District) to R-2 (Two-family Dwelling [Duplex] District). (Jayme Clifton, Planning Tech)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning district for the property identified in the Ordinance from R1-B (Single-Family Residential District) to R-2 (Two-family Dwelling [Duplex] District) and authorizing the Mayor to sign the ordinance.

5. Consider and act upon, awarding a bid in the amount of \$31,000.00 to Oklahoma Contract Flooring, LLC. (Mel Priddy, Community Services Director)

Executive Summary

Motion to approve the award of the bid to Oklahoma Contract Flooring, LLC.

6. Consider and act upon, approval of the revised Canine Operations Policy for the McAlester Police Department and acceptance of the check awarded by Life Church in the amount of \$9,400 for purchase of a Drug Dog. (Gary Wansick, Police Chief)

Executive Summary

Staff recommends approval of the revised Policy for Canine Operations and acceptance of the funds provided by Life Church to go towards the purchase of a Drug Dog.

7. Consider and act upon, Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements and authorize the Mayor to sign Change Order No. 2. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

Executive Summary

Motion to approve Change Order No. 2 to the contract with Carstensen Contracting, Inc and authorizing the Mayor to sign Change Order No. 2. The requested fourteen days changes the Contract Substantial Completion to April 18, 2015, and the cost decrease of \$2,572.17 changes the Contract amount to \$2,880,077.08 The cost of this change order, \$15,117.00, is offset by the Prime Coat line item that is not utilized with this project.

8. Consider and act upon, Change Order No. 3 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 3. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

Executive Summary

Motion to approve Change Order No. 3 to the contract with Carstensen Contracting, Inc and authorizing the Mayor to sign Change Order No. 3 which includes the replace 175 linear feet of 8" sewer main from manhole B1 north to a new manhole near Seneca Avenue due to the existing clay pipe leaking. This includes replacing the asphalt removed for this sewer trench. The cost of this change order, \$22,487.10, is offset by the lime stabilization line item that is not utilized with this project.

NEW BUSINESS

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

CITY MANAGER'S REPORT (Peter J. Stasiak)

• Report on activities for the past two weeks.

REMARKS AND INQUIRIES BY CITY COUNCIL

MAYORS COMMENTS AND COMMITTEE APPOINTMENTS

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the July 28, 2015, Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item C, regarding claims ending August 5, 2015. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item 2, authorizing the Mayor to sign "Application for Federal Assistance SF-424" to provide Federal Funding for: Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement". (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

• Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign a contract between the City of McAlester and Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement", Project 3-40-0057-013-2015. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the July 21, 2015, Special Meeting of the McAlester Public Works Authority. (*Cora Middleton, City Clerk*)
- Approval of the Minutes from the July 28, 2015, Regular Meeting of the McAlester Public Works Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item C, regarding claims ending August 5, 2015. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item G, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200553-ME. (Cora Middleton, City Clerk)
- Confirm action taken on City Council Agenda Item H, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-09, in the amount of \$6,601.00, for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- Confirm action taken on City Council Agenda Item I, authorization of payment to EST, Inc., Invoice #34989, in the amount of \$11,330.00 for Construction Management Services and Materials Testing Services related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- Confirm action taken on City Council Agenda Item J, authorization of payment to EST, Inc., Invoice #34990, in the amount of \$65,578.50 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- Confirm action taken on City Council Agenda Item 2, authorizing the Mayor to sign "Application for Federal Assistance SF-424" to provide Federal Funding for: Project 3-40-

0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement". (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

- Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign a contract between the City of McAlester and Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement", Project 3-40-0057-013-2015. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- Confirm action taken on City Council Agenda Item 7, Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements and authorize the Mayor to sign Change Order No. 2. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)
- Confirm action taken on City Council Agenda Item 8, Change Order No. 3 to the contract with Carstensen Contracting, Inc for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 3. (John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

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

• Proposed executive session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: John Jarrett

RECONVENE INTO OPEN SESSION

• Consider and act upon, authorizing the City Manager to propose a settlement agreement per the guidelines discussed.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on trequired by law in accordance with Section 303 of the contacted. As a courtesy, this agenda is also posted or	e Oklahoma Statutes	opriate news media was
Cora M. Middleton, City Clerk		

Council Chambers Municipal Building July 21, 2015

The McAlester City Council met in Special session on Tuesday, July 21, 2015 at 5:30 P.M. after proper notice and agenda was posted, July 20, 2015, at 3:51 P. M.

Call to Order

Mayor Harrison called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present:

Weldon Smith, John Titsworth, Travis Read, Robert Karr & Steve Harrison

Absent:

Buddy Garvin & Jason Barnett

Presiding:

Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works

Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing addressing two (2) Ordinances. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 5:31 P.M.

Public Hearing

- An ordinance of the City of McAlester relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas.
- An ordinance of the City of McAlester, amending prior ordinance 2159, relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force; extending said excise tax, and from the date of said extension, repurposing the one half percent (.5%) excise tax presently being levied pursuant to said ordinance no. 2159 for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas.

Mayor Harrison opened the floor for Citizens' Comments on the two (2) ordinances.

Stephanie Giacomo, 509 W. Adams addressed the Council stating that she could support the ½ cent sales tax but could not support the repurposing of the ¼ cent Economic Development sales tax. She commented that many of the City's organizations depended on that for funding.

Dr. Marsha Gore, 1904 Sandpiper addressed the Council expressing her opposition to the repurposing of the ¼ cent Education Sales tax. She highlighted some of her concerns about the school system losing that funding.

Brent Grilliot, 528 E. Adams; Dan Heathcock, P.O. Box 272, Krebs; Danny Giacomo; Jimmy Williams, 803 Village Boulevard and Jason Strickland, 419 E. Monroe each addressed the Council expressing their opposition to the repurposing of the ¼ cent Education Sales tax.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to close the Public Hearing. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 5:54 P.M.

Scheduled Business

1. Consider and act to approve an ordinance of the City of McAlester relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force, for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. (William J. Ervin, Jr., City Attorney)

ORDINANCE NO. 2541

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF THREE- QUARTER PERCENT (.75%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING

PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2541.**

Before the vote, Attorney Ervin reviewed the language of the Ordinance explaining that this was a new tax that would go into effect on January 1, 2016 and expire June 30, 2023. He commented that it was dedicated to funding streets, maintenance and infrastructure and it did not replace any other tax.

There was discussion among the Council including Manager Stasiak and Attorney Ervin concerning a revised version that had been distributed to the Council, if this would allow the City to sale bonds, how much revenue a ½ cent sales tax would generate, informing the citizens of what the proposals were, changing it to a ¾ cent permanent sales tax, finding other ways to fund street repairs, if this proposal was tied to the second ordinance, funding for Education and Economic Development and the City not competing with Education and Economic Development.

Vice-Mayor Read moved to amend the Ordinance changing the sales tax from ½ cent to ¾ cent with no expiration and effective January 1, 2016. The motion was seconded by Councilman Karr. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Smith & Mayor Harrison

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

2. Consider and act to approve an ordinance of the City of McAlester, amending prior ordinance 2159, relating to the imposition of a city excise tax (sales tax) of one half percent (.5%) in addition to any and all other excise taxes now in force; extending said excise tax, and from the date of said extension, repurposing the one half percent (.5%) excise tax presently being levied pursuant to said ordinance no. 2159 for the purpose of funding street construction, repairs, maintenance, and improvements, as well as related infrastructure improvements within the project areas. (William J. Ervin, Jr., City Attorney)

Mayor Harrison stated that this had been his proposal and that he was going to pull the item but before it was pulled he wanted more discussion concerning the matter. He explained that this tax had been passed in 2003 after school bonds had been defeated many times. He then read an excerpt from the minutes of the July 8, 2003 Special Meeting. In the minutes, "Manager Green had explained that the proceeds from the "Phase 1" bond sale had been a little over \$10 million, and the McAlester Public Schools were entitled to \$6.1 million." The minutes also stated that "the school administration had expressed their wish to receive their money upfront, forgoing any claim to further interest earned."

Mayor Harrison recessed the Special Meeting at 6:30 P.M., to allow the Planning and Zoning Commission to call their scheduled meeting to order and recess to the 2nd Floor Conference Room. The Special Meeting was reconvened at 6:32 P.M.

Mayor Harrison continued to read from the July 8, 2003 minutes. He then referenced excerpts from the minutes from a July 26, 2005 and a June 20, 2006 Council meetings where the McAlester Public Schools had submitted requests for excess proceeds from the ½ cent Education Sales Tax. He then commented that the City had obtained a legal opinion from a bond attorney regarding the payments to the School System of the additional funds. Mayor Harrison informed the audience of how the cities in Oklahoma were funded, emphasizing that sixty-six percent (66%) of the City of McAlester's funding was sales tax and every time the State Legislature approves an exemption that lowers the cities funding. He also commented that the McAlester Public Works Authority would be responsible for the payment of the bond not the Public School System.

Councilman Karr commented on the percentage of sales tax that the City had received for the first month of the fiscal year and stressed the City's priorities.

Mayor Harrison then formally withdrew this item.

3. Consider and act to approve resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of the ordinances contained in items 1 and 2 above. (William J. Ervin, Jr., City Attorney)

A motion was made by Mayor Harrison and seconded by Councilman Smith, to strike item two (2) from and approve RESOLUTION NO. 15-10.

After a brief discussion between Mayor Harrison and Attorney Ervin regarding the changes that needed to be made to RESOLUTION NO. 15-10 and **ORDINANCE NO. 2541**, the vote was taken as follows:

AYE: Councilman Smith, Read, Karr & Mayor Harrison

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

Recess Council Meeting

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to recess the Special Meeting and convene the McAlester Public Works Authority.

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

AYE: Councilman Smith, Read, Karr & Mayor Harrison

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried and the meeting was recessed at 6:42 P.M.

Reconvene Council Meeting

The meeting was reconvened at 6:43 P.M.

Adjournment

There being no further business to come before the Council, Councilman Karr moved for the meeting to be adjourned. The motion was seconded by Vice-Mayor Read and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was adjourned at 6:44 P.M.

Steve Harrison, Mayor

ATTEST:

Cora Middleton, City Clerk