



# McAlester City Council

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## NOTICE OF MEETING

### Revised Regular Meeting Agenda

Tuesday, September 9, 2014 – 6:00 pm  
McAlester City Hall – Council Chambers  
28 E. Washington

- Steve Harrison ..... Mayor  
Weldon Smith ..... Ward One  
John Titsworth ..... Ward Two  
Travis Read, Vice Mayor..... Ward Three  
Robert Karr ..... Ward Four  
Buddy Garvin ..... Ward Five  
Jason Barnett ..... Ward Six
- Peter J. Stasiak ..... City Manager  
William J. Ervin ..... City Attorney  
Cora M. Middleton ..... City Clerk

*This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: [www.cityofmcalester.com](http://www.cityofmcalester.com) within the required time frame.*

*The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.*

*The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.*

#### CALL TO ORDER

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*Announce the presence of a Quorum.*

#### INVOCATION & PLEDGE OF ALLEGIANCE

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Capt. Daniels of the Salvation Army

#### ROLL CALL

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#### CEREMONY AND AWARDS

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**CITIZENS COMMENTS ON NON-AGENDA ITEMS**

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*Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.*

**CONSENT AGENDA**

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*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. Approval of the Minutes from the August 12, 2014 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 20, 2014 through September 2, 2014. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, a request by Eastern Oklahoma State College – GEAR UP Program to partner with them for the rental fee in the amount of \$875.00 for the use of the Expo Center on October 3, 2014. *(Jerry Lynn Wilson, Expo Center Manager)*
- D. Consider and act upon, the approval of the McAlester Main Street Annual Action Plan. *(Lacey Sudderth, McAlester Main Street)*
- E. Consider and act upon, the approval of an Agreement for the 2015 Junior Sunbelt Classic between McAlester Public Schools and the City of McAlester. *(Cora Middleton, City Clerk)*
- F. Consider and act upon, the approval of the Oklahomans for Independent Living 4<sup>th</sup> Quarter Service Report. *(Peter J. Stasiak, City Manager)*
- G. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice # MC-14-01-05, in the amount of \$17,997.80, for engineering services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- H. Consider and act upon, authorization of payment to Poe & Associates, Inc., Invoice # 203031-8648, in the amount of \$34,205.88, for engineering services related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

**ITEMS REMOVED FROM CONSENT AGENDA**

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**PUBLIC HEARING**

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*All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.*

- AN ORDINANCE AMENDING ORDINANCE 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING ORDINANCE 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- A NEW ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, TO CLOSE THE ALLEY THAT LIES IN BLOCK 642; THE ALLEY THAT LIES IN BLOCK 654; THE ALLEY THAT LIES IN BLOCK 660; THAT PART OF MODOC AVENUE LYING BETWEEN BLOCK 642 AND BLOCK 654, BEING EAST OF "A" STREET AND WEST OF OAK STREET; THAT PART OF SHAWNEE AVENUE LYING BETWEEN BLOCK 654 AND BLOCK 660, BEING EAST OF "A" STREET AND WEST OF OAK STREET; ALL IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA AND TO RETAIN THE UTILITY EASEMENT IN THE ALLEY THAT LIES IN BLOCK 642, BETWEEN A STREET AND OAK STREET FOR THE CITY'S EXISTING SEWER MAIN.

### **SCHEDULED BUSINESS**

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1. Presentation "Operation Playing with Fire" by McAlester Fire Department. (*Brett Brewer, Fire Chief*)

Executive Summary

Presentation by Fire Chief, Brett Brewer.

2. Consider and act upon, authorizing the City Manager to sign the Proposed Award from the Oklahoma Office of Homeland Security - 2012 Homeland Security Grant Program; Regional Response Sustainment Detection Equipment Project; #460.155, in the amount of \$2,157.54. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve 2012 Homeland Security Grant Program; Regional Response Sustainment Detection Equipment Project; #460.155, in the amount of \$2,157.54.

3. Consider and act upon, authorizing the City Manager to sign the Proposed Award from the Oklahoma Office of Homeland Security - 2012 Homeland Security Grant Program; Regional Response Sustainment Detection Equipment Project; #460.107, in the amount of \$4,341.31. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve 2012 Homeland Security Grant Program; Regional Response Sustainment Detection Equipment Project; #460.107, in the amount of \$4,341.31.

4. Consider and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

5. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

6. Consider and act upon, an Ordinance to Close the Alley that lies in Block 642; the Alley that lies in Block 654; the Alley that lies in Block 660; that part of Modoc Avenue lying between Block 642 and Block 654, being East of "A" Street and West of Oak Street; that part of Shawnee Avenue lying between Block 654 and Block 660, being East of "A" Street and West of Oak Street; all in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma and to retain the utility easement in the alley that lies in Block 642, between A Street and Oak Street for the City's existing sewer main. *(Ginny Webb, Planning Tech, Leroy Alsup Community & Economic Development Director)*

Executive Summary

Motion to approve and act upon the Ordinance to close the streets and alleys as more particularly described in the ordinance, to retain the utility easement in the alley that lies in Block 642, between A Street and Oak Street for the City's existing sewer main and to authorize the Mayor to sign the Ordinance.

7. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and contractor to be named for the construction of road and infrastructure improvements related to CIP#2 which includes a segment of A Street between Miami Avenue and Comanche Avenue, and a portion of Sixth Street between Jefferson Avenue and Monroe Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with contractor to be named for the construction of road and infrastructure improvements related to CIP#2 which includes a segment of A Street between Miami Avenue and Comanche Avenue, and a portion of Sixth Street between Jefferson Avenue and Monroe Avenue.

8. Discussion and possible action to authorize purchase of land at Main Street & Cherokee for \$10,186.
9. Consider and act upon, approval of Change Order No. 1, for an extension of sixteen days to the existing contract with W. Brown Enterprises, Inc. for the construction of approximately 2,900 linear feet of new 12-inch PVC C900 water main and necessary appurtenances along the east side of South Main Street from T.H. Rogers to Oklahoma Avenue.

**Executive Summary**

Motion to approve Change Order No. 1 for the extension of time to the construction contract with W. Brown Enterprises, Inc. for the construction of approximately 2,900 linear feet of new 12-inch PVC C900 water main and necessary appurtenances along the east side of South Main Street from T.H. Rogers to Oklahoma Avenue.

**NEW BUSINESS**

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*Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.*

**CITY MANAGER'S REPORT (Peter J. Stasiak)**

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- Report on activities for the past two weeks.

**REMARKS AND INQUIRIES BY CITY COUNCIL**

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**MAYORS COMMENTS AND COMMITTEE APPOINTMENTS**

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**RECESS COUNCIL MEETING**

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**CONVENE AS McALESTER AIRPORT AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the August 26, 2014, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 2, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 5, an ordinance amending Ordinance 2501 which established the Budget for Fiscal Year 2014-15; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

**ADJOURN MAA****CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the August 26, 2014, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 2, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item G, authorization of payment to Mehlburger Brawley, Invoice # MC-14-01-05, in the amount of \$17,997.80, for engineering services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item H, authorization of payment to Poe & Associates, Inc., Invoice # 203031-8648, in the amount of \$34,205.88, for engineering services related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 4, , an ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 5, an ordinance amending Ordinance 2501 which established the Budget for Fiscal Year 2014-15; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 6, a new ordinance of the City of McAlester, Oklahoma, to close the alley that lies in Block 642; the alley that lies in Block 654; the alley that lies in Block 660; that part of Modoc Avenue lying between Block 642 and Block 654, being east of "A" Street and west of Oak Street; that part of Shawnee Avenue lying between Block 654 and Block 660, being east of "A" Street and west of Oak Street; all in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma and to retain the utility easement in the alley that lies in Block 642, between A Street and Oak Street for the city's existing sewer main. *(Ginny Webb, Planning Tech, Leroy Alsup Community & Economic Development Director)*
- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a contract between the City of McAlester and contractor to be named for the construction of road and infrastructure improvements related to CIP#2 which includes a segment of A Street between Miami Avenue and Comanche Avenue, and a portion of Sixth Street between Jefferson Avenue and Monroe Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

ADJOURN MPWA

**RECONVENE COUNCIL MEETING**

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**ADJOURNMENT**

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**CERTIFICATION**

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*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2014 at \_\_\_\_\_ a.m./p.m. as required by law in accordance with Section 303 of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: [www.cityofmcalester.com](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**



# McAlester City Council

## AGENDA REPORT

**Meeting Date:** September 9, 2014      **Item Number:** 9  
**Department:** Public Works/Engineering  
**Prepared By:** John C. Modzelewski, PE      **Account Code:** \_\_\_\_\_  
**Date Prepared:** September 8, 2014      **Budgeted Amount:** \_\_\_\_\_  
**Exhibits:** 1

### Subject

Consider and act upon, approval of Change Order No. 1, for an extension of sixteen days to the existing contract with W. Brown Enterprises, Inc. for the construction of approximately 2,900 linear feet of new 12-inch PVC C900 water main and necessary appurtenances along the east side of South Main Street from T.H. Rogers to Oklahoma Avenue.

### Recommendation

Motion to approve Change Order No. 1 for the extension of time to the construction contract with W. Brown Enterprises, Inc. for the construction of approximately 2,900 linear feet of new 12-inch PVC C900 water main and necessary appurtenances along the east side of South Main Street from T.H. Rogers to Oklahoma Avenue.

### Discussion

This request for an extension of time includes two adverse weather days and fourteen days for manufacturer delays in obtaining pipe and fittings unique to this project. It is recommended by the City's consulting engineer, Mehlburger Brawley, that the City Council approves Change Order No. 1 with W. Brown Enterprises, Inc. to extend the contract time by sixteen days which will change the substantial completion date to September 27, 2014.

### Approved By

	<i>Initial</i>	<i>Date</i>
<b>Department Head</b>	JCM	09/08/14
<b>City Manager</b>	P. Stasiak 	09/08/14