



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, December 8, 2015 – 6:00 pm  
McAlester City Hall – Council Chambers  
28 E. Washington

Steve Harrison .....	Mayor
Weldon Smith .....	Ward One
John Titsworth .....	Ward Two
Travis Read, Vice Mayor .....	Ward Three
Robert Karr .....	Ward Four
Buddy Garvin .....	Ward Five
Jason Barnett .....	Ward Six
Peter J. Stasiak .....	City Manager
William J. Ervin .....	City Attorney
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](http://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**

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*Announce the presence of a Quorum.*

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

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#### **ROLL CALL**

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#### **RECOGNITION AWARDS**

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Oklahoma Municipal League, Inc. – Honor Roll of Service. *(Mayor Steve Harrison)*

Recognition of a Quarter Century of Service to the City of McAlester

Eric Giles  
Windell Henry  
Sherman Miller  
Tom Stone

**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 November 24, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 18, 2015 through December 1, 2015. *(Toni Ervin, Chief Financial Officer)*
- C. Accept and place on file, the Oklahomans for Independent Living (OIL) quarterly report for the period of July 1, 2015 through September 30, 2015. *(Pam Pulchny, Executive Director O.I.L.)*
- D. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #7, in the amount of \$67,898.01, for the construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #3, in the amount of \$187,778.30, for the construction of road and infrastructure improvements related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-13, in the amount of \$11,049.50, for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

- G. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-03, in the amount of \$ 23,590.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- H. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #13, in the amount of \$332,030.47, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- I. **TABLED FROM NOVEMBER 24<sup>TH</sup> MEETING:** Consider and act upon, authorization of payment to EST, Inc., Invoice # 35595, in the amount of \$43,719.00 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- J. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35928, in the amount of \$10,929.75 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- K. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35989, in the amount of \$33,950.00 for Construction Management Services and Materials Testing Services related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- L. Concur with the Mayor's reappointment of Heather Para to serve on the Library Advisory Board. *(Steve Harrison, Mayor)*
- M. Consider and act upon, authorizing the Mayor to sign the final copy(s) of the Wholesale Water Districts contracts with cover letter based on the last council meeting. The contract renewals are dated based on our fiscal year from July 1 to June 30, instead of calendar year. *(Toni Ervin, Chief Financial Officer)*
- N. Consider and act upon, authorizing the Mayor to sign a Disaster Emergency Proclamation for the City of McAlester. Gov. Mary Fallin declared a state of emergency for all 77 Oklahoma counties due to a winter storm recently crossing the state. The storm brought several inches of rain to the eastern part of the state, as well as, ice accumulations in the western part of the state. *(Peter Stasiak, City Manager)*

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**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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

**AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR LOT 4, IN BLOCK 340, SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE V, STORMWATER UTILITY PROGRAM, SECTION 106-401. PURPOSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE BILLING DATE OF FEBRUARY 1, 2016.**

## **SCHEDULED BUSINESS**

1. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

### Executive Summary

Motion to approve the budget amendment ordinance.

2. 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 classification of the zoning district for Lot 4, in Block 340, South McAlester, Pittsburg County, State of Oklahoma from R-1B Single-Family Residential District to C-4 Restricted Commercial District. *(Leroy Alsup, Community and Economic Development Director)*

### 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 R-1B Single-Family Residential District to C-4 Restricted Commercial District and authorizing the Mayor to sign the ordinance.

3. Consider and act upon, authorizing the Mayor to sign an Ordinance amending Chapter 106, Article V, Stormwater Utility Program, Section 106-401 Purpose; repealing all conflicting ordinances; providing for a severability clause and establishing an effective billing date of February 1, 2016 . *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends the establishment of a Stormwater Utility Fee of \$4 service charge for each equivalent service unit.

4. Consider and act upon, a resolution setting the election dates for Wards 1, 3, 5 and Mayor. *( Steve Harrison, Mayor)*

Executive Summary

Motion to approve resolution setting the election dates for Wards 1, 3, 5 and Mayor.

5. Consider and act upon, Change Order No. 7 to the contract with T. McDonald Construction, Inc. for the construction of CIP#3 Improvements on Second Street and authorize the Mayor to sign Change Order No. 7. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve Change Order No. 7 to the contract with T. McDonald Construction, Inc and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to December 17, 2015 and decreasing the contract price to \$2,725,037.00.

6. Consider and act upon, authorizing the Mayor to sign a resolution in agreement with Oklahoma Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommends participation and authorizing the Mayor to sign the attached Resolution.

## **NEW BUSINESS**

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*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)**

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- Report on activities for the past two weeks.

## **REMARKS AND INQUIRIES BY CITY COUNCIL**

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## **MAYORS COMMENTS AND COMMITTEE APPOINTMENTS**

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## **RECESS COUNCIL MEETING**

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**CONVENE AS McALESTER AIRPORT AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the November 24, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending December 1, 2015. *(Toni Ervin, Chief Financial Officer)*

**ADJOURN MAA****CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the November 24, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending December 1, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item D, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #7, in the amount of \$67,898.01, for the construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item E, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #3, in the amount of \$187,778.30, for the construction of road and infrastructure improvements related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item F, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-13, in the amount of \$11,049.50, for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
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- Confirm action taken on City Council Agenda Item H, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #13, in the amount of \$332,030.47, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
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- Confirm action taken on City Council Agenda Item J, authorization of payment to EST, Inc., Invoice # 35928, in the amount of \$10,929.75 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item K, authorization of payment to EST, Inc., Invoice # 35989, in the amount of \$33,950.00 for Construction Management Services and Materials Testing Services related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item M, authorizing the Mayor to sign the final copy(s) of the Wholesale Water Districts contracts with cover letter based on the last council meeting. The contract renewals are dated based on our fiscal year from July 1 to June 30, instead of calendar year. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item N, authorizing the Mayor to sign a Disaster Emergency Proclamation for the City of McAlester. Gov. Mary Fallin declared a state of emergency for all 77 Oklahoma counties due to a winter storm recently crossing the state. The storm brought several inches of rain to the eastern part of the state, as well as, ice accumulations in the western part of the state. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 1, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, an Ordinance amending Chapter 106, Article V, Stormwater Utility Program, Section 106-401 Purpose; repealing all conflicting ordinances; providing for a severability clause and establishing an effective billing date of February 1, 2016. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item 4, a resolution setting the election dates for Wards 1, 3, 5 and Mayor. (*Steve Harrison, Mayor*)
- Confirm action taken on City Council Agenda Item 5, Change Order No. 7 to the contract with T. McDonald Construction, Inc. for the construction of CIP#3 Improvements on Second Street and authorize the Mayor to sign Change Order No. 7. (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 6, authorizing the Mayor to sign a resolution in agreement with Oklahoma Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway. (*Peter Stasiak, City Manager*)

ADJOURN MPWA

**RECONVENE COUNCIL MEETING**

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**ADJOURNMENT**

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**CERTIFICATION**

*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2015 at \_\_\_\_\_ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**