

The McAlester City Council met in a Regular session on Tuesday, December 22, 2015, at 6:00 P.M. after proper notice and agenda was posted, December 18, 2015 at 2:00 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

Fifth Ward Councilman Buddy Garvin gave the invocation and led the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & Steve Harrison  
Absent: John Titsworth  
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

**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 December 2, 2015 through December 15, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$150,446.73; Parking Authority - \$146.74; Nutrition - \$2,958.36; Educational Fund - \$129,814.00; Tourism Fund - \$373.75; SE Expo Center - \$18,995.03; E-911 - \$9,926.64; Economic Development - \$51,402.54; Grants & Contributions - \$938.47; Fleet Maintenance - \$11,812.68; Worker's Compensation - \$941.368 and CIP Fund - \$108,078.50.
- C. Consider and act upon, receipt of the following permit from the Oklahoma Department of Environmental Quality (ODEQ) to serve the City of McAlester: Permit No. WT000061150884 for the construction of a new polyphosphate feed system, including a 1200 gallon bulk storage tank, 40 gallon day tank, and pre-engineered feed pump system. *(Peter Stasiak, City Manager)*
- D. Approve and authorize the Mayor to sign a Resolution directing the filing and notification for the publication of Supplement Number 19 to the McAlester City Code of 1972. *(Cora Middleton, City Clerk)*
- E. Consider and act upon, authorization of payment to Barnett Oil & Gas Construction, Inc., Invoice # 30781, in the amount of \$500.00, for the removal and replacement of an awning at Will Rogers School related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

Councilman Barnett requested that Item "E" 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 D”.

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

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

NAY: None

Mayor Harrison declared the motion carried.

### **Items Removed from Consent Agenda**

- E. Consider and act upon, authorization of payment to Barnett Oil & Gas Construction, Inc., Invoice # 30781, in the amount of \$500.00, for the removal and replacement of an awning at Will Rogers School related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve payment to Barnett Oil & Gas Construction, Inc., Invoice # 30781, in the amount of \$500.00, for the removal and replacement of an awning at Will Rogers School related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account.

Before the vote, Councilman Barnett commented that this invoice should have never been sent to the City. This work was to be donated to the City.

There was no vote on this item.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing to address an Ordinance amending Chapter 106 of the City of McAlester’s Code of Ordinances. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:04 P.M.

### **Public Hearing**

**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.**

There were no other comments from the audience or Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:05 P.M.

### **Scheduled Business**

1. Consider and act upon, acceptance of the bid amount of \$144,874.54 from B&S Construction and Trucking Co. LLC and authorize the Mayor to sign the Notice of Award and the Construction Agreement with B&S Construction and Trucking Co. LLC

for the construction of the Belmont Trail Project. (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to approve and to authorize the Mayor to sign the Notice of Award and the Construction Agreement with B&S Construction and Trucking Co. LLC in the sum of \$144,874.54 for the construction of the Belmont Trail Project.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign the Notice of Award and the Construction Agreement with B&S Construction and Trucking Co. LLC for the construction of the Belmont Trail Project.

Before the vote, Director Alsup addressed the Council explaining that bids for the Belmont Trail Project were opened on November 30, 2015. Only two (2) bids received and B&S Construction and Trucking Co., LLC was the lower of the bids. The low bid was also in line with LandPlan Consultant's engineer estimate for the project.

After a brief discussion concerning including copies of all of the bids in the Council packets in the future, where this section of the Trails system would be and how long this project had been in planning, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC dba Mehlburger Brawley for engineering services, construction management services and testing, and to provide Resident Project Representative services required for the CIP#4A (Sixth Street) Project. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve and authorize the Mayor to sign the Professional Services Agreement with Infrastructure Solutions Group, LLC dba Mehlburger Brawley for services to complete work required for CIP #4A (Sixth Street) Project.

A motion to approve and authorize the Mayor to sign the Professional Services Agreement with Infrastructure Solutions Group, LLC dba Mehlburger Brawley for services to complete work required for CIP #4A (Sixth Street) Project was made by Councilman Garvin and seconded by Councilman Karr.

Before the vote, Manager Stasiak addressed the Council explaining that Mehlburger Brawley would pick up where EST was leaving off at the end of the year and they would finish the project.

After a brief discussion concerning engineering cost, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign the Final and Contractor's Pay Estimate No. 3 for the contract with Holland Backhoe, Inc. to construct the 20-inch Water Main Relocation at Talawanda Lake No. 2, and accept the project as completed. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve final payment of \$98,671.00 for the 20-inch Water Main Relocation at Talawanda Lake No. 2 to Holland Backhoe, Inc. and accept the project as completed.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Read to approve and authorize the Mayor to sign the Final and Contractor's Pay Estimate No. 3, in the amount of \$98,671.00, for the contract with Holland Backhoe, Inc. to construct the 20-inch Water Main Relocation at Talawanda Lake No. 2, and accept the project as completed.

Before the vote, Manager Stasiak addressed the Council stating that the relocation of the 20” Water line at Talawanda Lake No. 2 was complete and the final inspection had been performed on November 13, 2015.

After discussion concerning the Warranty period, having a Master Plan for the Water Treatment Plant to address that facility’s needs and working with Severn Trent to accomplish the needed repairs and maintenance at the Water Treatment Plant, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign Change Order No. 5 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve Change Order No. 5 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 5 which includes core drilling the 6’X3’ precast storm sewer box on the north end of the project to align with the 18” RCP storm at a cost of \$2,500.00.

Councilman Smith moved to approve and authorize the Mayor to sign Change Order No. 5 to the contract with Carstensen Contracting, Inc. which includes core drilling the 6’X3’ precast storm sewer box on the north end of the project to align with the 18” RCP storm at a cost of \$2,500.00. The motion was seconded by Vice-Mayor Read.

Before the vote, Manager Stasiak addressed the Council informing them that this Change Order had been found during the transition. He added that this Change Order included core drilling the precast storm sewer box to align with the 18 RCP storm.

Councilman Smith clarified that the project should be CIP#4A instead of CIP#4. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign Change Order No. 1 to the contract with Katcon Inc. for Illinois Ave. Drainage Improvements. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve Change Order No. 1 to the contract with Katcon Inc. and authorizing the Mayor to sign Change Order No. 1 which includes the installation of Sch. 40 steel conduit around the existing sewer line at a cost of \$1,868.75.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve Change Order No. 1 to the contract with Katcon Inc. and authorize the Mayor to sign Change Order No. 1 which includes the installation of Sch. 40 steel conduit around the existing sewer line at a cost of \$1,868.75.

Before the vote, Manager Stasiak addressed the Council explaining that the Change Order addressed the installation of Sch. 40 steel conduit around a section of sanitary sewer line that crossed under the storm drain and added twelve (12) days due to weather. He added that this conduit would be plugged at both ends to prevent sewer entering the storm drain in the event of a line break.

There was discussion among the Council, Manager Stasiak and Robert Vaughan, Mehlburger Brawley Branch Manager concerning the number of days, the process that would be taken to address the issue, and the completion date. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. **TABLED FROM DECEMBER 8, 2015 MEETING:** 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.

#### **ORDINANCE NO. 2554**

**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.**

Councilman Smith moved to approve **ORDINANCE NO. 2554**, amending Chapter 106 establishing a Stormwater Utility Fee of \$4.00 for each equivalent service unit. The motion was seconded by Vice-Mayor Read.

Before the vote, CFO Ervin addressed the Council stating that the changes to this Ordinance had come from the discussion at the previous Council meeting and that no other changes had been made.

After a brief discussion concerning the effective billing date, how often this fee would be charged and how the City would address some of the larger accounts, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. **TABLED FROM DECEMBER 8, 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

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

A motion was made by Councilman Garvin and seconded by Councilman Karr 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 at the previous meeting it had been discussed to furnish visual information on what this project could look like if the City decided to participate and he then distributed renderings of an example of what Carl Albert Parkway might look like.

After a lengthy discussion among the Council, Manager Stasiak, Chad Pendley, Oklahoma Department of Transportation Division Traffic Engineer and Dale Burke, Mehlburger Brawley concerning the analysis of traffic signals along Carl Albert Parkway/Highway 270, proposed upgrades to remaining traffic signals, pedestrian crosswalks, hooded left turns, the funding percentage between the State and the City, the deadline for participation and adding language into the Resolution to reflect the discussed changes, Councilman Smith moved to table this item until the next meeting. The motion was seconded by Vice-Mayor Read and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett & 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 wished everyone a Merry Christmas and then asked to let the City Attorney address a matter.

Attorney Ervin addressed the Council explaining that at the last meeting a Resolution had been passed calling for a March election and with the changes in the State law regulating elections the City was unable to hold the March election. He then proceeded to review the changes that had been made in the State election laws and how they affected the City of McAlester. He suggested that at the first meeting in January the Council amend the Resolution. He added that the Charter provisions were in conflict with State law and after the upcoming election cycle changes be brought before the Council to address those conflicts. There was discussion among the Council and Attorney Ervin concerning election dates, filing dates and changing the City's Charter to remove conflicts with State law. He added that the law was changed to prevent manipulation of the election system.

### **Remarks and Inquiries by City Council**

Councilmen Karr wished everyone a Merry Christmas and a Happy New Year and urged caution with all of the rain.

Councilman Garvin wished everyone a Merry Christmas.

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

### **Mayor's Comments and Committee Appointments**

Mayor Harrison had no comments for the evening.

### **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, Barnett & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:13 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:15 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, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:15 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk