



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, July 28, 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.*

### **CALL TO ORDER**

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*Announce the presence of a Quorum.*

### **INVOCATION & PLEDGE OF ALLEGIANCE**

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Captain Robert Daniels

### **ROLL CALL**

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## **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 June 9, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for July 8, 2015 through July 21, 2015. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, a request by Eastern Oklahoma State College, E.O.S.C., McAlester Campus, to partner with them for the rental fee for the use of the Southeast Expo Center for the 8<sup>th</sup> Annual Career & College Tour set for October 28-29, 2015 in the amount of \$2,000.00. *(Jerry Lynn Wilson, Community Services)*
- D. Consider and act upon, acceptance of funds in the amount of \$9,400.00 from Life Church of McAlester to put towards the purchase of a Drug Dog for the City of McAlester. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorization to expend funds in the amount of \$3,000.00 for the Mayor to attend the McAlester Stampede in Washington D.C. on September 28<sup>th</sup> through October 2, 2015. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, authorizing the Mayor to sign a Campus Police Agreement between the Board of Education for the McAlester School District and the City of McAlester. *(Gary Wansick, Police Chief)*
- G. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #1", in the amount of \$108,602.96, 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., CFM, City Engineer and Public Works Director)*
- H. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #7", in the amount of \$213,619.28, 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)*
- I. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #2", in the amount of \$369,583.28, for the

construction of road and infrastructure improvements 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)*

- J. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200705-KW. *(Cora Middleton, City Clerk)*
- K. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200554-ME. *(Cora Middleton, City Clerk)*
- L. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200538-ME. *(Cora Middleton, City Clerk)*

## **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.*

### **SCHEDULED BUSINESS**

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1. Consideration and action to accept the 2016 OSMPC Incentive Fund Award in the amount of \$193,256.60 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20150728-001 to the Oklahoma Department of Commerce to draw down the \$193,256.60 of funds. *(Leroy Alsup, Community and Economic Development Director)*

#### Executive Summary

Motion to approve and accept the 2016 OSMPC Incentive Fund Award in the amount of \$193,256.60 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20150728-001 to the Oklahoma Department of Commerce to draw down the \$193,256.60 of funds.

2. Consideration and action to approve and to authorize bid letting for a specific section of the Belmont Trail Project as designated by the City Council and subsequently approved by the Oklahoma Tourism and Recreation Department (OTRD). *(Leroy Alsup, Community and Economic Development Director)*

#### Executive Summary

Motion to approve and to authorize the bid letting of a specific section of the Belmont Trail Project as designated by the City Council and subsequently approved by the Oklahoma Tourism and Recreation Department (OTRD).

3. Discussion and possible action on resolution for a Visit McAlester Program for Tourism, *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends passing the resolution to recognize the importance of attracting, “encouraging, promoting, and fostering conventions, conferences, and tourism development”.

4. Discussion and possible action, on approval of certain costs related to the Fire Department. 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)*

Executive Summary

Motion to approve the purchase of new mattresses for the dorms of the fire departments. The cost of the mattresses not to exceed \$6,000.00. Purchase to be made with funds from the City of McAlester Fire Department’s portion of the county quarter cent excise tax for fire services.

5. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with EST, Inc., for Construction Management Services related to CIP#4 Amendment, which includes a segment of Sixth Street from Chadick Park to Wyandotte Avenue. *(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 EST, Inc. to provide Construction Management Services related to CIP#4 Amendment, which includes a segment of Sixth Street from Chadick Park to Wyandotte Avenue. The total fee to perform these services is a lump sum amount of \$92,075.00.

6. Consider and act upon, Change Order No. 5 to the contract with T. McDonald Construction, Inc. for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 5 resulting in the addition of seven (7) days and adding \$2,930.00 to the Contract Price. *(John C. Modzelewski, P.E.,CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No.5 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to November 29, 2015 and the cost increase of \$2,390.00 that changes the Contract amount to \$2,735,941.50.

7. Consider and act upon, Final and Contractor’s Pay Estimate No. 4 for contract with Garrow Construction, LLC, to construct the 30-inch Water Plant Pump Header Replacement, and necessary appurtenances, at the Water Treatment Plant, and accept the project as completed. *(John C. Modzelewski, P.E.,CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve final payment of \$37,253.30 for the 30-inch Water Plant Pump Header Replacement, and necessary appurtenances, at the Water Treatment Plan to Garrow Construction, LLC, and accept the project as completed.

8. Consider and act upon, Change Order No. 1 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 1. *(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 Change Order No. 1 which includes the addition of surge rock stabilization for the construction of the access driveway behind Will Rogers School. The cost of this change order, \$40,050.92, is offset by the lime stabilization line items that are not utilized with this project.

**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 July 14, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending July 21, 2015. *(Toni Ervin, Chief Financial Officer)*

**ADJOURN MAA****CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

*Majority of a Quorum required for approval*

- Approval of the Minutes from the July 14, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending July 21, 2015. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item G, authorization of payment to Carstensen Contracting, Inc. “Contractor’s Application for Payment #1”, in the amount of \$108,602.96, 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., CFM, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item H, authorization of payment to Carstensen Contracting, Inc. “Contractor’s Application for Payment #7”, in the amount of \$213,619.28, 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)*
- Confirm action taken on City Council Agenda Item I, authorization of payment to Carstensen Contracting, Inc. “Contractor’s Application for Payment #2”, in the amount of \$369,583.28, for the construction of road and infrastructure improvements 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)*
- Confirm action taken on City Council Agenda Item J, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200705-KW. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item K, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200554-ME. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item L, to concur with the Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200538-ME. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign a Professional Services Agreement with EST, Inc., for Construction Management Services related to CIP#4 Amendment, which includes a segment of Sixth Street from Chadick Park to Wyandotte Avenue. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 6, Change Order No. 5 to the contract with T. McDonald Construction, Inc. for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 5 resulting in the addition of seven (7) days and adding \$2,930.00 to the Contract Price. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

- Confirm action taken on City Council Agenda Item 7, Final and Contractor's Pay Estimate No. 4 for contract with Garrow Construction, LLC. to construct the 30-inch Water Plant Pump Header Replacement, and necessary appurtenances, at the Water Treatment Plant, and accept the project as completed. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 8, Change Order No. 1 to the contract with Carstensen Contracting, Inc for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 1. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

#### ADJOURN MPWA

#### **CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the June 23, 2015 Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of July, 2015. (*Toni Ervin, CFO*)

#### ADJOURN MRTA

#### **RECONVENE COUNCIL MEETING**

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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**