



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, October 13, 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 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

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

Captain Robert Daniels, Salvation Army

ROLL CALL

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 September 8, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the September 22, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the September 22, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of the Minutes from the September 29, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- E. Approval of Claims for September 16, 2015 through October 6, 2015. *(Toni Ervin, Chief Financial Officer)*
- F. Consider and act upon, authorizing the Mayor to ratify Claims from September 1, 2015 through September 15, 2015 that were omitted from the packet on the September 22, 2015 Regular Council Meeting. *(Toni Ervin, Chief Financial Officer)*
- G. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #11, in the amount of \$250,011.29, 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)*
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-11, in the amount of \$11,336.50, 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)*
- I. Consider and act upon, authorization of payment to EST, Inc., Invoice #35491, in the amount of \$43,719.00 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)*

- J. Accept and place on file the Pride in McAlester First Quarter Performance Report. *(Elizabeth Megaffin, Executive Director)*
- K. Accept and place on file expenditures for the 2015 Wild West Festival. *(Lacy Sudderth, Main Street)*
- L. Consider and act upon, ratification of the Code of Conduct for the City of McAlester originally adopted October 27, 2009. (There have been no changes to the document.) *(Cora Middleton, City Clerk)*

ITEMS REMOVED FROM CONSENT AGENDA

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. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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 LOT 6, IN BLOCK 32, MCALESTER ADDITION TO THE CITY OF MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO C-4 (RESTRICTED COMMERCIAL DISTRICT).

SCHEDULED BUSINESS

- 1. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; 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.

- 2. 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 Lot 6, in Block 32, McAlester Addition to the City of McAlester, Pittsburg County, State of Oklahoma from R1-B

(Single-Family Residential District) to C-4 (Restricted Commercial 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 C-4 (Restricted Commercial District) and authorizing the Mayor to sign the ordinance.

3. Consider and act upon, approval of Change Order No. 1 to the contract with Collins Waterworks, LLC for the construction of 2014 CDBG Water Improvements along Walker Avenue and Pine Street and authorize the Mayor to sign the 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 Collins Waterworks, LLC to allow the replacement of two old fire hydrant assemblies at Birch and Ainsley and at Pine and Walker. The cost of Change Order No. 1 is \$10,997.29. This Change Order will also add 60 days to the project for the extra work time for the contractor to remobilize. The Substantial Completion date will be November 24, 2015.

4. Consider and act upon, Change Order No. 6 to the contract with T. McDonald Construction, Inc. for the construction of CIP#3 Improvements on Second Street and authorize the Mayor to sign Change Order No. 6. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 6 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to December 7, 2015 and decreasing the contract price to \$2,735,928.00.

5. Consider and act upon, a plan to address the Water Treatment Plant and the immediate capital improvement needs. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Staff recommends a commitment to a plan to address the immediate capital needs of the Water Treatment Plant as presented at the Special meeting on October 6th.

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 September 22, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item E, regarding claims ending October 6, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, authorizing the Mayor to ratify Claims from September 1, 2015 through September 15, 2015 that were omitted from the packet on the September 22, 2015 Regular Council Meeting. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item L, ratification of the Code of Conduct for the City of McAlester originally adopted October 27, 2009. (There have been no changes to the document.) *(Cora Middleton, City Clerk)*

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the September 22, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Approval of the Minutes from the September 29, 2015, Special Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item E, regarding claims ending October 6, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, authorizing the Mayor to ratify Claims from September 1, 2015 through September 15, 2015 that were omitted from the packet on the September 22, 2015 Regular Council Meeting. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item G, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #11, in the amount

of \$250,011.29, 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*)

- Confirm action taken on City Council Agenda Item H, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-11, in the amount of \$11,336.50, 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*)
- Confirm action taken on City Council Agenda Item I, authorization of payment to EST, Inc., Invoice #35491, in the amount of \$43,719.00 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*)
- Confirm action taken on City Council Agenda Item L, ratification of the Code of Conduct for the City of McAlester originally adopted October 27, 2009. (There have been no changes to the document.) (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item 1, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 3, approval of Change Order No. 1 to the contract with Collins Waterworks, LLC for the construction of 2014 CDBG Water Improvements along Walker Avenue and Pine Street and authorize the Mayor to sign the Change Order No. 1. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 4, Change Order No. 6 to the contract with T. McDonald Construction, Inc. for the construction of CIP#3 Improvements on Second Street and authorize the Mayor to sign Change Order No. 6. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 5, a plan to address the Water Treatment Plant and the immediate capital improvement needs. (*Toni Ervin, Chief Financial Officer*)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

ADJOURNMENT

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.

Cora M. Middleton, City Clerk