

The McAlester City Council met in a Regular session on Tuesday, September 8, 2015, at 6:00 P.M. after proper notice and agenda was posted, September 4, 2015 at 9:09 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Councilman Buddy Garvin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: Travis Read
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Gary Wansick, Police Chief; Toni Ervin, CFO; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Ceremony & Awards

Mayor Harrison presented Robbie Patton as August, 2015 Employee of the Month. Mr. Patton received a Certificate of Appreciation and a personal pad folio.

Citizens Comments on Non-Agenda Items

Renée Rowell addressed the Council informing them that on Tuesday, September 15th there would be a rededication of the City of McAlester to God at the Gate Prayer Room and Worship Center at 18 East Carl Albert Pkwy. She then invited them all to attend the service.

Consent Agenda

- A. Approval of the Minutes from the August 18, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the August 25, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- C. Approval of Claims for August 19, 2015 through September 1, 2015. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$86,844.46; Nutrition - \$1,028.10; State Forfeiture Fund - \$25,930.11; Tourism Fund - \$5,785.30; SE Expo Center - \$1,065.77; E-911 - \$574.64; Economic Development - \$6,532.50; CDBG Grants Fund - \$84,082.50; Fleet Maintenance - \$16,487.22; Dedicated Sales Tax-MPWA - \$2,500.00; CIP Fund - \$137,655.05 and Technology Fund - \$10,312.57.
- D. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-10, in the amount of \$9,901.50, 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., City Engineer and Public Works Director*)
- E. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #10, in the amount of \$192,479.44, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- F. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #8", in the amount of \$148,721.79 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*)
- G. Consider and act upon, authorization of payment to EST, Inc., Invoice #35134, in the amount of \$9,330.00 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*)
- H. Consider and act upon, authorization of payment to EST, Inc., Invoice #35135, in the amount of \$32,789.25 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*)
- I. Consider and act upon, receipt of Permit No. WL 000061150601 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 743 linear feet of eight (8) inch PVC sewer line and 766 linear feet of twelve (12) inch PVC sewer line to serve the Cottage Park Phase II, City of McAlester, Pittsburg County, Oklahoma. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- J. Consider and act upon, receipt of Permit No. WL 000061150647 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 1,171 linear feet of

- eight (8) inch sewer line on Adams Street and Miami Avenue to serve the existing customers of City of McAlester, Pittsburg County, Oklahoma. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- K. Accept and place on file, the Oklahomans for Independent Living (OIL) quarterly report for the period of April 1, 2015 through June 30, 2015. (*Pam Pulchny, Executive Director O.I.L.*)
- L. Consider and act upon, a request by Eastern Oklahoma State College, E.O.S.C., to partner with them for the rental for the use of the Southeast Expo Center for their GEAR UP event, September 29-30, 2015 and the ACT Prep event, December 16, 2015. (*Jerry Lynn Wilson, Expo Center Manager*)
- M. Consider and act upon, authorizing the Mayor to ratify and approve an agreement between the City of McAlester and Xerox Government Systems, LLC for Firehouse Software for Application Hosting and Technology Support Services. (*Brett Brewer, Fire Chief*)
- N. Ratify and approve a Facilities Space Agreement between the City of McAlester and the Oklahoma Department of Environmental Quality. To monitor the impact and extent of industrial pollution from urban areas adjacent to Southeastern Oklahoma. (*Cora Middleton, City Clerk*)
- O. Ratify and approve the Outer Marker Site & Access Road Lease Agreement between the City of McAlester and the U.S. Department of Transportation Federal Aviation Administration. This equipment allows for instrument Landings at the McAlester Airport. (*Cora Middleton, City Clerk*)
- P. Ratify and approve a property lease between the City of McAlester and Jo Ann Crabtree for the purpose of placing and maintaining an “Outer Marker” facility as a component of an instrument landing system. (*Cora Middleton, City Clerk*)
- Q. Ratify and approve an “Emergency Medical Technician Basic, Intermediate & Paramedic Field Clinical Agreement” between the City of McAlester Fire Department EMS and Kiamichi Technology Center, to allow for “Ride Along” privileges for Students in the Emergency Medical Technician Program. (*Cora Middleton, City Clerk*)
- R. Ratify and approve an agreement between the City of McAlester and Advanced Data Processing, Inc., a Subsidiary of Intermedix, for Ambulance billing and related professional services. (*Cora Middleton, City Clerk*)
- S. Ratify and approve a lease and contract between the City of McAlester and the Board of the Pittsburg County Regional Expo Authority for the use of the land where the Archery Park will be located. (*Cora Middleton, City Clerk*)

- T. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. “Contractor’s Application for Payment #2”, in the amount of \$5,715.98, retainage, 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., City Engineer and Public Works Director*)

Manager Stasiak requested that items “N, O, P and S” be removed for individual consideration.

Attorney Ervin inquired why item “P” was being removed and Manager Stasiak explained that there were dates in the agreement that needed to be corrected.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve Consent Agenda items “A through M, Q, R and T”. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:12 P.M.

Public Hearing

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 TO CLOSE THE 105’ OF THE 10’ UTILITY EASEMENT IN LOTS 3 AND 4, IN BLOCK 1, EAGLE RIDGE ADDITION TO THE CITY OF McALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM THE EAST RIGHT-OF-WAY OF WHIPPOORWILL DRIVE TO THE WEST BOUNDARY OF THE 15’ UTILITY EASEMENT IN LOTS 3 AND 4, IN BLOCK 1, EAGLE RIDGE ADDITION.

There were no comments from the Council or audience and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:13 P.M.

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.

ORDINANCE NO. 2545

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.

A motion was made Councilman Smith and seconded by Councilman Karr to approve **ORDINANCE NO. 2545**, amending the budget for fiscal year 2015-2016.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits for the amendment. She explained that this amendment would appropriate funds for the Airport Drainage Project to Rehab Taxiway and to repair Sandy Creek Canal Wall damage.

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

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

Mayor Harrison declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Karr and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

2. Consider and act upon, an Ordinance to close 105' of the 10' Utility Easement in Lots 3 and 4, in Block 1, Eagle Ridge Addition to the City of McAlester, Pittsburg County, State of Oklahoma, from the east right-of-way of Whippoorwill Drive to the west boundary of the 15' Utility Easement in Lots 3 and 4, in Block 1, Eagle Ridge Addition. (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to approve and act upon the Ordinance to close the easement referenced above and to authorize the Mayor to sign the Ordinance.

ORDINANCE NO. 2546

AN ORDINANCE TO CLOSE THE 105' OF THE 10' UTILITY EASEMENT IN LOTS 3 AND 4, IN BLOCK 1, EAGLE RIDGE ADDITION TO THE CITY OF MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM THE EAST RIGHT-OF-WAY OF WHIPPOORWILL DRIVE TO THE WEST BOUNDARY OF THE 15' UTILITY EASEMENT IN LOTS 3 AND 4, IN BLOCK 1, EAGLE RIDGE ADDITION.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2546.**

Before the vote, Director Alsup addressed the Council explaining that McAlester Planning Commission had met on Thursday, August 27, 2015 to address this closing request and had voted unanimously in favor of the request.

After a brief discussion concerning the legal description in the Ordinance and where the easement actually was located on the property, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. **PULLED FROM AUGUST 25, 2015 MEETING:** Consider and act upon, awarding bid in the amount of \$74,800.00 to McCabe Crane & Sign, LLC. for a new digital marquee sign for the Southeast Expo. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the award of bid to McCabe Crane & Sign, LLC.

A motion was made by Councilman Karr and seconded by Councilman Smith to award a bid in the amount of \$74,800.00 to McCabe Crane & Sign, LLC. for the new digital marquee sign for the Southeast Expo and authorize the Mayor to sign the contract.

Before the vote, Manager Stasiak addressed the Council explaining that this item had been removed from the agenda for the previous meeting because there had not been a contract. He stated that the contract had been included with the information for this meeting.

After a brief discussion regarding the size of the sign and if the City Attorney had reviewed the contract, the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign Federal Aviation Administration Grant Offer for Airport Improvement Program Project No. 3-40-0057-013-2015 “Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement”. (*John C. Modzelewski, P.E., 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”.

A motion was made by Councilman Smith and seconded by Councilman Garvin 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”.

Before the vote, Director Modzelewski addressed the Council informing them that this project had been approved by the Council on December 23, 2014 and for this Grant to be valid the Mayor’s signature and the City Attorney’s certification must be executed by September 14, 2015.

After a brief discussion concerning the percentage of the Grant, the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

5. **PULLED FROM AUGUST 11, 2015 MEETING:** 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., 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.

A motion was made by Councilman Karr and seconded by Councilman Smith 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, in the amount of \$209,825.50.

Before the vote, Director Modzelewski addressed the Council three (3) bids for this project had been received and opened on June 30, 2015 and after review of all documents by the City’s consultant, LBR, Inc., the recommendation was to award the contract to Bronze Oak, LLC.

After a brief discussion concerning why this item had been pulled from the previous meeting, the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

6. Consider and act upon, accepting the bid amount of \$86,350.00 from Rocking O Construction, LLC to repair a portion of the Sandy Creek canal wall, and authorizing the Mayor to sign the Notice of Award to Rocking O Construction, LLC, and the Agreement to complete the repair. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with Rocking O Construction, LLC for a Total Bid equal to \$86,350.00, to repair a portion of the Sandy Creek canal wall.

A motion was made by Councilman Smith and seconded by Councilman Karr to accept a bid in the amount of \$86,350.00 from Rocking O Construction, LLC to repair a portion of the Sandy Creek Canal wall, authorize the Mayor to sign the Notice of Award and Agreement.

Before the vote, Director Modzelewski addressed the Council explaining that the excessive rain during the month of May severely damaged a section of the Sandy Creek canal wall in the vicinity of Eighth Street and Seminole Avenue. He informed the Council that three (3) bids had been received and opened on August 25, 2015 and after reviewing all bids it was the Engineering Department’s recommendation to award the bid to Rocking O Construction.

After discussion concerning the amount of the bid, previous experience with the Contractor and enough detail in the City’s estimate to compare to the bid, the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

7. Consider and act upon, approving a change order in the amount of \$3,186.08 to the bid price of \$39,811.85 to add a K-9 cage for our new drug dog. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to approve change order.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve a change order in the amount of \$3,186.08 to the bid price of \$39,811.85 to add a K-9 cage for our new drug dog.

Before the vote, Chief Wansick addressed the Council informing them that the Officer that would be handling the dog had been chosen and a training facility had been located as well. He stated that the change order was to add a K-9 cage to the vehicle as a safety feature for the vehicle.

After a brief discussion concerning which officer had been chosen and if the dog would be staying with the officer, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, authorizing the Mayor to sign an agreement with American Municipal Services (AMS) for the collection of delinquent fines. (*Karen Boatright, Municipal Court Administrator*)

Executive Summary

Recommendation to authorize and approve contract.

A motion was made by Councilman Smith and seconded by Councilman Garvin to authorize the Mayor to sign an agreement with American Municipal Services (AMS) for the collection of delinquent fines.

Before the vote, Court Clerk Karen Boatright addressed the Council explaining that AMS was the top collection service for delinquent fines in the country.

After discussion concerning a different contract that allowed the Collection Service to set payment schedules, the minimum payment that Ms. Boatright requested, problems with conversion of software and how the Court had increased its' speed in issuing warrants, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

9. Discussion on the installation of Directional Signage along Carl Albert Parkway to increase awareness of various tourist locations in the City of McAlester. (*Buddy Garvin, Councilman Ward Five*)

Executive Summary

For discussion.

Councilman Garvin opened the discussion by asking Lacey Sudderth, Director of McAlester Main Street, Jeff Warmuth, Director of McAlester Chamber of Commerce and Kathy Wall, McAlester Tourism Manager to introduce themselves. He then explained that this item was to address signage along Carl Albert Parkway and how it could be used to direct visitors to areas of McAlester that could be of interest. He then reviewed the proposal for the signs and commented that the signs would be located at each intersection.

There was discussion among the Council, Ms. Sudderth, Ms. Wall, Mr. Warmuth and Manager Stasiak concerning how the signs could help to revitalize the Down Town area, the information that could be conveyed to tourists, how user friendly the signs could be, any rules that the Oklahoma Department of Transportation might have, the attachment agreement that the City had with Public Service of Oklahoma, making the signs seasonal and doing more research then coming back to the Council.

There was no action taken on this item.

New Business

There was no New Business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the last Bond refinancing had been closed on last Thursday, the City had been approved for the 2015 CDBG Grant in the amount of \$129,006.00 and it was a 50 50 match.

Councilman Smith inquired about the City Wide Cleanup worked. Manager Stasiak explained that the participants would meet at a designated location and begin the cleanup there.

Remarks and Inquiries by City Council

Councilman Garvin commented on the new playground equipment at Mullin Park and the nice work that had been done by City employees on the "Pocket Park" in North town. He thanked Sherman Miller and Director Priddy for the cleanup along 6th Street. He asked Manager Stasiak to have the Code Enforcement Officer to address the other problem along 6th Street and asked if the Street Sweeper could clean along Stonewall before the Wild West Festival.

Councilman Karr inquired on the status of the Archery Park and the amount of orange cones around the City.

Manager Stasiak explained that the first bid opening for the Archery Park structures had not received any bids and the project would be sent out to bid again. He commented that the City

had a contract to address those issues and was looking at possibly putting out for another contract.

Councilman Smith commented that he had received comments about 6th Street.

Councilman Titsworth and Barnett did not have any comments for the evening.

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. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:06 P.M.

Reconvene Council Meeting

The meeting was reconvened at 7:07 P.M.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Councilman Garvin.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:09 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk