



# McAlester City Council

---

## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, November 24, 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**

---

*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 November 10, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 4, 2015 through November 17, 2015. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #6, in the amount of \$436,892.37, 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)*
- D. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #2, in the amount of \$360,467.88, 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)*
- E. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35595, 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 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-02, in the amount of \$ 13,670.00, for Professional Services related to Washington Avenue Pavement Reconstruction 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)*
- G. Consider and act upon, authorization of payment to City of McAlester, Invoice # 15-00604, in the amount of \$ 12,890.00, for Professional Services related to Washington Avenue Pavement Reconstruction 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)*

- H. Consider and act upon, a resolution allowing the Oklahoma Department of Transportation (ODOT) to select one of ODOT's prequalified engineering firms to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- I. Consider and act to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities to facilitate the Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma. *(Toni Ervin, Chief Financial Officer)*
- J. Consider and act upon, authorizing the Mayor to sign a proposal from Compton Electric Company, LLC in the amount of \$10,950.00 for the replacement of a 400 amp indoor fused disconnect at City Hall in order to complete the installation of the new E-911 generator. *(Toni Ervin, Chief Financial Officer)*
- K. Consider and act upon, authorizing the Mayor to sign the Fidelity National Title Escrow Account instructions. This is the Lowe's Escrow account for Economic Development. It has been a 10 year agreement and these funds are in the process of being released back to the City of McAlester. *(Toni Ervin, Chief Financial Officer)*
- L. Consider and act upon, authorizing the Mayor to exercise the 180 day second term on the "Option to Purchase Real Estate" agreement with Jimmie D. Key and Evy Laverne Key, Trustees of the J & L Revocable Trust for the Retail Connection Development at 14<sup>th</sup> Street and U.S. Highway 69 and approve the issuance of a \$5,000 check to Jimmie D. Key and Evy Laverne Key, Trustees of the J & L Revocable Trust. *(Peter Stasiak, City Manager)*
- M. Consider and act upon, ratification of Change Order #4 to Carstensen Contracting for CIP#4A in the amount of \$4,265.25. *(Peter Stasiak, City Manager)*
- N. Consider and act upon, ratification of Change Order #10 and Change Order #11 to Carstensen Contracting for CIP#4 in the amounts of \$740.00 and \$1,630.00, consecutively. *(Peter Stasiak, City Manager)*
- O. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 201157-KW. *(Cora Middleton, City Clerk)*
- P. Consider and act upon, approval of the 2016 Annual Meeting Schedules for the McAlester City Council, the McAlester Airport Authority, the McAlester Public Works Authority, and the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Q. Consider and act upon, approval of the 2015 Jr. Sunbelt Classic expenditures and authorize submittal of the request for reimbursement as per the agreement dated September 9, 2014. *(Cora Middleton, City Clerk)*

- R. Consider and act upon, authorizing the Mayor to sign a Memorandum of Understanding between the City of McAlester and the Department of Public Safety, Division XC/Indian Nation Turnpike for the use of office space at the McAlester Expo Center during an unforeseen emergency. *(Jerry Lynn Wilson, Expo Center Manager)*
- S. Consider and act upon, authorizing the Mayor to sign a Memorandum of Understanding between the City of McAlester and the Department of Public Safety, Division D for the use of office space at the McAlester Expo Center during an unforeseen emergency. *(Jerry Lynn Wilson, Expo Center Manager)*

## **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.**

### **SCHEDULED BUSINESS**

---

1. Presentation and discussion in recognition of Native American Heritage Month, the history and information on the culture of the Choctaw People. *(Robert Karr, Councilman Ward Four)*

Executive Summary  
Presentation

2. Consider and take action with respect to a resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma. *(Darryl Linnington, CFO MRHC)*

Executive Summary  
For the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of the creation of indebtedness by the McAlester Regional Health Center Authority; and containing other provisions relating thereto.

3. 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.

- 4. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion.

- 5. Consider and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to declare certain vehicles and equipment surplus and authorize the disposal of them.

- 6. Consider and act upon, authorizing the Mayor to sign the update to the Wholesale Water Purchase Contracts. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends that the council make a motion to approve the Wholesale Water Purchase Contracts.

- 7. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and J.D. Thomas Construction to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#2). *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with J.D. Thomas Construction for a Total Bid equal to \$132,427.70 to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#2).

- 8. Consider and act upon, Change Order No. 12 to the contract with Carstensen Contracting, Inc for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 12. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 12 to the contract with Carstensen Contracting, Inc and authorizing the Mayor to sign Change Order No. 12, in the amount of \$1,915.98, which will increase the Contract Price to \$3, 051,219.36 and add one day, making the completion date April 29, 2015.

- 9. **TABLED FROM NOVEMBER 10, 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.

10. **TABLED FROM NOVEMBER 10, 2015 MEETING:** 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 November 10, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending November 17, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item P, approval of the 2016 Annual Meeting Schedules for the McAlester City Council, the McAlester Airport Authority, the McAlester Public Works Authority, and the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 2, consideration and action with respect to a resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma. *(Darryl Linnington, CFO MRHC)*

- Confirm action taken on City Council Agenda Item 10, **TABLED FROM NOVEMBER 10, 2015 MEETING:** Consider and act upon, 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 November 10, 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 November 17, 2015. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item C, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #6, in the amount of \$436,892.37, 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*)
- Confirm action taken on City Council Agenda Item D, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #2, in the amount of \$360,467.88, 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*)
- Confirm action taken on City Council Agenda Item E, authorization of payment to EST, Inc., Invoice # 35595, 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 2014 Project Account. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item F, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-02, in the amount of \$ 13,670.00, for Professional Services related to Washington Avenue Pavement Reconstruction 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 G, authorization of payment to City of McAlester, Invoice # 15-00604, in the amount of \$ 12,890.00, for Professional Services related to Washington Avenue Pavement Reconstruction 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 H, a resolution allowing the Oklahoma Department of Transportation (ODOT) to select one of ODOT's prequalified engineering firms to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item I, consideration and action to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities to facilitate the Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item M, ratification of Change Order #4 to Carstensen Contracting for CIP#4A in the amount of \$4,265.25. (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item N, ratification of Change Order #10 and Change Order #11 to Carstensen Contracting for CIP#4 in the amounts of \$740.00 and \$1,630.00, consecutively. (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item O, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 201157-KW. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item P, approval of the 2016 Annual Meeting Schedules for the McAlester City Council, the McAlester Airport Authority, the McAlester Public Works Authority, and the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item 2, consideration and action with respect to a resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma. (*Darryl Linnington, CFO MRHC*)
- Confirm action taken on City Council Agenda Item 3, 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 5, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. (*Toni Ervin, Chief Financial Officer*)

- Confirm action taken on City Council Agenda Item 6, authorizing the Mayor to sign the update to the Wholesale Water Purchase Contracts. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a contract between the City of McAlester and J.D. Thomas Construction to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#2). *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 8, Change Order No. 12 to the contract with Carstensen Contracting, Inc for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 12. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 9, **TABLED FROM NOVEMBER 10, 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)*
- Confirm action taken on City Council Agenda Item 10, **TABLED FROM NOVEMBER 10, 2015 MEETING:** Consider and act upon, a Resolution establishing a Ward Commission for the City of McAlester. *(Steve Harrison, Mayor)*

#### ADJOURN MPWA

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

---

*Majority of a Quorum required for approval*

- Approval of the Minutes from the October 27, 2015 Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of November, 2015. *(Toni Ervin, CFO)*

#### ADJOURN MRTA

#### **RECONVENE COUNCIL MEETING**

---

#### **EXECUTIVE SESSION**

---

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 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 pending investigations, claims, or actions, more particularly:

- A. City of McAlester vs Randy Green (suit)
- B. Two Way Properties vs city of McAlester (suit)
- C. City of McAlester vs Austin Paving (surety claim)

**RECONVENE INTO OPEN SESSION**

---

**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](http://www.cityofmcalester.com).*

---

**Cora M. Middleton, City Clerk**