

The McAlester City Council met in a Regular session on Tuesday, May 12, 2015, at 6:00 P.M. after proper notice and agenda was posted, May 8, 2015 at 3:45 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Captain Robert Daniels, Salvation Army 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, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Financial Officer; Brett Brewer, Fire Chief; Leroy Alsup, Community & Economic Development Director; Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Ceremony and Awards

Mayor Harrison presented Jered Weeks, Fire Department Driver Operator for the City of McAlester as April, 2015 "Employee of the Month". Mr. Weeks received a Certificate of Appreciation and a personal planner.

Mayor Harrison recessed the Regular Meeting at 6:03 P.M., to finish the Special Meeting.

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

Citizens Comments on Non-Agenda Items

There were no Citizens comments.

Consent Agenda

- A. Approval of the Minutes from the April 28, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- B. Approval of Claims for April 22, 2015 through May 5, 2015. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$109,899.92; Nutrition - \$1,012.81; Landfill Res./Sub-Title D - \$2,084.00; Tourism Fund - \$3,646.59; SE Expo Center - \$26,622.84; E-911 - \$1,239.24; Economic Development - \$7,257.60; CDBG Grant Fund - \$1,840.00; Fleet Maintenance - \$6,095.89; CIP Fund - \$15,141.51 and Federal Forfeiture Fund - \$14,422.75.

ACH – Tourism Fund - \$558.20.

- C. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC;. dba Mehlburger Brawley, Invoice # MC-14-06-06, in the amount of \$9,758.00 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*)
- D. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for payment #6, in the amount of \$124,014.26, 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*)
- E. Consider and act upon, authorization of payment to McAlester News Capital & Democrat, Ad Number 05618346, in the amount of \$111.45, for publication of Advertisement for Bids 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*)
- F. Consider and act upon, authorization of payment to Carstensen Contracting, Inc., Contractor's Application for Payment #4, in the amount of \$563,450.62, 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 #34410, in the amount of \$35,880.00, 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, awarding contract in the amount of \$11,050.00 dollars to Rave Mobile Safety for providing mass notification services. (*Shawn Smith – E911 Manager*)
- I. Consider and act upon, authorizing the Mayor to sign a Lease Agreement with the Boys and Girls Club of McAlester. (*Peter Stasiak, City Manager*)

- J. Consider and act upon, authorization of payment to Oklahoma Municipal League in the amount of \$305.00 for membership in the Mayors Council of Oklahoma. (*Steve Harrison, Mayor*)
- K. Accept and place on file the McAlester Main Street 3rd Quarter Report. (*Lacy Sudderth, Executive Director*)
- L. Consider and act upon, a personal Service Agreement with Quick Gro Erosion Control, LLC for hay bailing on the Steven Taylor Industrial Park and Hwy 31, west of Indian Nation Turnpike in the amount of \$800.00. (*Mel Priddy, Community Services Director*)
- M. Ratify action taken at City Council Meeting, April 28, 2015, for approving the City of McAlester 2015/2016 5-Year Capital Improvement Plan. (*Peter Stasiak, City Manager*)
- N. Consider and act upon, the FOP, Lodge 97, 2015-2016 Contract. (*Peter Stasiak, City Manager*)

Councilman Garvin requested that “Item I” be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items “A through H and J through N”.

There was no 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.

Items Removed from Consent Agenda

- I. Consider and act upon, authorizing the Mayor to sign a Lease Agreement with the Boys and Girls Club of McAlester. (*Peter Stasiak, City Manager*)

A motion was made by Vice-Mayor Read and seconded Smith to approve authorizing the Mayor to sign a Lease Agreement with the Boys and Girls Club of McAlester.

Before the vote, Councilman Garvin commented that he had seen a Semi-tractor and trailer parked in the parking lot. He stated that the parking lot had not been built for that type of vehicle and that “No Truck Parking” signs should be posted at both entrances.

After a brief discussion concerning spending restrictions and the lease agreement allowing the organization to acquire more funding. The vote was taken as follows:

AYE: Councilman Read, Smith, Titsworth, Karr, Garvin, Barnett & 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 Councilman Garvin. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was opened at 7:16 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 Councilman Karr moved to close the Public Hearing. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 7:17 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. 2536

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 Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2536**, amending Fiscal Year 2014-2015 Operating Budget.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits and explaining that the amendment was to appropriate additional funds for Expo gas utility, additional Worker's Compensation, additional funds for demolitions and contingency funds for Expo expenses.

Vice-Mayor Read asked if the City was filing liens on properties that were demolished by the City and if they were collecting the fees.

Manager Stasiak informed the Council that liens were being filed and there had been some of those liens collected when the property taxes were paid.

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

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

Mayor Harrison declared the motion carried.

Vice-Mayor Read moved to approve the EMERGENCY CLAUSE, seconded by Councilman Garvin.

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

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

Mayor Harrison declared the motion carried.

2. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Carstensen Contracting, Inc. for the completion of CIP#1 Improvements along Seventeenth Street from Comanche Avenue to South Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with Carstensen Contracting, Inc. for a Total Bid equal to \$114,319.50, for the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve and authorize the Mayor to sign a contract between the City of McAlester and Carstensen Contracting, Inc. for the completion of CIP#1 Improvements along Seventeenth Street from Comanche Avenue to South Avenue for a bid of \$114,319.50.

Before the vote, Manager Stasiak addressed the Council explaining that this contract was to complete CIP #1. He commented that the City's crews had taken over the project when the original contractor was unable to complete the job but this project required a lot of time and the

City crews were always needed else where in the City. He added that only one (1) bid was received at the May 5, 2015 bid opening and staff recommended that the contract be awarded to Carstensen Contracting, Inc.

After a brief discussion concerning the blank contract and the time proposed to complete the project the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Holland Backhoe, Inc. for the Proposed Relocation of the 20-inch water main at Talawanda Lake. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign a contract between the City of McAlester and Holland Backhoe, Inc. for the Proposed Relocation of the 20-inch water main at Talawanda Lake for a Total Bid Price of \$430,535.00.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve and authorize the Mayor to sign a contract between the City of McAlester and Holland Backhoe, Inc. for the Proposed Relocation of the 20-inch water main at Talawanda Lake for a bid amount of \$430,535.00.

Before the vote Manager Stasiak addressed the Council explaining that that City had experienced three (3) major water main breaks under Talawanda Lake No. 2 in the past six (6) years. He commented that six (6) bids had been received and opened on February 10, 2015 with Holland Backhoe, Inc. being the low bidder. Manager Stasiak stated that after checking references and having knowledge of completed projects the City's consultant, Infrastructure Solutions Group, LLC, dba Mehlburger Brawley had recommended that the contract be awarded to Holland Backhoe, Inc.

After discussion regarding how long this project could take, the Engineers estimate, experience with the contractor, and the large difference in lowest bid and the next lowest bid the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

4. Consider and act upon, Building Demolition & Site Clearance Contracts with Henry Moss of Moss Trucking in the sum of \$35,895.00; American Demolition & Site Services in the sum of \$12,627.00; and Timco Blasting & Coating in the sum of \$6,600.00. (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to authorize the Mayor to execute Building Demolition & Site Clearance Contracts with Henry Moss of Moss Trucking in the sum of \$35,895.00; American Demolition & Site Services in the sum of \$12,627.00; and Timco Blasting & Coating in the sum of \$6,600.00.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve and authorize the Mayor to execute Building Demolition & Site Clearance Contracts with Henry Moss of Moss Trucking in the sum of \$35,895.00; American Demolition & Site Services in the sum of \$12,627.00; and Timco Blasting & Coating in the sum of \$6,600.00.

Before the vote, Director Alsup addressed the Council explaining that on May 1, 2015, Building Demolition and Site Clearance Services Bids were tabulated for the three (3) contractors.

After a brief discussion concerning the contractor's ability to complete the work within the time limits and having all necessary information from the contractors, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that Cricket Wireless had donated ten (10) hot spots for use in the City's Police vehicles. He explained that with this wireless connection the officers would be able to run license checks and various other checks without calling dispatch. Manager Stasiak informed the Council that the City was exploring PSO's Peak Performance Program. He explained that by participating in the program the City could be eligible for rebates up to \$20,000.

Remarks and Inquiries by City Council

Councilman Karr asked about looking into the drainage on Short Stonewall and west Stonewall and if there were agreements with the previous owners.

Timmy Don Adams, Public Works Operations Supervisor addressed the Council explaining that this was done sixteen (16) or seventeen (17) years ago with CIP projects. He added that the floodplain engineers would need to study the area to see what would need to be done to address the problem.

Manager Stasiak stated that the City would work with the Warden for a resolution to the problem.

Councilman Garvin commented on the status of the “Electric Chair” and asked that Park Street from 4th Street to 7th Street be looked at. He stated that it had to be the worst street in the City.

Councilman Barnett, 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. 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 7:51 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:52 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, Titsworth, Karr, Garvin, Barnett & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:52 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk