



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, April 14, 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.*

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#### CALL TO ORDER

*Announce the presence of a Quorum.*

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#### INVOCATION & PLEDGE OF ALLEGIANCE

Robert Daniels, Salvation Army

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#### ROLL CALL

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#### CEREMONY AND AWARDS

Employee of the Month for March, 2015 is Christopher Williams, Fire Department Driver Operator 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 March 10, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the March 24, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the March 24, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for March 18, 2015 through April 7, 2015. *(Toni Ervin, Chief Financial Officer)*
- E. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-05, in the amount of \$13,489.00 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., City Engineer and Public Works Director)*
- F. Consider and act upon, authorization of payment to EST, Inc., Invoice #34143, in the amount of \$20,700.00 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., City Engineer and Public Works Director)*
- G. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #5, in the amount of \$112,164.18, 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., CFM, City Engineer and Public Works Director)*
- H. Consider and act upon, receipt of Permit No. WL 000061150127 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 923 linear feet of eight (8) inch PVC potable water line and all appurtenances to serve the City of McAlester Steven Taylor Industrial Park. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

- I. Consider and act upon, authorization of payment to the Oklahoma Department of Environmental Quality (ODEQ), in the amount of \$1,669.28, to obtain the necessary permits to replace waterlines and sanitary sewer lines, related to CIP#4 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)*
- J. Consider and act upon, to authorize the Mayor to sign the renewal contract with DSS Equature for continuation of our recording services in our 911 Center. *(Shawn Smith, E911 Manager)*
- K. Concur with the Mayor's appointment of Mrs. Deloures L. Smith to serve on the McAlester Library Advisory Board for a term ending December 31, 2019. *(Steve Harrison, Mayor)*
- L. Consider and act upon, to authorize the Mayor to sign the Entry of General Appearance, Waiver of Service and Consent merger petition between McAlester Regional Health Center Authority and the McAlester Public Health Authority. *(Steve Harrison, Mayor)*

## **ITEMS REMOVED FROM CONSENT AGENDA**

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### **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.*

#### **A PUBLIC HEARING ON THE PROPOSED CAPITAL PROGRAM FOR FY 2015/2016-2019/2020 FOR THE CITY OF MCALESTER.**

**AN ORDINANCE TO CLOSE THE EASEMENT THAT LIES IN THE SOUTHERLY 30 FEET OF LOTS 76 AND 77, AND THE NORTHERLY 30 FEET OF LOTS 86 AND 87, IN TOWNSITE ADDITION NO. 4, PITTSBURG COUNTY, STATE OF OKLAHOMA.**

**AN ORDINANCE TO CLOSE THE ALLEY THAT LIES IN BLOCK 17, CITY OF MCALESTER, NOW KNOWN AS NORTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, LYING BETWEEN THE EAST BOUNDARY LINE OF THE MAIN STREET RIGHT-OF-WAY AND THE WEST BOUNDARY LINE OF THE FIFTH STREET RIGHT-OF-WAY.**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-258.4, EMERGENCY FUND, AND DECLARING AN EMERGENCY.**

## **SCHEDULED BUSINESS**

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1. Consider and act upon, an Ordinance to close the easement that lies in the Southerly 30 feet of Lots 76 and 77, and the Northerly 30 feet of Lots 86 and 87, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma subject to the special condition that a utility easement be maintained for the City of McAlester's existing water and sewer mains within the easement to be closed. *(Leroy Alsup, Community & Economic Development Director)*

### Executive Summary

Motion to approve and act upon the Ordinance to close the easement that lies in the Southerly 30 feet of Lots 76 and 77, and the Northerly 30 feet of Lots 86 and 87, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma subject to the special condition that a utility easement be maintained for the City of McAlester's existing water and sewer mains within the easement to be closed and to authorize the Mayor to sign the Ordinance.

2. Consider and act upon, an Ordinance to close the alley that lies in Block 17, City of McAlester, now known as North McAlester, lying between the East Boundary Line of the Main Street Right-of-Way and the West Boundary Line of the Fifth Street Right-of-Way. *(Leroy Alsup, Community & Economic Development Director)*

### Executive Summary

Motion to approve and act upon the Ordinance to close the alley as more particularly described in the ordinance and to authorize the Mayor to sign the Ordinance.

3. Consider and act upon, a "Use Permitted After Review" for A & G Properties, LLC (Jimmy Williams) to construct a single-tenant office building for a professional services provider at 903/ 915 E Wyandotte Avenue. *(Leroy Alsup, Community and Economic Development Director)*

### Executive Summary

Motion to approve the "Use Permitted After Review" for A & G Properties, LLC (Jimmy Williams) to construct a single-tenant office building for a professional services provider at 903/ 915 E Wyandotte Avenue and to authorize the Mayor to execute the A & G Properties, LLC "Use Permitted After Review" approval form.

4. Consider and act upon, a "Use Permitted After Review" for Stipe Investments LLC, and the potential purchaser of the property, Bryan Ragan, to establish and operate a used auto sales and service business establishment at 306 E Wyandotte Avenue. *(Leroy Alsup, Community and Economic Development Director)*

### Executive Summary

Motion to approve the "Use Permitted After Review" for Stipe Investments LLC, and the potential purchaser of the property, Bryan Ragan, to establish and operate a used auto sales and service business establishment at 306 E Wyandotte Avenue and to authorize the Mayor to execute the "Use Permitted After Review" approval form.

5. Consider and act upon, approval and execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions, LLC for a fourteen month term from May 1, 2015 through June 30, 2016. *(Leroy Alsup, Community and Economic Development Director)*

## Executive Summary

Motion to approve and to authorize the execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions, LLC for a fourteen month term from May 1, 2015 through June 30, 2016.

6. Discussion and possible action, to share in the cost with the Pittsburg County Fire Fighters Association for implementation of a new pager/repeater communication system. 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, City of McAlester*)

## Executive Summary

Motion to approve the cost share of communications equipment for Pittsburg County Fire Fighters Association, with funds to be used from the City of McAlester Fire Department's portion of the county quarter cent excise tax for fire services.

7. Consider and act upon, accepting low bid of \$29,555.00 from Bob Hurley Ford for a ¾ Ton Work Truck for the Fire Department. (*Brett Brewer, Fire Chief, City of McAlester*)

## Executive Summary

Motion to approve accepting low bid of \$29,555.00 from Bob Hurley Ford for a ¾ Ton Work Truck for the Fire Department.

8. Consider and act upon, approval of bid to Freedom Ford of McAlester for the purchase of three (3) new and unused 2015 Ford Police SUV's. (*Gary Wansick, Chief of Police, City of McAlester*)

## Executive Summary

Motion to approve the bid of \$120,635.55 to Freedom Ford of McAlester for the purchase of three (3) new and unused 2015 Ford Police SUV AWD patrol vehicles.

9. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and a contractor to be named for the construction of road and infrastructure improvements related to CIP#4, which includes a segment of South Avenue from a point two hundred feet west of Strong Boulevard, to a point one hundred eighty feet east of Franklin Street, and a segment of Sixth Street from Chadick Park to Chickasaw Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

## Executive Summary

The recommendation is to enter into an agreement with a contractor to be named for the construction of road and infrastructure improvements related to CIP#4, which includes a segment of South Avenue from a point two hundred feet west of Strong Boulevard, to a point one hundred eighty feet east of Franklin Street, and a segment of Sixth Street from Chadick Park to Chickasaw Avenue.

10. Consider and act upon, Change Order No. 2 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 2 resulting in the addition of eleven (11) days. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

## Executive Summary

Motion to approve Change Order No. 2 to the contract with T. McDonald Construction, Inc and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to October 26, 2015.

11. Consider and act upon, an Ordinance of the City of McAlester, Oklahoma, amending Section 2-258.4, Emergency Fund, and declaring an emergency. *(Steve Harrison, Mayor)*

Executive Summary

Motion to approve and act upon an Ordinance amending Section 2-258.4, EmergencyFund.

**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 March 24, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending April 7, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 11, an Ordinance of the City of McAlester, Oklahoma, amending Section 2-258.4, Emergency Fund, and declaring an emergency. *(Steve Harrison, Mayor)*

**ADJOURN MAA**

**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

*Majority of a Quorum required for approval*

- Approval of the Minutes from the March 24, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending April 7, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item E, authorization of payment to Infrastructure Solutions Group, LLC;. dba Mehlburger Brawley, Invoice # MC-14-06-05, in the amount of \$13,489.00 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., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item F, authorization of payment to EST, Inc., Invoice #34143, in the amount of \$20,700.00 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., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item G, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #5, in the amount of \$112,164.18, 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., CFM, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item H, receipt of Permit No. WL 000061150127 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 923 linear feet of eight (8) inch PVC potable water line and all appurtenances to serve the City of McAlester Steven Taylor Industrial Park. *(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 the Oklahoma Department of Environmental Quality (ODEQ), in the amount of \$1,669.28, to obtain the necessary permits to replace waterlines and sanitary sewer lines, related to CIP#4 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)*
- Confirm action taken on City Council Agenda Item 1, an Ordinance to close the easement that lies in the Southerly 30 feet of Lots 76 and 77, and the Northerly 30 feet of Lots 86 and 87, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma subject to the special condition that a utility easement be maintained for the City of McAlester's existing water and sewer mains within the easement to be closed. *(Leroy Alsup, Community & Economic Development Director)*

- Confirm action taken on City Council Agenda Item 2, an Ordinance to close the alley that lies in Block 17, City of McAlester, now known as North McAlester, lying between the East Boundary Line of the Main Street Right-of-Way and the West Boundary Line of the Fifth Street Right-of-Way. *(Leroy Alsup, Community & Economic Development Director )*
- Confirm action taken on City Council Agenda Item 3, a "Use Permitted After Review" for A & G Properties, LLC (Jimmy Williams) to construct a single-tenant office building for a professional services provider at 903/ 915 E Wyandotte Avenue. *(Leroy Alsup, Community and Economic Development Director)*
- Confirm action taken on City Council Agenda Item 4, a "Use Permitted After Review" for Stipe Investments LLC, and the potential purchaser of the property, Bryan Ragan, to establish and operate a used auto sales and service business establishment at 306 E Wyandotte Avenue. *(Leroy Alsup, Community and Economic Development Director )*
- Confirm action taken on City Council Agenda Item 5, approval and execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions, LLC for a fourteen month term from May 1, 2015 through June 30, 2016. *(Leroy Alsup, Community and Economic Development Director )*
- Confirm action taken on City Council Agenda Item 9, authorizing the Mayor to sign a contract between the City of McAlester and a contractor to be named for the construction of road and infrastructure improvements related to CIP#4, which includes a segment of South Avenue from a point two hundred feet west of Strong Boulevard, to a point one hundred eighty feet east of Franklin Street, and a segment of Sixth Street from Chadick Park to Chickasaw Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 10, Change Order No. 2 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 2 resulting in the addition of eleven (11) days. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 11, an Ordinance of the City of McAlester, Oklahoma, amending Section 2-258.4, Emergency Fund, and declaring an emergency. (Steve Harrison, Mayor)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

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**EXECUTIVE SESSION**

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

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP & IAFF

**RECONVENE INTO OPEN SESSION**

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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**