

The McAlester City Council met in a Regular session on Tuesday, July 28, 2015, at 6:00 P.M. after proper notice and agenda was posted, July 24, 2015 at 11:46 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Captain Robert Daniels gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Ralph Jernigen, Assistant Fire Chief; Toni Ervin, CFO; Leroy Alsup, Community & Economic Development Director; Gary Wansick, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

No comments.

Consent Agenda

- A. Approval of the Minutes from the July 14, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for July 8, 2015 through July 21, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: Gen. Fund - \$138,168.13; Parking Authority - \$129.18; Nutrition - \$1,310.10; Landfill Res./Sub-Title D - \$3,778.00; Tourism Fund - \$658.45; SE Expo Center - \$595.64; E-911 - \$4,660.03; Economic Development - \$90.28; Fleet Maintenance - \$11,699.30; Worker's Compensation - \$941.68; CIP Fund - \$179.67 and Technology Fund - \$325.94.
- C. Consider and act upon, a request by Eastern Oklahoma State College, E.O.S.C., McAlester Campus, to partner with them for the rental fee for the use of the Southeast

Expo Center for the 8th Annual Career & College Tour set for October 28-29, 2015 in the amount of \$2,000.00. *(Jerry Lynn Wilson, Community Services)*

- D. Consider and act upon, acceptance of funds in the amount of \$9,400.00 from Life Church of McAlester to put towards the purchase of a Drug Dog for the City of McAlester. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorization to expend funds in the amount of \$3,000.00 for the Mayor to attend the McAlester Stampede in Washington D.C. on September 28th through October 2, 2015. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, authorizing the Mayor to sign a Campus Police Agreement between the Board of Education for the McAlester School District and the City of McAlester. *(Gary Wansick, Police Chief)*
- G. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #1", in the amount of \$108,602.96, for the construction of road and infrastructure improvements related to CIP#1 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)*
- H. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #7", in the amount of \$213,619.28, for the construction of road and infrastructure improvements 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)*
- I. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #2", in the amount of \$369,583.28, for the construction of road and infrastructure improvements 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)*
- J. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200705-KW. *(Cora Middleton, City Clerk)*
- K. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200554-ME. *(Cora Middleton, City Clerk)*
- L. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200538-ME. *(Cora Middleton, City Clerk)*

Vice-Mayor Read requested that item "D" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve Consent Agenda items “A, B, C, and E through L”. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- D. Consider and act upon, acceptance of funds in the amount of \$9,400.00 from Life Church of McAlester to put towards the purchase of a Drug Dog for the City of McAlester. *(Peter Stasiak, City Manager)*

A motion was made by Councilman Smith and seconded by Councilman Karr to accept funds in the amount of \$9,400.00 from Life Church of McAlester to put towards the purchase of a Drug Dog for the City of McAlester.

Before the vote, Vice-Mayor Read stated that he appreciated the Church’s donation but he had questions regarding the program.

After discussion concerning having a written policy regarding how the dog would be handled, who would be supervising the handler and dog, and not accepting the funds until a Department policy had been approved, Vice-Mayor Read moved to table the item until there was an acceptable policy. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Scheduled Business

1. Consideration and action to accept the 2016 OSMPC Incentive Fund Award in the amount of \$193,256.60 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20150728-001 to the Oklahoma Department of Commerce to draw down the \$193,256.60 of funds. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to approve and accept the 2016 OSMPC Incentive Fund Award in the amount of \$193,256.60 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20150728-001 to the Oklahoma Department of Commerce to draw down the \$193,256.60 of funds.

A motion was made by Councilman Garvin and seconded by Councilman Karr to accept the 2016 OSMPC Incentive Fund Award in the amount of \$193,256.60 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20150728-001 to the Oklahoma Department of Commerce to draw down the \$193,256.60 of funds.

Before the vote, Director Alsup addressed the Council reviewing the Award that the City had been granted by the Oklahoma Strategic Military Planning Commission and what the funds could be used for.

Following a discussion, among the Council and Director Alsup regarding the Defense Sector Strategic Plan Project, the Defense/Homeland Security Industrial Park Project, when these projects might begin and how the City could develop another industrial park that was reared toward military programs, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consideration and action to approve and to authorize bid letting for a specific section of the Belmont Trail Project as designated by the City Council and subsequently approved by the Oklahoma Tourism and Recreation Department (OTRD). (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to approve and to authorize the bid letting of a specific section of the Belmont Trail Project as designated by the City Council and subsequently approved by the Oklahoma Tourism and Recreation Department (OTRD).

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize bid letting for a specific section of the Belmont Trail Project as designated by the City Council and subsequently approved by the Oklahoma Tourism and Recreation Department (OTRD).

Before the vote, Director Alsup addressed the Council concerning the recent input from citizens regarding the placement of the “Belmont Trail”. He commented that “Option 1” would accommodate the wishes of the residents that lived in the Paddocks Subdivision and would replace the existing bridge. He then reviewed the other four (4) options for this first phase of the “Trails” project for the Council to consider.

Carl Dupuy, 1705 Boardwalk Avenue addressed the Council expressing his opposition to “Option 2” for the proposed trail and his support for “Option 1”.

After discussion among the Council and Director Alsup regarding the reasons for opposition to “Option 2”, the expense of the various options, how “Option 1” might affect the trees along the trail, finishing this phase within the original timeframe and if this would be on City easement, Vice-Mayor Read restated the motion as “authorize the bid letting for “Option 1” of the Belmont

Trail” and Councilman Smith seconded this motion. There was no further discussion and, the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Barnett, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

3. Discussion and possible action on resolution for a Visit McAlester Program for Tourism,
(*Toni Ervin, Chief Financial Officer*)

Executive Summary

Staff recommends passing the resolution to recognize the importance of attracting, “encouraging, promoting, and fostering conventions, conferences, and tourism development”.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve RESOLUTION NO. 15-11.

Before the vote, CFO Ervin addressed the Council explaining that this would help the City to be more competitive in attracting tourism events and would help to answer many of the questions regarding the McAlester Tourism program.

There was discussion among the Council, Manager Stasiak, City Attorney Ervin and CFO Ervin regarding the competitiveness of the tourism industry, how incentives helped to draw events to a community, how this program would be different from the Council partnering with educational and charitable events that are conducted at the Expo, how this program would be monitored, how this program was patterned after successful Tourism programs in other cities and giving this program a chance and revisiting it in a year. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Barnett, Titsworth, Karr & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

4. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester Fire Department’s portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of new mattresses for the dorms of the fire departments. The cost of the mattresses not to exceed \$6,000.00. Purchase to be made with funds from the City of McAlester Fire Department’s portion of the county quarter cent excise tax for fire services.

Councilman Smith moved to approve the purchase of new mattresses for the dorms of the fire departments. The cost of the mattresses not to exceed \$6,000.00, using the City of McAlester Fire Department’s portion of the county quarter cent excise tax for fire services. The motion was seconded by Councilman Karr.

Before the vote, there was a brief discussion among the Council and Assistant Fire Chief Jernigen regarding the number of mattresses that would be purchased and if there had been more than one (1) quote received.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with EST, Inc., for Construction Management Services related to CIP#4 Amendment, which includes a segment of Sixth Street from Chadick Park to Wyandotte Avenue. *(John C. Modzelewski, P.E.,CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with EST, Inc. to provide Construction Management Services related to CIP#4 Amendment, which includes a segment of Sixth Street from Chadick Park to Wyandotte Avenue. The total fee to perform these services is a lump sum amount of \$92,075.00.

A motion was made by Councilman Karr and seconded by Councilman Garvin to authorize the Mayor to sign a Professional Services Agreement with EST, Inc. to provide Construction Management Services related to CIP#4 Amendment, which includes a segment of Sixth Street from Chadick Park to Wyandotte Avenue, for a total fee to perform these services in a lump sum amount of \$92,075.00.

Before the vote, Director Modzelewski addressed the Council explaining that this would allow for inspection services for the amendment to CIP #4, which included a segment of Sixth Street from Chadick Park to Wyandotte Avenue.

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, Change Order No. 5 to the contract with T. McDonald Construction, Inc. for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 5 resulting in the addition of seven (7) days and adding \$2,930.00 to the Contract Price. *(John C. Modzelewski, P.E.,CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No.5 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to

November 29, 2015 and the cost increase of \$2,390.00 that changes the Contract amount to \$2,735,941.50.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve Change Order No. 5 to the contract with T. McDonald Construction, Inc. for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 5 resulting in the addition of seven (7) days and adding \$2,930.00 to the Contract Price increasing the Contract amount to \$2,735,941.50.

Before the vote, Director Modzelewski addressed the Council explaining that this change order was due to adverse weather and adding funds for installing additional water main. He added that while doing the CIP projects the City was learning a lot about its water lines.

Mayor Harrison verified that the completion date was being moved to November 29, 2015. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, Final and Contractor's Pay Estimate No. 4 for contract with Garrow Construction, LLC, to construct the 30-inch Water Plant Pump Header Replacement, and necessary appurtenances, at the Water Treatment Plant, and accept the project as completed. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve final payment of \$37,253.30 for the 30-inch Water Plant Pump Header Replacement, and necessary appurtenances, at the Water Treatment Plan to Garrow Construction, LLC, and accept the project as completed.

Councilman Garvin moved to approve final payment of \$37,253.30 for the 30-inch Water Plant Pump Header Replacement, and necessary appurtenances, at the Water Treatment Plan to Garrow Construction, LLC, and accept the project as completed. The motion was seconded by Councilman Karr.

Before the vote, Director Modzelewski addressed the Council informing them that the leak at the Water Treatment Plant had been fixed, the control valve had been rehabilitated and a 30-inch Mag-meter and vault had been installed. He added that the City could now track how much water was brought into the plant and how much treated water was distributed.

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

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, Change Order No. 1 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 1. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 1 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 1 which includes the addition of surge rock stabilization for the construction of the access driveway behind Will Rogers School. The cost of this change order, \$40,050.92, is offset by the lime stabilization line items that are not utilized with this project.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve Change Order No. 1 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 1 which includes the addition of surge rock stabilization for the construction of the access driveway behind Will Rogers School with the cost of this change order, \$40,050.92, being offset by the lime stabilization line items that are not utilized with this project.

There was discussion among the Council including Director Modzelewski regarding the changes being made to the project, the lime stabilization not being used in the product, what would happen to the excess dirt after the project was completed and how the Change Order balanced. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

Manager Stasiak stated the City had received a Change Order for CIP #4 that had been unforeseen and after conferring with the City Attorney it was deemed appropriate for New Business.

Director Modzelewski addressed the Council explaining that Change Order No. 2 for CIP #4 was to address unmapped additional sewer lines that were connected to an existing manhole. He commented that the additional work would require the core drilling of two (2) holes into the manhole and the cost of that additional work would be offset by the lime stabilization material that would not need to be used.

After a brief discussion concerning clear water that had infiltrated the sewer line, the motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve Change Order No. 2 for CIP #4. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the City of McAlester had been awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report (CAFR). He explained that this achievement was normally only obtained by larger cities with full staff. He added that this would add additional pages to the Audit and the award would be presented to Toni Ervin.

Mayor Harrison commented that this was a big deal and hoped that the City would continue to achieve this honor.

Councilman Garvin stated that the City should present Ms. Ervin with a plaque.

Manager Stasiak reported that there would be two (2) employee meetings tomorrow at the Expo. The first at 7:30 A.M. and the second at 3:00 P.M. He then informed the Council that the Police Department had begun a new program called "Coffee with Cops" and the first meeting was at the Meeting Place this morning. He informed the Council that he would get them the dates and times for the meetings. He reported that he would be off next Monday and Tuesday. He added that the Sales Tax receipts were stronger for June 15th through July 15th period.

Remarks and Inquiries by City Council

Councilmen Smith, Read, Titsworth, Karr and Barnett did not have any comments for the evening.

Councilman Garvin asked that the Street Sweeper on its rounds in North Town if it would start at West Street and Stonewall Avenue and work east to Seventh Street. He then inquired about the construction project at West Street and Carl Albert Parkway.

Manager Stasiak explained that the company building the project was experiencing internal problems but they were committed to completing the entire project.

Mayor's Comments and Committee Appointments

Mayor Harrison did not have any comments for the evening.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Vice-Mayor Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Barnett, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:16 P.M.

Reconvene Council Meeting

The meeting was reconvened at 7:17 P.M.

Adjournment

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

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:17 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk