

The McAlester City Council met in Regular session on Tuesday, March 25, 2014, at 6:00 P.M. after proper notice and agenda was posted, March 21, 2014, at 2:21 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor Betty Shelby of the Amos Temple, gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Buddy Garvin, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Kirk Ridenour, Economic Development Manager; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Regina Peoples, Executive Director of Pride In McAlester updated the Council on the activities that Pride had been involved in the month of March. She informed them that Pride would be moving into their office on Monday, there had been two (2) work days, the railroad ties had been laid at the "Community Garden", the Dog Park was ready for its ribbon cutting and in April "Prides" cleanup would begin the first weekend of April.

Consent Agenda

- A. Approval of the Minutes from the March 11, 2014, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the March 11, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for March 5, 2014 through March 18, 2014. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Funds - \$135,640.76; Parking Authority - \$145.11; Nutrition - \$1,348.72; Tourism Fund - \$4,414.93; SE Expo Center - \$17,252.02; E-911 - \$6,866.28; Economic Development - \$995.25; Grants &

Contributions - \$1,188.39; Fleet Maintenance - \$10,682.59; Worker's Compensation - \$941.68 and CIP Fund - \$6,139.00.

- D. Accept and place on file information presented on the Capital Improvement Program Project #1, Engineering Design. This is funded through our Bond Streets Reconstruction Program. *(John Modzelewski, P.E., City Engineer and Public Works Director)*
- E. Consider and act upon, authorization of payment to Poe & Associates, Inc. Invoice #0-203031-8541 in the amount of \$9,475.65 for engineering services related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John Modzelewski, P.E., City Engineer and Public Works Director)*
- F. Consider and act upon, authorization of payment to Poe & Associates, Inc. Invoice #0-203031-8559 in the amount of \$39,110.94 for engineering services related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John Modzelewski, P.E., City Engineer and Public Works Director)*
- G. Concur with Mayor's Re-Appointment of Walter Bethune, 215 E. Choctaw, McAlester 74501 to the Audit and Finance Advisory Board for a term to expire March, 2016. *(Steve Harrison, Mayor)*
- H. Concur with Mayor's Re-Appointment of Steve Foster, 300 Oklahoma, McAlester 74501 to the Audit and Finance Advisory Board for a term to expire March, 2016. *(Steve Harrison, Mayor)*
- I. Tabled from Previous Meeting. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- J. Tabled from Previous Meeting. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 6 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*

Mayor Harrison stated that the City Manager wished to pull items "I and J" from the Consent Agenda. Manager Stasiak explained that they would be brought back before the Council once the City had received the corrected and signed copies from the water districts.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Scheduled Business

1. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Goodwin & Goodwin for the construction of 2013 CDBG Water Improvements along West Street and Birch Street. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with Goodwin & Goodwin for the construction of 2013 CDBG Water Improvements along West Street and Birch Street for a total bid equal to \$83,480.

Councilman Garvin moved authorize the Mayor to sign a contract with Goodwin & Goodwin for the construction of 2013 CDBG Water Improvements along West Street and Birch Street for a total bid equal to \$83,480.00. The motion was seconded by Councilman Smith.

Before the vote, John Modzelewski addressed the Council explaining that this project included the construction or replacement of small water lines with valves and fire hydrant assemblies. He added that three (3) construction companies had attended the mandatory Pre-Bid Conference and those companies had submitted Bid Documents that were opened on February 25, 2014. From those bids the consulting company had recommended Goodwin & Goodwin as the lowest, responsible and qualified bidder.

After a brief discussion concerning if the project included the installation of sewer line and the amount of new water line that would be installed, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried

2. Consider, and act upon, a Professional Services Agreement with a consultant, Mehlburger Brawley, for the design of road and infrastructure improvements for a segment of Second Street from Comanche Avenue to Modoc Avenue. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with a consultant, Mehlburger Brawley for the design of road and infrastructure improvements for a segment of Second Street from Comanche Avenue to Modoc Avenue. The Fee Proposal is a lump sum amount of \$176,000.

A motion was made by Councilman Smith and Seconded by Vice-Mayor Read to authorize the Mayor to sign a Professional Services Agreement with a consultant, Mehlburger Brawley, for the design of road and infrastructure improvements for a segment of Second Street from Comanche Avenue to Modoc Avenue, in a lump sum amount of \$176,000.00.

Before the vote, there was discussion regarding the consultants, the cost of the project, how the fee was calculated, how these costs were covered, the number of bids that had been received and how the consultant had been chosen.

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

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

NAY: None

Mayor Harrison declared the motion carried

3. Consider and act upon, an InterAct Public Safety Systems GIS Sales Order to provide McAlester/Pittsburg County with a complete GIS map maintenance solution on a bi-monthly basis for one (1) year. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve GIS Quotation/Sales Order for one (1) year period.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve an InterAct Public Safety Systems GIS Sales Order to provide McAlester/Pittsburg County with a complete GIS map maintenance solution on a bi-monthly basis for one (1) year.

Before the vote, there was discussion concerning how this company would work with the City, if the City could enter this information themselves, how often the company would be in McAlester, if this could be used to map individual storm shelters, and how the County actually kept the Storm shelter information.

Manager Stasiak commented that the City would follow up then come back before the council with the requested information at the next meeting.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. A) Consider and act upon Change Order No. 1 to the contract 2013 Concrete Panel Replacement Project 4 with Katcon, Inc. adding \$26,272.44 to their contract for a total amount of \$292,420.44. (*Buddy Garvin, Ward 5 – City Councilman*)

B) Consider and act upon payment to Katcon, Inc. in the amount of \$26,272.44. (*Buddy Garvin, Ward 5 – City Councilman*)

Executive Summary

A) Motion to approve Change Order No. 1 (Final) to Katcon, Inc. of McAlester and authorizing the Mayor to sign the Change Order changing the Contract amount to \$292,420.44.

B) Motion to approve payment of \$26,272.44.

A motion was made by Councilman Garvin and seconded by Councilman Titsworth to approve Change Order No. 1 to the contract 2013 Concrete Panel Replacement Project 4 with Katcon, Inc. adding \$26,272.44 to their contract for a total amount of \$292,420.44.

Before the vote, Councilman Garvin explained that he had asked that this item be placed back on the agenda after reading a letter from the contractor indicating that a law suit would be filed against the City if payment was not received for Change Order No. 1. He then asked Attorney Ervin for his opinion of the matter.

Attorney Ervin explained how this matter had been addressed previously. He stated that there were valid legal defenses to the City if the contractor sued the City.

There was discussion among the Council regarding the language in the Contract, the Contractor's responsibility, if this was a legitimate debt and the City's responsibility. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Titsworth & Mayor Harrison

NAY: Councilman Barnett, Smith & Read

Mayor Harrison declared the motion failed.

Mayor Harrison stated that since part "A" of this item had failed there was no reason to address item "B".

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that he had furnished the Council with, the monthly reports for all of the departments in the City. He stated that the Government Services Administration had visited the City last week to discuss the continued use of the Federal Building as a public building. He commented that the "Junk Hippie Road Show" had been a huge success at the Expo the past weekend and the organizers had already booked for the next five (5) years. He then informed the Council that he had attended the Oklahoma Public Employers Health and Wellness Board meeting last week and for the first time in five (5) were looking at an increase in the City's health care, but it was only going to be 1.5%.

Remarks and Inquiries by City Council

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

Councilman Smith inquired about the status of the 17th Street project. Manager Stasiak commented that he believed that the completion date was the first weekend in July and this project had turned into a Public Utilities project. He announced that the water would be shut off from midnight to 6:00 A.M. to keep from interrupting the businesses. He added that it was currently an inconvenience but when completed it would be a phenomenal road way.

Councilman Titsworth asked about having a spreadsheet containing the code violations to make it easier to track repeat violations. Manager Stasiak stated that they would work on something.

Councilman Garvin commented that next week officials with the Railroad would be in North Town for the train ride. He asked if there was any way the City could have the Street Sweeper in there to clean up the streets and if they could touch up the striping.

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, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:42 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:44 P.M.

Vice-Mayor Read moved to recess the Regular meeting for an Executive Session in accordance with Title 25, sec. 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP. The motion was seconded by Councilman Smith.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:45 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: FOP

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:29 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.2, to discuss negotiations concerning employees and representatives of employee groups: FOP. Only that matter was discussed, no action was taken and the Council returned to open session at 8:26 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 Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:29 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk