



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, November 10, 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

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 October 27, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the November 2, 2015, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for October 21, 2015 through November 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- D. Concur with the Mayor's reappointment of Dr. Michael Boyer to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- E. Concur with the Mayor's reappointment of Mr. Stephen Otis to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- F. Concur with the Mayor's reappointment of Mr. Mike Hogan to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- G. Concur with the Mayor's reappointment of Mr. Cecil Craig to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- H. Concur with the Mayor's reappointment of Mr. Carlton Bass to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- I. Concur with the Mayor's reappointment of Mr. David Verner to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- J. Concur with the Mayor's reappointment of Mr. Randy Walters to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- K. Concur with the Mayor's appointment of Mr. Brandon John to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- L. Accept and place on file the McAlester Main Street 1st Quarter Performance Report. *(Lacey Sudderth, Executive Director)*
- M. Consider and act upon, authorizing the Mayor to sign the "Evidence of Tax Exempt Status" and "Sales Tax Exemption Certificate" for the Illinois Avenue Drainage Improvements project. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- N. Consider and act upon, authorizing the Mayor to sign the Smart Phone meter reading system agreement. This is the current company that does our meter reader's Handhelds contract. This is an upgrade in services and a savings in cost. *(Toni Ervin, Chief Financial Officer)*
- O. Consider and act upon, authorization of payment to Carsentsen Construction, Inc., Contractor's Application for Payment #1, in the amount of \$97,137.70, for the construction of road and infrastructure improvements related to CIP#4A and funded through the McAlester Public Works Authority Construction fund Series **2014** Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
Note: Previous request was for payment to be drafted from 2013 funding. Those funds have been depleted.
- P. Consider and act upon, authorization of payment to Carsentsen Construction, Inc., Contractor's Application for Payment #5, in the amount of \$557,360.70, for the construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction fund Series **2014** Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
Note: Previous request was for payment to be drafted from 2013 funding. Those funds have been depleted.
- Q. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #12, in the amount of \$364,325.68, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- R. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-12, in the amount of \$ 9,040.50, for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- S. Consider and act upon, authorizing the Mayor to sign the Sales and Use Tax Administration Agreement recently agreed upon between the Oklahoma Tax Commission and Oklahoma Municipal League Liaison Board. This agreement replaces the current separate Sales and Use Tax Agreements. *(Toni Ervin, Chief Financial Officer)*

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 AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR LOT 5, IN BLOCK 416, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-2 NEIGHBORHOOD CONVENIENCE DISTRICT.

AN ORDINANCE, AMENDING ARTICLE II DISCRIMINATION, SECTION 58-26 THROUGH 58-97 OF MCALESTER CITY CODES TO BRING ARTICLE II DISCRIMINATION INTO COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW, REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Presentation of the McAlester Regional Health Center Audit for Fiscal Year 2015. (*Darryl Linnington, CFO*)

Executive Summary
Presentation.

2. Presentation and discussion of a Stormwater Utility Fee. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary
Presentation and discussion of the development of a Stormwater Utility Fee.

3. 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 classification of the zoning district for Lot 5, in Block 416, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B (Single-Family Residential District) to C-2 (Neighborhood Convenience District). (*Leroy Alsup, Community and Economic Development Director*)

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-2 (Neighborhood Convenience District) and authorizing the Mayor to sign the ordinance.

4. Consider and act upon, a "Use Permit After Review" in the "Wade Watts Corridor" for the use of the property at 1401 Wade Watts Avenue as a "barbershop and beauty shop". (*Leroy Alsup, Community and Economic Development Director*) Reference Note: If the

rezoning ordinance proposed for this property at 1401 Wade Watts Avenue is approved by the City Council, it is recommended that this agenda item should be pulled.

Executive Summary

Motion to approve a "Use Permit After Review" in "Wade Watts Corridor" for the use of the property at 1401 Wade Watts Avenue as a "barbershop and beauty shop" and to authorize the Mayor to sign the "Use Permit after Review" approval form.

5. Consider and act upon, an ordinance amending Article II Discrimination, Section 58-26 through Section 58-97 of McAlester City Codes to bring Article II Discrimination into compliance with applicable state and federal law; repealing all conflicting ordinances, and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends a motion to approve updates in McAlester City Code Article II. Discrimination.

6. **TABLED FROM OCTOBER 27, 2015 MEETING:** Consider and act upon, to provide written notice of termination of the Professional Services Agreements with EST, Inc. for Construction Management Services related to CIP #2, CIP#4, and CIP #4A. *(Peter Stasiak, City Manager)*

Executive Summary

Consider and act upon sending written notice of termination to EST, Inc.

7. Consider and act upon, to authorize the Mayor to sign a Resolution allowing the City Manager limited authority to approve certain construction contract change orders for purposes of efficiency, flexibility and economy. *(Joe Ervin, City Attorney)*

Executive Summary

Staff recommends authorization for the City Manager to approve certain construction contract change orders subject to specific restrictions and conditions.

8. Discussion and possible action to accept recommended goals and objectives for the City manager for FY2015-2016. *(Weldon Smith, Councilman Ward One)*

Executive Summary

Discussion.

9. Consider and act upon, a Resolution establishing a Ward Commission for the City of McAlester. *(Steve Harrison, Mayor)*

Executive Summary

A motion to approve the establishment of a Ward Commission for the City of McAlester per the City Charter. The Charter provides that said Ward Commission shall consist of seven members, with each City Council person appointing one member and those six members, with the affirmative vote of at least four, choosing the seventh member who shall be chairman.

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 October 27, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending November 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item D, concur with the Mayor's reappointment of Dr. Michael Boyer to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item E, concur with the Mayor's reappointment of Mr. Stephen Otis to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item F, concur with the Mayor's reappointment of Mr. Mike Hogan to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item G, concur with the Mayor's reappointment of Mr. Cecil Craig to serve on the Airport Advisory Board for a term ending October 31, 2016. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item H, concur with the Mayor's reappointment of Mr. Carlton Bass to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item I, concur with the Mayor's reappointment of Mr. David Verner to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*

- Confirm action taken on City Council Agenda Item J, concur with the Mayor's reappointment of Mr. Randy Walters to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item K, concur with the Mayor's appointment of Mr. Brandon John to serve on the Airport Advisory Board for a term ending October 31, 2017. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item 5, an ordinance amending Article II Discrimination, Section 58-26 through Section 58-97 of McAlester City Codes to bring Article II Discrimination into compliance with applicable state and federal law; repealing all conflicting ordinances, and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 9, a Resolution establishing a Ward Commission for the City of McAlester. *(Steve Harrison, Mayor)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the October 27, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Approval of the Minutes from the November 2, 2015, Special Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending November 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item M, authorizing the Mayor to sign the "Evidence of Tax Exempt Status" and "Sales Tax Exemption Certificate" for the Illinois Avenue Drainage Improvements project. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item N, authorizing the Mayor to sign the Smart Phone meter reading system agreement. This is the current company that does our meter reader's Handhelds contract. This is an upgrade in services and a savings in cost. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item O, authorization of payment to Carsentsen Construction, Inc., Contractor's Application for Payment #1, in the amount of \$97,137.70, for the construction of road and infrastructure improvements related to CIP#4A and funded through the McAlester Public Works Authority Construction fund

Series **2014** Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)Note: Previous request was for payment to be drafted from 2013 funding. Those funds have been depleted.*

- Confirm action taken on City Council Agenda Item P, authorization of payment to Carsentsen Construction, Inc., Contractor's Application for Payment #5, in the amount of \$557,360.70, for the construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction fund Series **2014** Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)Note: Previous request was for payment to be drafted from 2013 funding. Those funds have been depleted.*
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- Confirm action taken on City Council Agenda Item R, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-12, in the amount of \$ 9,040.50, for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 2, presentation and discussion of a Stormwater Utility Fee. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 5, an ordinance amending Article II Discrimination, Section 58-26 through Section 58-97 of McAlester City Codes to bring Article II Discrimination into compliance with applicable state and federal law; repealing all conflicting ordinances, and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*
- **TABLED FROM OCTOBER 27, 2015 MEETING:** Confirm action taken on City Council Agenda Item 6, to provide written notice of termination of the Professional Services Agreements with EST, Inc. for Construction Management Services related to CIP #2, CIP#4, and CIP #4A. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 7, to authorize the Mayor to sign a Resolution allowing the City Manager limited authority to approve certain construction contract change orders for purposes of efficiency, flexibility and economy. *(Joe Ervin, City Attorney)*

- Confirm action taken on City Council Agenda Item 8, the discussion and possible action to accept recommended goals and objectives for the City manager for FY2015-2016. *(Weldon Smith, Councilman Ward One)*
- Confirm action taken on City Council Agenda Item 9, a Resolution establishing a Ward Commission for the City of McAlester. *(Steve Harrison, Mayor)*

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