

The McAlester City Council met in a Regular session on Tuesday, March 8, 2016, at 6:00 P.M. after proper notice and agenda was posted, March 7, 2016 at 2:00 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Glen Meyer, Trinity Lutheran Church 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, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

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

Citizens Comments on Non-Agenda Items

There were no citizen comments.

Consent Agenda

- A. Approval of Claims for February 18, 2016 through March 1, 2016. (*Toni Ervin, Chief Financial Officer*) General Fund - \$72,792.15; Nutrition - \$776.25; Tourism Fund - \$8,473.06; SE Expo Center - \$3,221.47; E-911 - \$570.25; Economic Development - \$6,643.74; Grants & Contributions - \$7,580.00; Fleet Maintenance - \$8,520.88; CIP Fund - \$44,660.45 and Technology Fund - \$25,500.00.
- B. Concur with the Mayor's appointment of Mr. Paul Bishop, to the McAlester Audit & Finance Advisory Committee, for a term to end March 31, 2018. (*Steve Harrison, Mayor*)
- C. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #6, in the amount of \$110,476.75, 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)*

- D. Discussion and possible action, on approval of an agreement for mutual aid emergency medical services between Checotah Emergency Medical Service and the McAlester Fire/EMS Department. *(Brett Brewer, Fire Chief)*
- E. Discussion and possible action, on approval of an agreement for mutual aid emergency medical services between Coalgate Fire Department EMS and the McAlester Fire/EMS Department. *(Brett Brewer, Fire Chief)*
- F. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #16, in the amount of \$125,787.12, 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)*

Manager Stasiak requested that Item "C" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda Items "A, B and D through F". There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- C. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #6, in the amount of \$110,476.75, 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)*

Councilman Garvin moved to approve payment to Carstensen Construction, Inc., Contractor's Application for Payment #6, in the amount of \$110,476.75, 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. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak explained that the retainage on this had been reduced from 5% to 3%. He added that there was one (1) item left to reconcile but felt there was enough money left to cover the expense.

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to open a Public Hearing to address two (2) Ordinances.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:06 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 6, IN BLOCK 165, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2 TWO-FAMILY DWELLING (DUPLIX) DISTRICT.

There were no comments from the Council or citizens. A motion was made by Councilman Smith and seconded by Vice-Mayor Read to close the Public Hearing.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:07 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. 2559

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 Councilman Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2559**, amending the Budget for fiscal year 2015-2016.

Before the vote, CFO Ervin addressed the Council reviewing the exhibit to the amendment and explaining that the City had received money from the Federal Emergency Management Agency for some of the repairs to the softball complex but some of the repairs had been done through this year's Contingency funds. She added that the dump truck for the Street Department would help with pot hole patching.

After a brief discussion concerning any current financial obligation to CIP #1 and steps being taken at the Softball Complex to help prevent future floods, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded Councilman Karr to approve the EMERGENCY CLAUSE. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consider and act upon, authorizing the professional service agreement with the engineering firm of Holloway, Updike, and Bellen, Inc. for bidding, purchase, and implementation of an Automated Meter Reading/Advanced Metering Information System (AMR/AMI). *(Peter Stasiak, City Manager, Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends that the Council authorize the Mayor to sign the agreements with Holloway, Updike, and Bellen, Inc.

A motion was made by Councilman Karr and seconded by Councilman Garvin to authorize the Mayor to sign the professional service agreement with the engineering firm of Holloway, Updike, and Bellen for bidding, purchase, and implementation of an Automated Meter Reading/Advanced Metering Information System (AMR/AMI)

Before the vote, CFO Ervin addressed the Council explaining that 1% of the City's meters were slowing down each year. She reminded the Council that in the past November she furnished them a presentation reviewing the age of the meters, the trends in water consumption and the options that the City would like to move forward with. She informed the Council that the City discussed with the City Attorney and the firm's engineers the legal options for the estimated \$2.2 million project and with the charter restrictions the project could be bid out in phases.

After a lengthy discussion concerning the average age of the City's water meters, how revenue continued to decline, how the increase in accurate billing would pay for the system, how long it could take to complete the project, the type of meter that the City would purchase, any problems that might have occurred in other cities, what phase of the project this agreement would address, informing the citizens of this process, what information the software could provide, and having a work session with the Council to provide more information, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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 6, in Block 165, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R-1B Single-Family Residential District to R-2 Two-Family Dwelling (Duplex) District.
(Leroy Alsup, Community & 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 R-2 Two-Family Dwelling (Duplex) District and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2560

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 6, IN BLOCK 165, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2 TWO-FAMILY DWELLING (DUPLEX) DISTRICT.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2560**, rezoning Lot 6, Block 165 from R-1B (Single-Family Residential District) to R-2 (Two-Family Dwelling (Duplex) District).

Before the vote, Jayme Clifton, Planning Tech. addressed the Council explaining that the Planning and Zoning Commission had met on February 16, 2016 and the recommendation to approve the rezone request had been passed unanimously.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign the final Change Order No. 7 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 South Sixth Street Improvements. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve Change Order No. 7 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 7 which includes the final cleanup of Quantity ADD/Deducts. The amount of this change order, (\$12,866.36), reduces the contract value to \$1,080,707.77.

A motion was made by Councilman Karr and seconded by Councilman Garvin to approve and authorize the Mayor to sign Change Order No. 7 to the contract with Carstensen Contracting, Inc. in the amount of (\$12,866.36).

Before the vote, Manager Stasiak informed the Council that this Change Order was to correct actual quantities to bid quantities and was a deduction of \$12,866.36.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorization to purchase from Freedom Ford of McAlester one new and unused 2015 F-350 1 Ton Truck with dump bed for the Streets Department on State of Oklahoma Vehicle Contract SW035 pursuant to Section 2-275 of the McAlester City Code. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve authorization to purchase one new and unused F-350 1 Ton Truck with dump bed from Freedom Ford of McAlester and authorize payment in the amount of \$46,836.80.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the purchase of one (1) new and unused F-350 1 Ton Truck with dump bed from Freedom Ford of McAlester and authorize payment in the amount of \$46,836.80.

Before the vote, Manager Stasiak addressed the Council explaining that the way this truck was set up, it would help prevent injuries and provide better use of time.

After a brief discussion concerning the price of the vehicle and the state contract, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, accepting the bid amount of \$130,500.00 from L&L Construction, Inc. for the replacement of media and underdrain of Filter #5 at the MPWA Water Treatment Plant, and authorizing the Mayor to sign the Notice of Award and the Agreement to complete the project to L&L Construction, Inc. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to enter into an agreement with L&L Construction, Inc. for the Total Bid equal to \$130,500.00, for the replacement of media and underdrain.

Councilman Karr moved to accept the bid amount of \$130,500.00 from L&L Construction, Inc. for the replacement of media and underdrain of Filter #5 at the MPWA Water Treatment Plant, and authorize the Mayor to sign the Notice of Award and agreement with L&L Construction, Inc. The motion was seconded by Councilman Smith.

Before the vote, Manager Stasiak addressed the Council explaining that Filter #5 had been out of commission about eighteen (18) months and this project would include replacement of filter media and the underdrain for Filter #5. He informed the Council that three (3) bids had been received and opened on March 2, 2016 and after reviewing the bids Tetra Tech, the City's consulting engineer on the project had recommended awarding the contract to L&L Contracting, Inc.

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

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, acceptance and authorization for the Mayor to sign Final Change Order No. 4 in the amount of (\$30,056.66) for the contract with Carstensen Contracting, Inc. for construction services under CIP#2, A Street & 6th Street, and accept the project as completed. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends approval of the Final Change Order No. 4 to Carstensen Contracting, Inc. and acceptance of the project as completed.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to accept and authorize the Mayor to sign Final Change Order No. 4 in the amount of (\$30,056.66) for the contract with Carstensen Contracting, Inc. for construction services under CIP#2, A Street & 6th Street, and accept the project as completed.

Before the vote, Manager Stasiak addressed the Council informing them that Dale Burke, President Infrastructure Solutions Group, LLC dba Mehlburger Brawley was present to answer any questions.

Mr. Burke addressed the Council reviewing the history of this particular Change Order. He explained that when the City Manager had asked his firm to review the project, they went on site with the contractor and found some issues. He added that after measurements were verified, the amount of the Change Order became a credit of \$30,056.66.

After a brief discussion concerning the amount of the Change Order, how the amount had changed and the involvement of Infrastructure Solutions, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, Final and Contractor's Pay Estimate No. 9 in the amount of \$113,952.14 for contract with Carstensen Contracting, Inc. for construction services under CIP#2, A Street & 6th Street, and accept the project as completed. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommends approval of the Final Pay Estimate No. 9 to Carstensen Contracting, Inc. and acceptance of the project as completed.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the Final Pay Estimate No. 9 in the amount of \$113,952.14 for contract with Carstensen Contracting, Inc. for construction services under CIP#2, A Street & 6th Street, and accept the project as completed.

Before the vote, Manager Stasiak addressed the Council explaining that this was the final payment to Carstensen, it reflected the \$30,056.66 credit as discussed previously and staff recommended that the project be accepted as completed.

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

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

NAY: None

Mayor Harrison declared the motion carried.

9. Submission, and Presentation of the 5-Year Capital Improvements Plan for FY 2016/17-2020/21. (*Peter J. Stasiak, City Manager*)

Manager Stasiak presented the 5-Year Capital Improvements Plan for FY 2016/2017-2020/2021 to the Council. He reviewed the projects that were planned for fiscal year 2016/2017 and reviewed the projects that had been completed during fiscal year 2015/2016. He commented that it was helpful to see completed and projected projects.

There was a brief discussion concerning the continued maintenance of the water storage towers, the process to finalize the Capital Plan, the top five (5) projects and the Council submitting their questions and comments to the City Manager so they could be addressed before the Public Hearing.

There was no vote taken on this item.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported this was the seventh (7th) year for the maintenance contract on the water storage towers and this year they would be emptied and washed out. He stated that staff would be working on a new maintenance contract going forward for future years. He informed the Council that he had met with the business owners about the Stormwater fee, all agreed that something needed to be done and there was another meeting scheduled for next Monday, March 14th at 7:00 p.m. and he would send them the information on that meeting. He then informed them that the City Sales Tax revenue had decreased 12.2% for the period of January 16th through February 15th. He added that the City had not experienced the decline that other areas of the State had experienced and they would get the detail by the 15th of this month. He informed them of the Wild Life Expo at the S.E. Expo Center this coming weekend and invited everyone to attend. He completed his report by informing the Council that plans for CIP #5, which was for Washington Avenue from 6th Street to 8th Street would be ready by this Friday and the City expected to be very close to having money available to do this project. He added that this would be the last CIP project.

Remarks and Inquiries by City Council

Councilman Garvin commented that he has had several calls on the intersection of 4th Street and Krebs Avenue. He stated that there was an auto repair located there and he requested that an officer be sent to address this matter.

Manager Stasiak informed him that Code Enforcement Officer and Officer Courtz were out in the field on Wednesdays and they would address this matter first thing in the morning.

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

Mayor's Comments and Committee Appointments

Mayor Harrison did not have any 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, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:32 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:33 P.M.

Vice-Mayor Read moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4, for confidential communication between a public body and its attorney concerning a pending investigations, claims, or actions, more final payment of Carstensen Contracting on CIP #1. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 7:34 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:

- Consider and act to convene in Executive Session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly final payment of Carstensen Contracting on CIP #1.

Reconvene into Open Session

The Regular Meeting was reconvened at 7:59 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4, for confidential communication between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly final payment of Carstensen Contracting on CIP #1. Only that matter was discussed, no action was taken and the Council returned to open session at 7:59 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon final payment of Carstensen Contracting for CIP #1.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to pay the claim for final payment of Carstensen Contracting for CIP #1.

AYE: Councilman Read, Smith, Titsworth, Karr, Garvin, Barnett & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

Adjournment

There being no further business to come before the Council, Councilman Karr moved for the meeting to be adjourned. The motion was seconded by Councilman Garvin.

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

AYE: Councilman Karr, Garvin, Barnett, Smith, Titsworth, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:00 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk