

The McAlester City Council met in a Regular session on Tuesday, October 13, 2015, at 6:00 P.M. after proper notice and agenda was posted, October 9, 2015 at 11:42 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Captain Linette Daniels 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; Toni Ervin, CFO; John Modzelewski, City Engineer/Public Works Director; Jayme Clifton, Community & ED Exec. Assistant/Planning Tech; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Harrison reminded everyone that the Election Polls were open until 7:00 P.M. and he encouraged everyone to vote.

Citizens Comments on Non-Agenda Items

There were no Citizen's comments.

Consent Agenda

- 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*) In the following amounts: General Fund - \$105,307.34; Nutrition - \$1,104.37; Landfill Res./Sub-Title D - \$4,200.00; Tourism Fund - \$20,292.53; SE Expo Center - \$63,691.59; E-911 - \$3,949.40; Economic Development - \$7,162.50; CDBG Grants Fund - \$66,629.43; Fleet Maintenance - \$15,406.21; Dedicated Sales Tax-MPWA - \$2,000.00; CIP Fund - \$323,666.49 and Technology Fund - \$100.00.
- 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*)

Councilman Smith requested that items "K and L" be removed for individual consideration.

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

Items Removed from Consent Agenda

K. Accept and place on file expenditures for the 2015 Wild West Festival. (*Lacy Sudderth, Main Street*)

A motion was made by Smith and seconded by Garvin to accept and place on file the expenditures for the 2015 Wild West Festival.

Before the vote, Councilman Smith inquired about the information regarding the Festival’s final expenses.

Manager Stasiak explained that his Executive Assistant had went upstairs to get the information.

Brenda Baxter, Old Town Association President and Festival Chairman addressed the Council reviewing the final expenditures and activities for the Old Town Festival. She commented that this year’s event had been held for two (2) night and that the overall attendance was approximately five thousand (5,000).

During Ms. Baxter’s review there was discussion concerning the number of people from out of town that had attended the Festival, the information that the hotels had furnished and the Associations advertising efforts to promote the event. The vote was then taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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*)

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to ratify the Code of Conduct for the City of McAlester originally adopted October 27, 2009.

Before the vote, Councilman Smith commented that the Code had previously been ratified in January and asked why it was being ratified again. He also inquired about the status of the Ethics Board and if the requirements of the Ethics Board should be reviewed and changed.

Manager Stasiak explained that the Code of Conduct had originally been adopted in October 2009 and that by ratifying it again would get it back on schedule. He stated that he believed that the Ethics Board met on an as needed basis.

There was no other 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 Smith to open a Public Hearing to address two (2) Ordinances. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:16 P.M.

Public Hearing

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).

There were no comments on either Ordinance 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, Garvin, Barnett, Titsworth, Karr & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:16 P.M.

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.

ORDINANCE NO. 2547

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.

Councilman Smith moved to approve **ORDINANCE NO. 2547**, amending Fiscal Year 2015-2016 Budget. The motion was seconded by Councilman Karr.

Before the vote, CFO Ervin reviewed the amendment with the Council explaining that the amendment would appropriate funds for Change Order No. 1 to Holland Backhoe, Inc. on the 20 inch Water Line Relocate Project. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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.

ORDINANCE NO. 2548

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).

Councilman Garvin moved to approve **ORDINANCE NO. 2548**, rezoning an area of property from R1-B (Single-family Residential District) to C-4 (Restricted Commercial District). The motion was seconded by Councilman Karr.

Before the vote, Executive Assistant/Planning Tech Clifton addressed the Council informing them that this property was surrounded by Commercial zoned property and that during the Planning meeting on September 15, 2015 there were no objections and the motion had been approved unanimously. 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, 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.

A motion was made by Councilman Garvin and seconded by Councilman Karr 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.

Before the vote, Director Modzelewski addressed the Council commenting that there were funds left over at the completion of the project and this change order will utilize those funds to do the additional items. He added that it would add sixty (60) days to the project and move the completion date to November 24, 2015. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

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.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Order No. 6 to the contract with T. McDonald Construction, Inc. and authorize 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.

Before the vote, Director Modzelewski addressed the Council informing them that the Change Order included adding three (3) days for adverse weather, five (5) days to complete connecting a fire suppression line, adding a sewer main that had not been shown on the sewer atlas and adding a driveway at Second and Peoria and after reconciliation of most of the water system items decreases the contract by \$13.50.

After discussion among the Council, Manager Stasiak and Dale Burke, P.E. and President of Infrastructure Solutions Group, LLC concerning the Change Orders that had affected this project, not having a surprise at the completion of the project with a large unexpected Change Order, the water line being approximately 95% completed and the amount of research that the consulting company had done for this 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.

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.

CFO Ervin addressed the Council commenting that based on the workshop on Tuesday, October 6, 2015 and research on funding options for the Capital needs at the Water Treatment Plant, option one (1) was the option that the City would move forward with. She informed the Council that she had contacted the Oklahoma Water Resources Board regarding possible funding through them.

There was lengthy discussion concerning what would be voted on at this meeting, looking at other options to address the needs of the Water Treatment Plant, if the City was getting information from its' consultant about the needs at the Water Treatment Plant, the current problems at the Plant, where the material from the drying beds could be taken, what that cost might be, how long the problems at the Water Treatment Plant have been discussed, the accuracy of the numbers that were being supplied, satisfying DEQ's requirements, the City coming back to the Council for further approval as items arose, if the Council believed that the information was accurate and what language needed to be used to make a motion.

Vice-Mayor Read moved to approve Option 1, year 1 including funding and authorize the City Manager to proceed with planning for the three (3) following projects: lagoon solids, motor control center and Filter five (5). The motion was seconded by Councilman Smith.

Before the vote, there was a brief discussion concerning the project being watched closely, the Council getting a copy of the letter that is sent to DEQ, the City Manager reporting back to the Council as soon as he has the gist of a plan, and the City not authorizing any expenditures at this time.

There was no further 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.

New Business

There was no New Business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the OML District Dinner Meeting would be Thursday, October 29th at Pete's Place in Krebs and tickets could be gotten if any of them wished to attend, he reported that the repair of the roof on the Genealogical Building had been completed and the restrooms were being remodeled. Manager Stasiak commented that individuals from Crawford and Associates were working on preparation for the 2014-2015 Audit, work on Sandy Creek Canal had begun, and the contractor for the 9th and Illinois Project was getting his bond and insurance together. He reported that he had attended a meeting in Oklahoma City last week for Oklahoma Department of Transportation (ODOT) regarding the 69 Highway Bypass and on November 5th at the Kiamichi Vo-Tech Center they would be unveiling "Phase One" of the 69 Highway Bypass. He stated that the Employee Appreciation Dinner was scheduled for next Thursday, November 22nd at the Expo Center and he had attended the "Old Town Festival" which was a very good and seemed to be the biggest crowd he had seen. He commended the City employees for all of the work that had been done in the Old Town area.

Remarks and Inquiries by City Council

Councilman Karr commented on the upcoming Chadick Park 100th Anniversary, Saturday, October 17th.

Councilman Garvin commented on the great turnout for the Old Town Festival, he inquired about the status of the Electric Chair and suggested that in the future the City representatives have name tags when attending any events. He commented on the change in the bypass design and announced that he planned to run for re-election in the 2016 Council election.

Councilman Smith, Titsworth, Read and Barnett did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Harrison commented on attending the McAlester Stampede in Washington D.C. He stated that this had been the fourth (4th) year and was the most productive.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Garvin 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 Garvin, Karr, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:30 P.M.

Reconvene Council Meeting

The meeting was reconvened at 7:31 P.M.

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 7:31 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk