

The McAlester City Council met in a Regular session on Tuesday, August 11, 2015, at 6:00 P.M. after proper notice and agenda was posted, August 10, 2015 at 10:50 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, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

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

Ceremony & Awards

Mayor Harrison presented Bill Geary as July, 2015 Employee of the Month. Mr. Geary received a Certificate of Appreciation and a pad folio.

Citizens Comments on Non-Agenda Items

Lacey Sudderth Executive Director McAlester Main Street addressed the Council inviting them to the Fourth (4th) Annual "Culture Fest", Saturday, August 15th. She informed them that it would start at noon and end at 8:00 P.M.

Consent Agenda

- A. Approval of the Minutes from the July 21 2015, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the July 28 2015, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- C. Approval of Claims for July 22, 2015 through August 5, 2015. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$116,643.97; Nutrition - \$1,038.66; Landfill Res./Sub-Title D - \$31,844.08; Tourism Fund - \$4,378.49; SE Expo Center - \$717.88; E-911 - \$850.41; Economic Development - \$7,977.41; CDBG Grants Fund - \$547.00; Fleet Maintenance - \$35,383.83; Worker's Compensation - \$53,942.00; CIP Fund - \$55,914.44 and Technology Fund - \$12,792.00.

ACH Payment – Tourism Fund - \$558.20.

- D. Concur with the Mayor's Re-Appointment of Mr. Robert Way, 981 Swan Rd, McAlester, to the McAlester Housing Authority Board for a term to expire March, 2019. (*Steve Harrison, Mayor*)
- E. Concur with the Mayor's Re-Appointment of Mr. Larry Walla, to the McAlester Housing Authority Board for a term to expire March, 2019. (*Steve Harrison, Mayor*)
- F. Accept and place on file the McAlester Main Street Annual Performance Report for July 2014 through June 2015. (*Lacey Sudderth, Executive Director*)
- G. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 200553-ME. (*Cora Middleton, City Clerk*)
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-09, in the amount of \$ 6,601.00, 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., CFM, City Engineer and Public Works Director*)
- I. Consider and act upon, authorization of payment to EST, Inc., Invoice #34989, in the amount of \$11,330.00 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*)
- J. Consider and act upon, authorization of payment to EST, Inc., Invoice #34990, in the amount of \$65,578.50 for Construction Management Services and Materials Testing Services 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*)
- K. Consider and act upon, authorizing the Mayor to sign an agreement for one year between the City of McAlester and McAlester Regional Health Center Authority for the full use of the MRHC's Wellness Center. (*Cora Middleton, City Clerk*)

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

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Garvin and seconded by Councilman Karr to open a Public Hearing to address a rezoning Ordinance. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:07 P.M.

Public Hearing

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR THE WESTERLY 85 FEET OF LOT 3, IN BLOCK 600, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-2 (TWO-FAMILY [DUPLEX] DWELLING DISTRICT).

There were no comments from the Council or audience 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, Karr, Garvin, Barnett, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:08 P.M.

Scheduled Business

1. Presentation and update on McAlester Regional Health Center by Mr. David Keith.
(*David Keith, CEO, McAlester Regional health Center*)

Executive Summary
Presentation and update.

David Keith, CEO, McAlester Regional Health Center addressed the Council updating them on the financial status of the Hospital. He commented on the activities of the “Mercy Clinic” since

the Hospital had taken it over and the Hospital's Charity Care Program. He informed them of the improvements to the facility and services that were planned or being implemented.

There was a brief discussion concerning the improvements that had already taken place and the Hospital's "Wound Care Center".

There was no vote on this item.

2. Consider and act upon, authorizing the Mayor to sign "Application for Federal Assistance SF-424" to provide Federal Funding for: Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement".
(*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to authorize the Mayor to sign Application for Federal Assistance SF-424 to provide funding for: Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement".

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign "Application for Federal Assistance SF-424" to provide Federal Funding for: Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement".

Before the vote, Director Modzelewski addressed the Council explaining that this project had been approved back in December of 2014 and this was the application that needed to be completed and signed by the Mayor as a requirement for Federal Assistance. He then reviewed a handout that had been distributed and informed them that FAA had approved the project. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth, Read & 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 Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement", Project 3-40-0057-013-2015. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to authorize the Mayor to sign a contract between the City of McAlester and Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement", Project 3-40-0057-013-2015, for an amount of \$209,825.50.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize the Mayor to sign a contract between the City of McAlester and Bronze Oak, LLC, to construct the following McAlester Regional Airport improvements: "Replace Existing Drainage Pipe,

Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement”, Project 3-40-0057-013-2015, for an amount of \$209,825.50.

Before the vote, Director Modzelewski addressed the Council explaining that the contract document was not available to sign and after discussing this matter with the Consultant it was their recommendation to pull or table the item until the grant was awarded and the contract was available.

Manager Stasiak conferred with this recommendation to pull the item until the contract was available.

Mayor Harrison pulled the item and Director Modzelewski apologized for the confusion.

4. Consider and act upon, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classifications of the zoning district for The Westerly 85 feet of Lot 3, in Block 600, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B (Single-Family Residential District) to R-2 (Two-family Dwelling [Duplex] District). (*Jayme Clifton, Planning Tech*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning district for the property identified in the Ordinance from R1-B (Single-Family Residential District) to R-2 (Two-family Dwelling [Duplex] District) and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2542

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR THE WESTERLY 85 FEET OF LOT 3, IN BLOCK 600, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-2 (TWO-FAMILY [DUPLEX] DWELLING DISTRICT).

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve **ORDINANCE NO. 2542**, rezoning property from R1-B (Single-Family Residential District) to R-2 (Two-Family [Duplex] Dwelling District).

Before the vote, Jayme Clifton, Planning Tech. addressed the Council explaining that this would be a public benefit and would encourage further development in the future.

After a brief discussion regarding the size of the lot and if there had been any rejections to this zoning change, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, awarding a bid in the amount of \$31,000.00 to Oklahoma Contract Flooring, LLC. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the award of the bid to Oklahoma Contract Flooring, LLC.

A motion was made by Councilman Karr and seconded by Councilman Karr to award the bid for the Expo carpet to Oklahoma Contract Flooring, LLC in the amount of \$31,000.00.

Before the vote, Director Priddy addressed the Council explaining that two (2) bids had been received and opened on July 21, 2015 and after reviewing both bids it was staff recommendation to award the bid to Oklahoma Contract Flooring, LLC as low bidder. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, approval of the revised Canine Operations Policy for the McAlester Police Department and acceptance of the check awarded by Life Church in the amount of \$9,400 for purchase of a Drug Dog. (*Gary Wansick, Police Chief*)

Executive Summary

Staff recommends approval of the revised Policy for Canine Operations and acceptance of the funds provided by Life Church to go towards the purchase of a Drug Dog.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve the revised Canine Operations Policy for the McAlester Police Department and accept the check awarded by Life Church in the amount of \$9,400 for purchase of a Drug Dog.

Before the vote, Chief Wansick addressed the Council explaining that one (1) year ago a grant for three (3) additional officers was written and awarded to the City of McAlester and this award was partially based on the promise that those officers would be used for drug interdiction. He then reviewed the history of the City's interdiction program and its' previous problems. He informed the Council that those matters had been addressed in the revised policy and the new program.

After a brief discussion concerning the program and past problems, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements and authorize the Mayor to sign Change Order No. 2. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 2 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 2. ~~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~~ The cost of this change order, \$15,117.00, is offset by the Prime Coat line item that is not utilized with this project.

Councilman Karr moved to approve Change Order No. 2 to the contract with Carstensen Contracting, Inc. for the construction of CIP#2 Improvements and authorize the Mayor to sign Change Order No. 2, in the amount of \$15,117.00. The motion was seconded by Vice-Mayor Read.

Before the vote, Director Modzelewski addressed the Council explaining the correction to the Agenda Report language. He informed the Council that the cost of the Change Order would be offset by the Prime Coat line item that would not be used for this project.

After a comment by Councilman Smith that this was just balancing out within the project budget the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, Change Order No. 3 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 3. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 3 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 3 which includes the replace 175 linear feet of 8" sewer main from manhole B1 north to a new manhole near Seneca Avenue due to the existing clay pipe leaking. This includes replacing the asphalt removed for this sewer trench. The cost of this change order, \$22,487.10, is offset by the lime stabilization line item that is not utilized with this project.

Councilman Smith moved to approve and authorize the Mayor to sign Change Order No. 3 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements in the amount of \$22,487.10. The motion was seconded by Vice-Mayor Read.

Before the vote, Director Modzelewski addressed the Council explaining that the cost of this Change Order would also be offset by the lime stabilization line item that would not be used with this project.

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

AYE: Councilman Smith, Read, Titsworth, Karr, Garvin, 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 the roof on the Genealogical Building was in need of repair along with a down spout that was causing some problems and that matter had been advertised for bid that would open on September 1st. He informed the Council that the first bids for 9th Street and Illinois Avenue had not been accepted and that project would be rebid to open on September 9th. He reminded them of "Culture Fest" the following Saturday. Manager Stasiak reminded everybody to drive carefully as school was back in session. He then informed the Council that he would be out half a day on Thursday. He commented on the ten (10) "Hot Spots" that had been donated to the Police Department which would allow those officers to run laptops and have access to ODUS Operating System. He then stated that the City had received a bad docking station for the Body Cams and the replacement had been received yesterday and James Stanford would get it up and running so the Officers could begin wearing the cameras soon.

Remarks and Inquiries by City Council

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

Councilman Smith thanked Carstensen for the work that had been completed on 6th Street. He then commented on the sidewalk problems on 6th between Jefferson and Adams.

Councilman Garvin commented on the construction on 6th Street and inquired about making that area ADA compliant. He then commented on the infrastructure needs of the area.

Councilman Barnett commented on the 17th Street project and stated that the sidewalks in front of the residences at 610 and 700 had been removed. He also commented on the house on Seneca between 5th and 6th that had burned. He stated that nothing was being done to repair or remove the structure.

Manager Stasiak commented that the City had offered to replace the sidewalks and they would look into the problem and the City would look in to the structure on Seneca.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 6:58 P.M.

Reconvene Council Meeting

The meeting was reconvened at 6:59 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read 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 a pending investigations, claims, or actions, more particularly: John Jarrett.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 7:00 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 a pending investigations, claims, or actions, more particularly: John Jarrett

Reconvene into Open Session

The Regular Meeting was reconvened at 7:20 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 a pending investigations, claims, or actions, more particularly: John Jarrett. Only that matter was discussed, no action was taken, and the Council returned to open session at 7:20 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon, authorizing the City Manager to propose a settlement agreement per the guidelines discussed.

Councilman Smith moved to authorize the City Manager to propose a settlement agreement per guidelines discussed. The motion was seconded by Vice-Mayor Read and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

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 Karr.

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

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:21 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk