



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, January 12, 2016 – 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 December 8, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the December 22, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for December 16, 2015 through January 5, 2016. *(Toni Ervin, Chief Financial Officer)*
- D. Accept and place on file, the Pride in McAlester Second Quarter Report for Fiscal Year 2015-2016. *(Elizabeth Megaffin, Executive Director)*
- E. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #4, in the amount of \$82,815.77, for the construction of road and infrastructure improvements related to CIP#4 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #14, in the amount of \$208,844.28, 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. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-04, in the amount of \$ 20,075.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-14, in the amount of \$2,583.00, 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. *(Peter Stasiak, City Manager)*
- I. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-16-02-01, in the amount of \$3,805.00, for Engineering Services related to CIP#4 Final Quantity Audit and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

- J. Consider and act upon, authorization of payment to Bob Howard Auto Group in the amount of \$26,183.00 for one new and unused 2016 Dodge 4X4 Crew Cab Special Service Vehicle for the Police Narcotics Division on State of Oklahoma Vehicle Contract SW035 pursuant to Section 2-275 of the McAlester City Code. *(Toni Ervin, Chief Financial Officer)*
- K. Consider and act upon, authorizing the Mayor to sign a Disaster Emergency Proclamation for the City of McAlester due to flash flooding having occurred within McAlester on December 26, 2015 causing considerable damage to public and private properties. *(Peter Stasiak, City Manager)*
- L. Consider and act, to amend and approve the contract for legal services between the City of McAlester, Oklahoma and Ervin & Ervin, Attorneys at Law, L.L.P.. *(Joe Ervin, City Attorney)*

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 CODE OF ORDINANCES, CITY OF MCALESTER, OKLAHOMA AMENDING THE FOLLOWING SECTIONS 18-51; 18-53; 18-141; 18-216; 18-217; 18-242 and 18-249; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF MCALESTER, OKLAHOMA AMENDING SECTION 50-51; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

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, acceptance of the bid amount of \$119,038.01 from Sunrise Construction of Eufaula, Oklahoma and authorize the Mayor to sign the Notice of Award and the Construction Agreement with Sunrise Construction of Eufaula for the Sandy Creek Canal Wall, 2016 Project #1. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve and to authorize the Mayor to sign the Notice of Award and the Construction Agreement with Sunrise Construction of Eufaula in the amount of \$119,038.01 for construction of the Sandy Creek Canal Wall, 2016 Project #1.

3. Consider and act upon, acceptance of the bid amount of \$109,057.00 from KATCON, Inc. and authorize the Mayor to sign the Notice of Award and the Construction Agreement with KATCON, Inc. for Miscellaneous Contract 2015 #2. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve and to authorize the Mayor to sign the Notice of Award and the Construction Agreement with KATCON, Inc. in the amount of \$109,057.00 for Miscellaneous Contract 2015 #2.

4. Consider and act upon, authorizing the Mayor to sign Change Order No. 13 to the contract with Carstensen Contracting, Inc. for the Final Cleanup of Quantities on CIP#4. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve Change Order No. 13 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 13 in the amount of (\$44,182.40) for Final Cleanup of Quantities on CIP#4.

5. Consider and act upon, authorizing the Mayor to sign the Final and Contractor's Pay Estimate No. 8 for the contract with Carstensen Contracting, Inc. for construction services on CIP#4 and accept the project as completed. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve final payment of \$156,730.21 for CIP#4 and accept the project as completed.

6. Consider and act upon, authorizing the Mayor to sign Change Order No. 2 to the contract with Katcon Inc. for Illinois Ave. Drainage Improvements. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve Change Order No. 2 to the contract with Katcon Inc. and authorizing the Mayor to sign Change Order No. 2 which extends the completion date to January 22, 2016 by adding 9 days due to inclement weather.

7. Consider and act upon, authorizing the Mayor to sign Change Order No. 8 to the contract with T. McDonald Construction Inc. for CIP#3 Second Street Improvements. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve Change Order No. 8 to the contract with T. McDonald Construction Inc. and authorizing the Mayor to sign Change Order No. 8 in the amount of \$3,948.00 and adding 5 working days to the completion date.

8. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the purchase of a new SCBA Mask. The cost of the masks not to exceed \$900.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

9. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the purchase of walkie batteries. The cost of the batteries not to exceed \$800.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

10. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the cost of equipment necessary for a ropes rescue team. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. Approx. cost \$5000.00.

11. Consider and act upon, an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma amending the following Sections 18-51; 18-53; 18-141; 18-216; 18-217; 18-242 And 18-249; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director, George Estrada, Building Inspector)*

Executive Summary

Motion to act upon and approve the above ordinance amending the following Sections 18-51; 18-53; 18-141; 18-216; 18-217; 18-242 and 18-249; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

12. Consider and act upon, an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma amending Article III Fire Prevention Code, Section 50-51; repealing all conflicting ordinances and declaring an emergency. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to act upon and approve the above ordinance amending Article III Fire Prevention Code, Section 50-51; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

13. **TABLED FROM DECEMBER 22, 2015 MEETING:** Consider and act upon, authorizing the Mayor to sign a resolution in agreement with Oklahoma Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway. *(Peter Stasiak, City Manager)*

Executive Summary

Per the request of ODOT, Staff recommends tabling this item until the January 26th Meeting due to the additional calculations previously requested being incomplete at this time. Estimates on the additional Ped Crossing and the 80-20/50-50 split are currently being worked.

14. Consider and act upon, a resolution setting the election dates for Wards 1, 3, 5 and Mayor. *(Joe Ervin, City Attorney)*

Executive Summary

Motion to approve resolution setting the election dates for Wards 1, 3, 5 and Mayor.

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 December 22, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending January 5, 2016. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MAA**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

Majority of a Quorum required for approval

- Approval of the Minutes from the December 22, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending January 5, 2016. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item E, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #4, in the amount of \$82,815.77, for the construction of road and infrastructure improvements related to CIP#4 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item F, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #14, in the amount of \$208,844.28, 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. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item G, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-04, in the amount of \$ 20,075.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item H, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-14, in the amount of \$2,583.00, 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. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item I, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-16-02-01, in the amount of \$3,805.00, for Engineering Services related to CIP#4 Final Quantity Audit and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item K, authorizing the Mayor to sign a Disaster Emergency Proclamation for the City of McAlester due to flash flooding having

occurred within McAlester on December 26, 2015 causing considerable damage to public and private properties. *(Peter Stasiak, City Manager)*

- Confirm action taken on City Council Agenda Item L, to amend and approve the contract for legal services between the City of McAlester, Oklahoma and Ervin & Ervin, Attorneys at Law, L.L.P.. *(Joe Ervin, City Attorney)*
- 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 2, acceptance of the bid amount of \$119,038.01 from Sunrise Construction of Eufaula, Oklahoma and authorize the Mayor to sign the Notice of Award and the Construction Agreement with Sunrise Construction of Eufaula for the Sandy Creek Canal Wall, 2016 Project #1. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 3, acceptance of the bid amount of \$109,057.00 from KATCON, Inc. and authorize the Mayor to sign the Notice of Award and the Construction Agreement with KATCON, Inc. for Miscellaneous Contract 2015 #2. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, authorizing the Mayor to sign Change Order No. 13 to the contract with Carstensen Contracting, Inc. for the Final Cleanup of Quantities on CIP#4. *Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign the Final and Contractor's Pay Estimate No. 8 for the contract with Carstensen Contracting, Inc. for construction services on CIP#4 and accept the project as completed. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 6, authorizing the Mayor to sign Change Order No. 2 to the contract with Katcon Inc. for Illinois Ave. Drainage Improvements. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign Change Order No. 8 to the contract with T. McDonald Construction Inc. for CIP#3 Second Street Improvements. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 10, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*
- Confirm action taken on City Council Agenda Item 11, an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma amending the following Sections 18-51; 18-

53; 18-141; 18-216: 18-217; 18-242 And 18-249; repealing all conflicting ordinances and declaring an emergency. (*Leroy Alsup, Community and Economic Development Director, George Estrada, Building Inspector*)

- Confirm action taken on City Council Agenda Item 12, an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma amending Article III Fire Prevention Code, Section 50-51; repealing all conflicting ordinances and declaring an emergency. (*Brett Brewer, Fire Chief*)
- **TABLED FROM DECEMBER 22, 2015 MEETING:** Confirm action taken on City Council Agenda Item 13, authorizing the Mayor to sign a resolution in agreement with Oklahoma Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway. (*Peter Stasiak, City Manager*)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2016 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