

The McAlester City Council met in a Regular session on Tuesday March 10, 2015, at 6:00 P.M. after proper notice and agenda was posted, March 9, 2015 at 2:35 P.M..

Call to Order

Mayor Harrison called the meeting to order.

City Attorney William J. Ervin 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, Jason Barnett & Steve Harrison
Absent: Buddy Garvin
Presiding: Steve Harrison, Mayor

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

Ceremony and Awards

Mayor Harrison presented Carol Janisch as February Employee of the Month. Ms. Janisch received a Certificate of Appreciation and a personal planner.

Citizens Comments on Non-Agenda Items

David Robinson addressed the Council expressing his concerns with the 17th Street Construction project and how long it was taking to complete.

Consent Agenda

- A. Approval of the Minutes from the February 10, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 18, 2015 through March 3, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$124,506.19; Nutrition - \$2,193.42; Tourism Fund - \$3,956.07; SE Expo Center - \$21,780.77; E-911 - \$2,227.46;

Economic Development - \$6,774.29; Grants & Contributions - \$138.79; CDBG Grants Fund - \$5,520.00; Fleet Maintenance - \$7,863.65; Worker's Compensation - \$941.68; Dedicated Sales Tax-MPWA - \$2,500.00; CIP Fund - \$19,939.87 and Federal Forfeiture Fund - \$4,267.75.

ACH Payment – Tourism Fund - \$558.20

- C. Consider and act upon, authorizing the Mayor to sign a lease renewal with Miller Office Supply for three (3) copiers. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-04, in the amount of \$12,628.00 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)*
- E. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #4, in the amount of \$47,627.58, 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)*
- F. Consider and act upon, acceptance of Permit No. WL 000061150024 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 1,310 linear feet of eight (8) inch PVC potable water line, and all appurtenances, to serve the City of McAlester on Van Buren Avenue. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- G. Concur with the Mayor's re-appointment of Evans McBride, P.O. Box 948, McAlester, OK, 74502 to the McAlester Regional Health Center Authority for a term to expire on February 28, 2021. *(Steve Harrison, Mayor)*
- H. Consider and act upon, an Agreement for the Fireworks Display for the 2015 show scheduled July 4th, 2015. *(Mel Priddy, Community Services Director)*

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to open a Public Hearing to address an Ordinance amending Fiscal Year 2014-2015 Budget.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:11 P.M.

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. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from the Council or the citizens in attendance and a motion was made by Vice-Mayor Read to close the Public Hearing. The motion was seconded by Councilman Smith.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:11 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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. 2531

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2531**, amending Fiscal Year 2014/2015 operating budget.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits to the amendment explaining that this would appropriate additional funds for a Storm Water project and a Water Treatment Plant Filter project. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Vice-Mayor Read moved to approve the EMERGENCY CLAUSE, seconded by Councilman Karr. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

Executive Summary

Motion to approve the purchase of high noise environment communication equipment (Headsets) with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the purchase of high noise environment communication equipment (Headsets) with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Chief Brewer addressed the Council explaining the noise levels and the safety improvement with the use of the Headsets. He added that this would allow hands free communications. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC to study the feasibility of a Stormwater Utility Fee, including establishing fees based on impervious areas. (*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 Meshek & Associates, Inc. to study the feasibility of a Stormwater Utility Fee, including establishing fees based on impervious areas. The engineering fee is not to exceed \$67,000.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith the authorize the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. to study the feasibility of a Stormwater Utility Fee, including establishing fees based on impervious areas. The engineering fee is not to exceed \$67,000.

Before the vote, Director Modzelewski addressed the Council explaining that on February 10, 2015, Meshek & Associates, PLC had made a presentation to the Council explaining various options to consider when implementing a Stormwater utility fee and that the feedback from that meeting indicated there was interest in moving forward with an analysis of several scenarios. He added that this agreement was to do a feasibility study.

There was discussion among the Council, Director Modzelewski and Brandon Claborn of Meshek & Associates, PLC regarding the cost of the study, how the fees could be calculated, the process in calculating fees, and the various options that could be chosen when implementing a fee.

Upon conclusion of the discussion, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Conduct a Public Hearing on structures deemed by City Staff to be dilapidated by reason of deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood. (*Leroy Alsup, Community and Economic Development Director*)
 - a. Consider and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. (*George Estrada, Building Inspector and Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Upon the conclusion of the Public Hearing, Motion to approve a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

Director Alsup addressed the Council explaining the process to declare properties dilapidated and he reviewed the list of properties that had been submitted for the Council's consideration.

Mayor Harrison asked for a motion to open a Public Hearing to consider the list of properties as presented.

A motion was made by Councilman Karr and seconded by Councilman Smith to open a Public Hearing addressing the submitted properties. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:22 P.M.

There were no comments regarding the submitted properties and Councilman Smith moved to close the Public Hearing. The motion was seconded by Vice-Mayor Read and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:23 P.M.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve RESOLUTION NO. 15-02.

Before the vote, there was discussion among the Council including Director Alsup, and Jayme Clifton concerning the debris in the yards after a structure had been demolished, if the City was following the law on notifications, issuing residences with debris in their yards with nuisance citations, and the City possibly having cleaned this property previously. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Titsworth, Karr, Barnett & 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 Tetra Tech, Inc. to provide engineering services in connection with the Water Treatment Plant's Filter #5, including replacement of the under drain and the filter media.
(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 Tetra Tech, Inc. to provide engineering services in connection with the Water Treatment Plant's Filter #5, including replacement of the under drain and the filter media for a fee not to exceed \$31,000.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign a Professional Services Agreement with Tetra Tech, Inc. to provide engineering services in connection with the Water Treatment Plant's Filter #5, including replacement of the under drain and the filter media for a fee not to exceed \$31,000.

Before the vote, Director Modzelewski addressed the Council explaining that Filter #5 at the Water Treatment Plan had failed and Tetra Tech, Inc. proposes to conduct an independent study of the Filter to ascertain the extent of repair.

Mayor Harrison commented that this appeared to be an expensive project. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign Change Order No. 1 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements. (*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 the Change Order. 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

A motion was made by Councilman Karr and seconded by Vice-Mayor Read to authorize the Mayor to sign Change Order No. 1 to the contract with Carstensen Contracting, Inc and authorizing the Mayor to sign the Change Order. 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

Before the vote, Director Modzelewski addressed the Council explaining that this was the first change order for this particular contract. It would result in a cost decrease of \$2,572.17 and an addition of fourteen (14) days due to a design change. This would change the substantial completion date to April 18, 2015.

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

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

NAY: None

Mayor Harrison declared the motion carried.

7. Submission, and Presentation of the 5-Year Capital Improvements Plan for FY 2015/16-2019/20. (*Peter J. Stasiak, City Manager*)

Manager Stasiak addressed the Council presenting the 5-Year Capital Improvements Plan for FY 2015/16-2019/20. During the presentation, Manager Stasiak reviewed the steps that were required in presenting to adopting the CIP Plan, by the Charter. He commented that the City's needs always out weighed the funds. He then highlighted the top five (5) needs or projects within each of the departments.

There was discussion during the presentation concerning the possibility of moving the Police Department, renovating the jail cells in City Hall, installing air conditioning in the large area of the Expo, what plans, if any, were for the Armory, the Federal Building and the Army Reserve

building. The Council and Manager Stasiak discussed street repairs and the use of the street sweeper.

Mayor Harrison commented at the end of the discussion that this would be looked at again in two (2) weeks.

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 Lt. Governor Lamb would be in McAlester this Friday from 11:00 A.M. until 1:00 P.M. at the Bistro concluding his "77 Counties in 77 Days" Tour.

Remarks and Inquiries by City Council

Councilman Karr, Read, and Titsworth did not have any comments for the evening.

Councilman Barnett commented about the time it was taking to finish the construction on 17th Street.

Mayor Harrison commented that it seems the Council had received updates but the citizens had not been updated.

Manager Stasiak commented that the City had hired a contractor to help complete some of the work that was left on the 17th Street project.

Councilman Smith inquired about the status of CIP #2 and CIP #3 projects.

Manager Stasiak updated the Council on each of the projects.

Attorney Ervin thanked Manager Stasiak, the City Council and City staff for their support during the past weeks when his family was going through a very difficult time.

Mayor's Comments and Committee Appointments

Mayor Harrison had no 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 Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:02 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:03 P.M.

Adjournment

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

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:04 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk