

Council Chambers
Municipal Building
May 22, 2012

The McAlester City Council met in Regular session on Tuesday, May 22, 2012, at 6:00 P.M. after proper notice and agenda was posted, May 21, 2012, at 4:02 P. M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor, Robert L. Tate, First Indian Baptist Church lead the Pledge of Allegiance and gave the invocation.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Buddy Garvin, Sam Mason & Steve Harrison
Absent: Robert Karr
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Finance Officer; David Medley, Utilities Director; John C. Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Carol Ervin addressed the Council informing them that the Streetscape Steering Committee's next meeting was scheduled for Thursday, May 31, 2012 at 5:30 P.M. in the 2nd Floor Conference Room in City Hall.

Consent Agenda

- A. Approval of the Minutes from the April 24, 2012 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the May 8, 2012 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for May 1-15, 2012. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$128,685.38; Parking Authority - \$116.72; Nutrition - \$1,651.92; Landfill Res./Sub-Title D - \$745.00; Police Grant Fund - \$10,000.00; SE Expo Center - \$8,073.68; E-911 - \$6,071.94; Economic Development - \$2,000.00; Gifts & Contributions - \$635.00; Fleet Maintenance - \$5,423.14; CIP Fund - \$15,829.22 and Federal Forfeiture Fund - \$441.17.

- D. Accept and place on file the 1st Quarter Report for Oklahomans for Independent Living. *(Cora Middleton, City Clerk)*
- E. Concur with Mayor's Re-Appointment of Walter Bethune to the Audit and Finance Advisory Committee for a term to expire March 2014. *(Mayor Steve Harrison)*
- F. Authorize the Mayor to sign an Annual Engagement Letter with Crawford & Associates, P.C., for the period of July 1, 2012 through June 30, 2013. *(Cora Middleton, City Clerk)*
- G. Approve and Authorize the Mayor to sign a One (1) year Fire Alarm and Sprinkler inspection agreement with SimplexGrinnell for the period of June 1, 2012 through May 31, 2013, for the Southeast Expo Center. *(Cora Middleton, City Clerk)*
- H. Approve and Authorize the Mayor to sign a Billing and Collection Agreement with Aetna Health Management, LLC. *(Peter J. Stasiak, City Manager)*

A motion was made by Vice-Mayor Mason and seconded by Councilman Garvin to approve the Consent Agenda. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Mason for a Public Hearing concerning three (3) Ordinances.

There was no discussion, or vote and the Public Hearing was opened at 6:05 P.M.

Public Hearing

- AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: THE EASTERLY 37 FEET OF THE SOUTHERLY 85 FEET OF LOT 15 AND THE SOUTHERLY 85 FEET OF LOT 16, IN BLOCK 240, CITY OF MCALESTER, FORMERLY KNOWN AS SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 (DUPLEX DISTRICT).
- AN ORDINANCE TO CLOSE THE FOLLOWING PLATTED ROADWAY: THE ROADWAY LYING BETWEEN LOTS 55 AND 77, IN TOWNSITE ADDITION NO. 4, PITTSBURG COUNTY, STATE OF OKLAHOMA AND TO RETAIN A TWENTY (20) FOOT UTILITY EASEMENT.

- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Randy Saunier addressed the Council regarding the Ordinance to rezone a piece of property from R-1B (Single Family Residential District) to R-2 (Duplex District). He added that the structure currently located on the property was in bad condition and he would have the building removed and construct a duplex on the property.

Kenny Beale addressed the Council regarding the Ordinance to close a platted road. He added that closing the roadway would allow him to put in a business and have adequate parking.

There was no further discussion. A motion was made by Councilman Smith and seconded by Councilman Read to close the Public Hearing, and the vote was taken as follows:

AYE: Councilman Read, Garvin, Smith, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:08 P.M.

Scheduled Business

1. Consider and act upon, Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. (*Peter J. Stasiak, City Manager and Millie Vance, Private Consultant*)

Executive Summary

Motion to approve Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Before the vote, Manager Stasiak reminded the Council that this project was for the 8" water line in the Steven Taylor Industrial Park

After a brief discussion, between Vice-Mayor Mason, Ms. Millie Vance and Mayor Harrison concerning the length of time it would take the Department of Commerce to approve the project, and what information Ms. Vance needed to file, the vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

2. Consider, and act upon, a Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Peter J. Stasiak, City Manager and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

A motion was made by Councilman Smith and seconded by Councilman Read to approve RESOLUTION NO. 12-06, on Leverage Funds for CDBG-EDIF-Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Before the vote, Manager Stasiak commented that the total amount for this project was \$975,891.50, which included the grant funds from the Oklahoma Department of Commerce.

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

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

3. Consider, and act upon, approval of contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents.

Executive Summary

Motion to approve contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents.

Vice-Mayor Mason moved to approve a contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents. The motion was seconded by Councilman Smith.

Before the vote, Manager Stasiak explained that the contract with Ms. Vance was to write and administer the grant related to the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. He added that the amount of her contract was 8% of the grant.

After a discussion among the Council including Ms. Vance, Manager Stasiak and City Attorney Ervin regarding the City Attorney’s review of the contract, her success rate of getting grants approved, the availability of any other grants, who the City’s liaisons would be and what the date of the contract should be, the vote was taken as follows:

AYE: Councilman Mason, Smith, Read, Garvin & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. Discussion with Allegiance Communications on services and reliability. *(Peter J. Stasiak, City Manager)*

Executive Summary

Discussion regarding the services and reliability with Allegiance Communications.

Manager Stasiak informed the Council that the Allegiance Communications Franchise was coming up for renewal soon and this presentation was to voice theirs and the citizens concerns and comments.

Mr. Greg Harrison addressed the Council by first introducing various members of the Allegiance Staff. He reviewed some of the changes that had been made to the organization and management of the company. During Mr. Harrison's presentation to the Council there was discussion concerning the internet and television service, repair time, how the available packages to choose from were controlled by programmers, the 5% Franchise Fee that McAlester receives and the suggestion of using customer surveys to help the company solve some of the complaints.

There was no vote on this item.

5. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; 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. 2421

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Read and seconded by Councilman Garvin to approve **ORDINANCE NO. 2421.**

Before the vote, Ms. Ervin addressed the Council reviewing the exhibits for the amendment. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Garvin to approve the EMERGENCY CLAUSE.

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

AYE: Councilman Read, Garvin, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

6. Consider, and act upon, a change in zoning from R1-B (Single Family Residential District) to R-2 (Duplex District). *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon changing the existing zoning R1-B (Single Family Residential District) to R-2 (Duplex District) and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2422

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: THE EASTERLY 37 FEET OF THE SOUTHERLY 85 FEET OF LOT 15 AND THE SOUTHERLY 85 FEET OF LOT 16, IN BLOCK 240, CITY OF MCALESTER, FORMERLY KNOWN AS SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-2 (DUPLEX DISTRICT)

Vice-Mayor Mason moved to approve **ORDINANCE NO. 2422**, seconded by Councilman Garvin.

Before the vote, Manager Stasiak commented that this request had been addressed by the Planning and Zoning Commission on April 17, 2012 and they had unanimously voted to recommend the rezone to the Council. He added that this would change the zoning from R1-B (Single Family Residential District) to R-2 (Duplex District).

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

AYE: Councilman Read, Garvin, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

7. Consider, and act upon, closing the Roadway lying between Lots 55 and 77, in Townsite Addition No. 4 and to retain a twenty (20) foot utility easement. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon closing the Roadway lying between Lots 55 and 77, in Townsite Addition No. 4 and to retain a twenty (20) foot utility easement and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2423

AN ORDINANCE TO CLOSE THE FOLLOWING PLATTED ROADWAY: THE ROADWAY LYING BETWEEN LOTS 55 AND 77, IN TOWNSITE ADDITION NO. 4, PITTSBURG COUNTY, STATE OF OKLAHOMA AND TO RETAIN A TWENTY (20) FOOT UTILITY EASEMENT

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2423.**

Before the vote, Manager Stasiak informed the Council that the Planning and Zoning Commission had met on April 17, 2012 and unanimously voted to recommend this closure, with the stipulation that a twenty (20) foot utility easement was retained, to the Council.

Vice-Mayor Mason questioned the retention of the easements. City Attorney Ervin commented that an objection would be better suited in District Court. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and act upon, authorizing the Mayor to sign a resolution adopting the Pittsburg County Mitigation Plan for the City of McAlester. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve a resolution adopting the Pittsburg County Mitigation Plan for the City of McAlester.

Vice-Mayor Mason moved to approve RESOLUTION NO. 12-07, adopting the Pittsburg County Mitigation Plan for the City of McAlester. The motion was seconded by Councilman Smith.

Before the vote, John Modzelewski addressed the Council explaining that this item was to adopt the County's Mitigation Plan and make the City part of it. He added that the process required the City of McAlester adopt the County's plan. He stated that Trent Myers, Pittsburg County Emergency Management was here to answer any questions.

Manager Stasiak stated that there were no real changes between the City of McAlester's Mitigation Plan and Pittsburg County's Plan.

There was a brief discussion among the Council and Mr. Myers concerning the adoption of the plan, how the plan would aid in obtaining Federal funding that the City could be entitled to and how this was a required step in the plan. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

9. Consider, and act upon, an Agreement for Engineering Services with IMS Infrastructure Management Services for the development of a Pavement Management Program for the lump sum fee of \$24,700. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign an Agreement for Engineering Services with IMS Infrastructure Management Services for the development of a Pavement Management Program for the lump sum fee of \$24,700.

A motion was made by Councilman Read and seconded by Councilman Smith to approve an Agreement for Engineering Services with IMS Infrastructure Management Services for the development of a Pavement Management Program for the lump sum fee of \$24,700.

Before the vote, John Modzelewski addressed the Council stating that if this agreement were approved it would allow the company to provide engineering and field testing services for the development of a Pavement Management Program.

There was discussion among the Council including Mr. Modzelewski, Manager Stasiak and City Attorney Ervin regarding how long to complete the report, how many miles of pavement this would include, how the streets would be identified and the intent to cover the entire City in two (2) years. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Smith, Read, Garvin & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

10. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for the development of construction plans, specifications and estimates related to the 2012 Proposed CIP Projects for the lumps sum fee of \$24,500. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign an Agreement for Engineering Services with Meshek & Associates, PLC for the development of construction plans, specifications and estimates for the 2012 Proposed CIP Projects.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Mason to approve an Agreement for Engineering Services with Meshek & Associates, PLC for the development of construction plans, specifications and estimates related to the 2012 Proposed CIP Projects for the lumps sum fee of \$24,500.

Before the vote, John Modzelewski addressed the Council stating that this agreement would allow the contractor to provide a cost estimate for the proposed 2012 CIP Projects.

Mayor Harrison commented that should the City experience another favorable year more of the projects could be accomplished. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Mason & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

11. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Traffic Signals, Inc. to construct the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard for the bid price of \$130,076.94. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with Traffic Signals, Inc to construct the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard for the bid price of \$130,076.94. The funding source for this project is Account Number 41-5863401.

A motion was made by Vice-Mayor Mason and seconded by Council Gavin to authorize the Mayor to sign a contract between the City of McAlester and Traffic Signals, Inc. to construct the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard for the bid price of \$130,076.94.

Before the vote, John Modzelewski addressed the Council stating that the improvements at this intersection would include; traffic signal controller assembly, video detection, backup battery, pedestrian crossing signals, emergency pre-emption, training and restriping. He added that the project should be fully completed within one hundred fifty (150) days.

After a brief discussion among the Council regarding the length of the construction, and similarity of this project and the intersection at Carl Albert Parkway and Strong, the vote was taken as follows:

AYE: Councilman Smith, Read, Garvin, Mason & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried.

12. Consider, and act upon, Change Order No. 1 – Final and Contractor’s Pay Estimate No. 3– Final for the Highway 69 Utility Relocation Sewer Project. Change Order No. 1 reconciles the final quantities and results for an addition of \$9,687.50 to the contract amount resulting in a final contract amount of \$209,552.50. *(David Medley, PE, Utilities Director)*

Executive Summary

Motion to approve final payment for the Highway 69 Utility Relocation Sewer Project to Pittard Construction Company of Allen, Texas authorization for the Mayor to sign Change Order No. 1 and the Final Application of Payment.

Councilman Smith moved to approve final payment for the Highway 69 Utility Relocation Sewer Project to Pittard Construction Company of Allen, Texas authorization for the Mayor to sign Change Order No. 1 and the Final Application of Payment. The motion was seconded by Vice-Mayor Mason.

Before the vote, David Medley informed the Council that the Contractor for the Highway 69 Utility Relocation Sewer Project had completed all deficiencies associated with the project and that the City's Engineer on the project, Mehlburger Brawley, Inc. had recommended approval of the Final Pay Estimate. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Garvin, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

13. Consider, and act upon, Final and Contractor's Pay Estimate No. 4A & 4B - Final for the Highway 69 Utility Relocation Water Project. Change Order No. 2 reconciles the final quantities and results for an addition of \$8,765.00 to the contract amount resulting in a final contract amount of \$572,215.00. *(David Medley, PE, Utilities Director)*

Executive Summary

Motion to approve final payment for the Highway 69 Utility Relocation Sewer Project to Pittard Construction Company of Allen, Texas authorization for the Mayor to sign Change Order No. 2 and the Final Application of Payment.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve final payment for the Highway 69 Utility Relocation Sewer Project to Pittard Construction Company of Allen, Texas authorization for the Mayor to sign Change Order No. 2 and the Final Application of Payment.

Before the vote, David Medley informed the Council that the Contractor for the Highway 69 Utility Relocation Water Project had completed all deficiencies associated with the project and the City's Engineer on the project, Mehlburger Brawley, Inc. had recommended approval of the Final Pay Estimate. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Read, Garvin, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak commented that the proposed budget had been presented to the Council and he asked if they had any questions or comments to contact him so they could be addressed.

Remarks and Inquiries by City Council

Councilmen Smith, Read, Garvin and Mason had no comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Harrison complimented the Council on the meeting that had been held during his absence. He then thanked the Council for sending him and the City Manager to Washington, D.C. for the McAlester Stampede. He stated that they got a lot accomplished and he looked forward to future events like this one.

Recess Council Meeting

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

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

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:52 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:54 P.M.

Councilman Garvin moved to recess the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2. The motion was seconded by Councilman Smith.

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

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed 7:54 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF

Reconvene Council Meeting

The Regular Meeting was reconvened at 9:19 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2. Only that matter was discussed, no action was taken, and the Council returned to open session at 9:19 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned, seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:20 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk