

The McAlester City Council met in a Regular session on Tuesday, April 28, 2015, at 6:00 P.M. after proper notice and agenda was posted, April 27, 2015 at 8:40 A.M.

### **Call to Order**

Mayor Harrison called the meeting to order.

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

### **Roll Call**

Council Roll Call was as follows:

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

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Brett Brewer, Fire Chief; Leroy Alsup, Community & Economic Development Director; Shawn Smith, E911 Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Recognition Awards**

Mayor Harrison presented Ms. Alexandria (Lexie) Lerblance with a proclamation recognizing the award she had received from “The Prudential Spirit of Community Awards” for her volunteer efforts in co-founding a non-profit organization that had donated nearly \$20,000 worth of wigs and other head coverings for cancer patients.

He then presented Ms. Alana Wynn with a proclamation recognizing her as a “Distinguished Finalist” in “The Prudential Spirit of Community Awards” for her volunteer efforts in creating and implementing the “Red Cross Memorial Golf Tournament” in 2010 to honor the important volunteer work of the former chair of the local American Red Cross chapter. Ms. Wynn has raised nearly \$40,000 to support those who had lost the homes to tornadoes, floods and fire.

After the presentations each of the recipients briefly explained their projects.

### **Citizens Comments on Non-Agenda Items**

Lacey Sudderth, Executive Director of McAlester Main Street addressed the Council informing them that McAlester’s Downtown area had been listed in the National Register of Historical Places in March, 2015. Ms. Sudderth commented that she would continue working to get “Old Town” on the National Register also.

### **Consent Agenda**

- A. Approval of the Minutes from the April 14, 2015, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the April 14, 2015, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for April 8, 2015 through April 21, 2015. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$127,176.48; Parking Authority - \$132.29; Nutrition - \$1,501.65; Landfill Res./Sub-Title D - \$8,045.00; Tourism Fund - \$7,995.99; SE Expo Center - \$2,807.65; E-911 - \$7,953.04; Economic

Development - \$1,442.60; Fleet Maintenance - \$20,512.79; Worker's Compensation - \$941.68; CIP Fund - \$78,995.15 and Technology Fund - \$31,100.00.

- D. Discussion and possible action, on approval of an agreement for mutual aid emergency medical services between Hughes County EMS and the McAlester Fire/EMS Department. (*Brett Brewer, Fire Chief*)
- E. Consider and act upon, authorization of payment to Poe and Associates, Inc. Invoice #0-102096-9578, in the amount of \$10,012.56 for Engineering Design Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John E. Modzelewski, P.E., City Engineer and Public Works Director*)
- F. Consider and act upon, receipt of permit No. WL000061150279 from the Oklahoma Department of Environment Quality (ODEQ) for the construction of 2,100 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the City of McAlester's 2014 CDBG project, which includes portions of Walker Avenue and Pine Street. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- G. Consideration and action, to accept a 2015 OSMPC Incentive Fund Award in the amount of \$204,504.33 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20150428-001 to the Oklahoma Department of Commerce to draw down the \$204,504.33 of Funds. (*Leroy Alsup, Community & Economic Development 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, Garvin & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

Councilman Karr moved to open a Public Hearing to address one (1) Ordinance. The motion was seconded by Vice-Mayor Read.

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

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

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:16 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 audience and Vice-Mayor Read moved to close the Public Hearing. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:17 P.M.

## **Scheduled Business**

1. Accept and place on file, the Status Report on the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services, Inc. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

### Executive Summary

Accept the Status Report on the McAlester Public Works Authority's "Water system Operation and Maintenance Agreement" with Severn Trent Environmental Services, Inc. for the months of January 2015 through March 2015.

A motion was made by Councilman Karr and seconded by Councilman Smith to accept the Status Report on the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services, Inc.

Before the vote, Director Modzelewski addressed the Council explaining that this the regular time for the status report for the Water Treatment Plant. He then introduced Jake Walton, Severn Trent Project Manager.

Mr. Walton addressed the Council informing them that progress and improved operations were continuing at the Water Treatment Plant and many of the Capital items were being worked on while others were in the planning stages. He commented that the Maintenance Cap had reached 82% and they were requesting that funds from the Chemical Cap be transferred to Maintenance. He informed the Council that in January and February, the plant had a few violations that resulted in public notice but these issues were quickly identified and corrected and repairs were underway to help reduce the occurrence of those problems in the future.

After a brief discussion among the Council and Mr. Walton regarding the Motor Control Center and how moving funds from the Chemical Cap to the Maintenance Cap would affect the agreement the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. 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. 2535**

**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 Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2535**, amending Fiscal Year 014-2015 Budget.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits and explaining the amendment was to appropriate funds for the 2015 OSMPC Incentive Fund Award and to appropriate additional funds for the ISO compliant Generator for E-911.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, awarding bid in the amount of \$50,064.50, for one new and unused ISO Compliant 60kW Diesel Fueled Generator for 911 Center to Evans Enterprises, Inc. of Tulsa, Ok. (*Shawn Smith, E911 Manager*)

Executive Summary

Motion to approve the award of bid to Evans Enterprises, Inc.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Read to approve awarding the bid in the amount of \$50,064.50, for one new and unused ISO Compliant 60kW Diesel Fueled Generator for 911 Center to Evans Enterprises, Inc. of Tulsa, Ok.

Before the vote, Shawn Smith, E911 Manager addressed the Council explaining that per the recommendation of the County 911 Oversight & Advisory Board, the City of McAlester had advertised for bid of a new ISO compliant diesel fuel generator for the 911 Center. She added that bids were opened on March 26, 2015 in the Council Chambers at City Hall and after reviewing the bids Staff recommended awarding the bid to Evans Enterprises, Inc.

After discussion, among the Council including Ms. Smith and Manager Stasiak concerning the type of fuel, where the generator would be placed and if installation was an additional cost the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, a Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma that authorizes the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve the Memorandum of Understanding that conveys to ISDA80 the sum of \$129,814.30 to be used for the construction of a driveway behind Will Rogers Elementary School.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve a Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma that authorizes the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities, conveying to ISDA80 the sum of \$129,814.30.

Before the vote, Manager Stasiak addressed the Council explaining that the City was moving forward with CIP #4 and were in discussion on how to move the project along without affecting the schools. He commented that the first thought was a "Bonus Program". Manager Stasiak stated that while speaking with the School they indicated they were interested in a road from 13<sup>th</sup> Street to the Puterbaugh parking lot that would run behind Will Rogers Elementary. He added the road would allow traffic to flow behind the two (2) schools for dropping off and picking up of students.

There was discussion among the Council, Manager Stasiak, Director Modzelewski, Attorney Ervin and Superintendent Gore concerning when school would end for the summer, when enrollment would begin, how the Schools would use the drive, the road on the west side of Puterbaugh School, how the road/drive would be designed, possible drainage problems, how the road/drive would be closed when not in use and how it was legal to spend public funds for this type of project.

Mayor Harrison commented that the City was authorizing the use of \$129,814.30 from the 1/4¢ Education Sales Tax with the signing of the MOU.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and J.D. Thomas Construction to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#1). (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with J.D. Thomas Construction for a Total Bid equal to \$47,470.00 to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#1).

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign a contract between the City of McAlester and J.D. Thomas Construction to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#1).

Before the vote, Director Modzelewski addressed the Council explaining that this would be to repair street cuts, curbs, gutters and repair or replace concrete panels as needed. He commented that much of this would be for repairing streets after the Utility Maintenance Department had repaired or replaced water or sewer lines.

After a brief discussion among the Council and Director Modzelewski regarding who would inspect the work associated with this contract, the number of projects and actually establishing a rate for this type of work, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with EST, Inc., for Construction Management Services 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. (*John C. Modzelewski, P.E., 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 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.

Vice-Mayor Read moved to authorize the Mayor to sign a Professional Services Agreement with EST, Inc., for Construction Management Services 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. The motion was seconded by Councilman Smith.

Before the vote, Director Modzelewski addressed the Council commenting that at the last Council meeting CIP #4 had been approved and this would provide for Construction Management Services along the section of South Avenue. He added that staff had a good working relationship with EST, Inc.

After a brief discussion among the Council, Director Modzelewski and Jared Eddy regarding the number of projects that EST, Inc. was working on, if they had enough employees to handle

another project and if there would be any sub-contractors involved in this project, the vote was taken as follows;

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

NAY: None

Mayor Harrison declared the motion carried.

7. Determination of project for Community Development Block Grant (CDBG) funding. This funding is available through the (CDBG) 2015 State Small Cities Program. (*Peter Stasiak, City Manager*)

#### Executive Summary

It is recommended that the Mayor and City Council of the City of McAlester approve the staff recommendation to develop a water and or sewer line replacement project in the North Town area.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve the staff recommendation to develop a water and or sewer line replacement project in the North Town area.

Before the vote, Manager Stasiak explained that Millie Vance, who did the CDBG Grant administration for the City was present to review what eligible projects could be and the time line that the Grant application needed to follow.

After a brief review and discussion of eligible projects, requirements for the areas where those projects could be done and the Grant application schedule, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

### **New Business**

Manager Stasiak addressed the Council explaining that the adoption of the CIP, as required by the Charter, had been missed. He stated that the other requirements had been met and tonight he was requesting that this matter be considered under new business.

Attorney Ervin stated that this matter did meet the requirements for new business.

After a brief discussion regarding the inclusion of the additions from the previous meetings, if this was the final step and how these funds were to be used, a motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve RESOLUTION NO. 15-04, adopting the Capital Improvement Program for 2015/2016-2019/2020.

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

AYE: Councilman Read, Smith, Karr, Garvin, 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 reported that this months' sales tax was back on track and what they had thought the problem with last months receipts did seem to be the snow storm. He asked that any comments or questions that the Council had on the proposed Operating Budget be forwarded to him. He commented that he anticipated having information on refunding by tomorrow and there may be the need for a Special meeting next Monday or Tuesday. He reported that the City would be opening bids on the completion of CIP #1 next Tuesday and CIP #2 would be completed next week and the contractor would be moving to 6<sup>th</sup> Street. He added that CIP #3 was moving on schedule.

### **Remarks and Inquiries by City Council**

Councilman Garvin stated that on May 12, 2015, the city would award the contract for the water line relocation at Talawanda Lake.

Councilman Karr, Read, Titsworth and Smith 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 Karr.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 7:20 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:22 P.M.

Councilman Garvin moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B. 4, for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: City of McAlester vs Randy Green (suit); City of McAlester vs Austin Paving (claim); Leflore-Mills vs City of McAlester (suit); Simpson vs City of McAlester (suit); Two way properties vs City of McAlester (suit); and IAFF vs PERB and City of McAlester (suit). The motion was seconded by Councilman Karr and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 7:23 P.M.

### **Executive Session**

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:*

- Proposed executive session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly:
  - City of McAlester vs Randy Green (suit)
  - City of McAlester vs Austin Paving (claim)
  - Leflore-Mills vs City of McAlester (suit)
  - Simpson vs City of McAlester (suit)
  - Two way properties vs City of McAlester (suit)
  - IAFF vs PERB and City of McAlester (suit)

### **Reconvene into Open Session**

The Regular Meeting was reconvened at 8:03 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B. 4, for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: City of McAlester vs Randy Green

(suit); City of McAlester vs Austin Paving (claim); Leflore-Mills vs City of McAlester (suit); Simpson vs City of McAlester (suit); Two way properties vs City of McAlester (suit); and IAFF vs PERB and City of McAlester (suit). Only those matters were discussed, no action was taken and the Council returned to open session at 8:03 P.M., and this constituted the Minutes of the Executive Session.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:03 P.M.

ATTEST:

\_\_\_\_\_  
Steve Harrison, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk