

The McAlester City Council met in a Regular session on Tuesday, December 8, 2015, at 6:00 P.M. after proper notice and agenda was posted, December 4, 2015 at 11:23 A.M.

Call to Order

Mayor Harrison called the meeting to order.

City Attorney William J. Ervin 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,
& Steve Harrison
Absent: Jason Barnett
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; Leroy Alsup, Community & Economic Development Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition Awards

Mayor Harrison presented Sherman Miller with the Oklahoma Municipal League 25 Year Service Award. Mr. Miller received a Certificate of Appreciation and a pin. Mayor Harrison then mentioned the following employees that had received the Award but were unable to attend; Eric Giles, Tom Stone and Windell Henry

Citizens Comments on Non-Agenda Items

There were no citizens' comments.

Consent Agenda

- A. Approval of the Minutes from the November 24, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 18, 2015 through December 1, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$58,163.08; Nutrition - \$674.08; Tourism Fund - \$19,985.84; SE Expo Center - \$1,746.41; Economic Development - \$4,397.50; Fleet Maintenance - \$5,528.00 and CIP Fund - \$120,089.47.
- C. Accept and place on file, the Oklahomans for Independent Living (OIL) quarterly report for the period of July 1, 2015 through September 30, 2015. *(Pam Pulchny, Executive Director O.I.L.)*
- D. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #7, in the amount of \$67,898.01, 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. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #3, in the amount of \$187,778.30, 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. *(Peter Stasiak, City Manager)*

- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-13, in the amount of \$11,049.50, 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. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-03, in the amount of \$ 23,590.00, 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 T. McDonald Construction, Inc., Contractor's Application for Payment #13, in the amount of \$332,030.47, 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)*
- I. **TABLED FROM NOVEMBER 24TH MEETING:** 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. *(Peter Stasiak, City Manager)*
- J. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35928, in the amount of \$10,929.75 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. *(Peter Stasiak, City Manager)*
- K. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35989, in the amount of \$33,950.00 for Construction Management Services and Materials Testing Services related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- L. Concur with the Mayor's reappointment of Heather Para to serve on the Library Advisory Board. *(Steve Harrison, Mayor)*
- M. Consider and act upon, authorizing the Mayor to sign the final copy(s) of the Wholesale Water Districts contracts with cover letter based on the last council meeting. The contract renewals are dated based on our fiscal year from July 1 to June 30, instead of calendar year. *(Toni Ervin, Chief Financial Officer)*
- N. Consider and act upon, authorizing the Mayor to sign a Disaster Emergency Proclamation for the City of McAlester. Gov. Mary Fallin declared a state of emergency for all 77 Oklahoma counties due to a winter storm recently crossing the state. The storm brought several inches of rain to the eastern part of the state, as well as, ice accumulations in the western part of the state. *(Peter Stasiak, City Manager)*

Councilman Smith requested that Item "K" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items "A through H, and L, M and N".

There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

K. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35989, in the amount of \$33,950.00 for Construction Management Services and Materials Testing Services related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize a payment to EST, Inc., Invoice # 35989, in the amount of \$33,950.00 for Construction Management Services and Materials Testing Services related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account.

Before the vote, Councilman Smith commented that there was a typo in the agenda. He stated that the agenda item referenced CIP #4A and the invoice referenced CIP #4.

Manager Stasiak commented that it should be for CIP #4A. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Garvin and seconded by Councilman Karr to open a Public Hearing to address three (3) Ordinances. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:11 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 CLASSIFICATION OF THE ZONING DISTRICT FOR LOT 4, IN BLOCK 340, SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE V, STORMWATER UTILITY PROGRAM, SECTION 106-401. PURPOSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE BILLING DATE OF FEBRUARY 1, 2016.

Janelle Brooks addressed the Council concerning the denial of her previous request to rezone property.

There were no other comments from the audience or Council 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, Karr, Garvin, Titsworth & 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. 2552

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.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2552**, amending fiscal year 2015-2016 Budget.

Before the vote, CFO Ervin addressed the Council reviewing the exhibit for the amendment. She informed them that this amendment would appropriate funds for flood damage to the Sandy Creek Canal.

After a brief discussion concerning the lower price and what previous repairs had cost, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE, seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Smith, Titsworth, Read & 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 classification of the zoning district for Lot 4, in Block 340, South McAlester, Pittsburg County, State of Oklahoma from R-1B Single-Family Residential District to C-4 Restricted Commercial 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 R-1B Single-Family Residential District to C-4 Restricted Commercial District and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2553

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 4, IN BLOCK 340, SOUTH McALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2553**, changing the zoning of Lot 4, in Block 340 from R-1B (Single-Family Residential) to C-4 (Restricted Commercial District).

Before the vote, Jayme Clifton, Planning Tech addressed the Council reviewing the steps that had been taken prior to this Ordinance being submitted to the Council for their consideration. She added that the Planning Commission had unanimously voted to approve the rezoning request.

Councilman Smith commented on typos in the Planning Commission minutes. Ms. Clifton stated that the minutes included in the Council packet were draft minutes but she would note the corrections.

There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign an Ordinance amending Chapter 106, Article V, Stormwater Utility Program, Section 106-401 Purpose; repealing all conflicting ordinances; providing for a severability clause and establishing an effective billing date of February 1, 2016 . (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Staff recommends the establishment of a Stormwater Utility Fee of \$4 service charge for each equivalent service unit.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign an Ordinance amending Chapter 106, Article V, Stormwater Utility Program, Section 106-401 Purpose; repealing all conflicting ordinances; providing for a severability clause and establishing an effective billing date of February 1, 2016.

Before the vote, Manager Stasiak addressed the Council commenting that a Stormwater Utility Fee would generate revenue to fund a Stormwater Program, which would include drainage improvements, maintenance, Storm water Quality program and Equipment needed for drainage related projects.

After discussion among the Council, Manager Stasiak and Brandon Claborn, Principal Engineer for Meshek & Associates, PLC concerning how long the City had been discussing a Stormwater Utility Fee, what the funds from the fee could be used for, language in the Ordinance not defining what an Equivalent Service Unit is, or what impervious meant, how many equivalent service units residential accounts would be charged, how funds from this fee would be managed and tracked, what the appropriate fee would be, how this fee could free up money to be used on street problems and how this fee could allow the City to do a study of the entire drainage system, Vice-Mayor Read moved to table this Ordinance until the next meeting so additional language could be added as discussed. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, a resolution setting the election dates for Wards 1, 3, 5 and Mayor. (*Steve Harrison, Mayor*)

Executive Summary

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

A motion was made by Councilman Karr and seconded by Councilman Smith to approve RESOLUTION NO. 15-18, setting election dates for Ward 1, 3, 5 and Mayor.

Before the vote, Attorney Ervin commented that the Resolution was in proper legal form. He added that State Legislature had made changes to the election law and this Resolution was following previous law for an election that would follow the new law.

After a brief discussion concerning the filing period and adding language that there would not be a filing fee for the office of Mayor the vote was taken to approve RESOLUTION NO. 15-18 with the additional language, as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, Change Order No. 7 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. 7. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve Change Order No. 7 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to December 17, 2015 and decreasing the contract price to \$2,725,037.00.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve Change Order No. 7 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to December 17, 2015 and decreasing the contract price to \$2,725,037.00.

Before the vote, Manager Stasiak explained that this Change Order added three (3) days for adverse weather during September and October, and added seven (7) days to complete the connection of a six (6) inch sewer line service, repair concrete sidewalks and reconcile all of the water system. He added that this change order included all additional work and deducted water services not installed which resulted in a decrease of \$10,891.00 to the contract.

After a brief discussion concerning the work that had been done and the items that had not been done, the completion date of the project and this project being completed on time, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. 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

Staff recommends participation and authorizing the Mayor to sign the attached Resolution.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize the Mayor to sign a resolution in agreement with Oklahoma Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway.

Before the vote, Manager Stasiak addressed the Council explaining that this item was the result of numerous calls and complaints about the signal system along Carl Albert Parkway. He stated that Oklahoma Department of Transportation (ODOT) had conducted a warranted lights study along Carl Albert Parkway and the study had revealed that the following traffic signals were not warranted; the intersections of "A" Street, 1st Street, 3rd Street and 5th Street. He added that the remaining traffic signals would be updated with new controllers, video detection and synchronization from Main Street to Tandy Town.

After discussion concerning the funding the State had put together for this project if the City accepted the Resolution, how cross traffic would be prevented at intersection without traffic signals, if the equipment that was removed could be used at other intersections within the City, getting other organizations and the public involved in this discussion, not having pedestrians

walk more than two (2) blocks to cross Carl Albert Parkway, this being an opportunity to upgrade a lot of old equipment, the cost of the equipment used in the traffic signals and how quickly a presentation could be put together, a motion was made by Vice-Mayor Read and seconded by Councilman Smith to table until the next meeting on December 22, 2015.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, 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 reported that CIP #3 should be completed by the end of the month, tomorrow was the final walk through for South Street and hopefully it would be opened by Thursday.

Councilman Smith inquired about the landscaping on "A" Street. Manager Stasiak asked to discuss that after the meeting.

Manager Stasiak informed the Council that the relocation of the 20 inch water line at Talawanda Lake had been completed and that Mike McGowan had donated some money to the City to work on Mike Deak Walking Trail and Oak Hill Cemetery.

Remarks and Inquiries by City Council

Councilmen Smith thanked Mr. McGowan for supporting the City.

Councilman Garvin commented that the City Manager had been working seven (7) days a week and he asked that Manager Stasiak slow down and spend time with his family.

Manager Stasiak commented that he had implemented some things to help keep the City moving forward. He then informed the Council that he had contracted with Infrastructure Solutions for engineering services until other arrangements could be made.

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

Mayor's Comments and Committee Appointments

Mayor Harrison thanked Mr. McGowan for his donation and asked if this would need a Budget Amendment to accept the donation. Manager Stasiak stated that he would work the details out with the CFO.

Mayor Harrison then announced that a "Wreaths Across America" event was scheduled for 11:00 A.M. this Saturday to coincide with the same event at Arlington National Cemetery.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Read.

There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:19 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:20 P.M.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Vice-Mayor Read.

There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:20 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk