

The McAlester City Council met in Regular session on Tuesday, October 14, 2014, at 6:00 P.M. after proper notice and agenda was posted, October 13, 2014 at 9:55 A.M.

Call to Order

Vice-Mayor Read called the meeting to order.

City Attorney, William J. Ervin, Jr., 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; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Darrell Miller, Deputy Police Chief; Brett Brewer, Fire Chief; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Councilman Garvin introduced Kathy Hunt, Principal at Edmond Doyle Elementary School. He commented on an award the School had received for excellence.

Consent Agenda

- A. Approval of the Minutes from the September 9, 2014 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for September 17, 2014 through October 7, 2014. (*Toni Ervin, CFO*)
In the following amounts: General Fund - \$94,671.84; Nutrition - \$928.05; Landfill Res./Sub-Title D - \$9,858.00; Tourism Fund - \$11,617.22; SE Expo Center - \$25,082.78; E-911 - \$4,835.36; Economic Development - \$10,944.08; Grants & Contributions - \$2,179.50; Fleet Maintenance - \$35,050.08; CIP Fund - \$15,268.84 and Technology Fund - \$29,399.56.

- C. Concur with Mayor's Reappointment of John Goodyear, 38 Jamestown Circle to the Community Tree Board for a term to expire September, 2016. *(Steve Harrison, Mayor)*
- D. Concur with Mayor's Reappointment of Doris Hackler, 801 S. 18th Street to the Community Tree Board for a term to expire September, 2016. *(Steve Harrison, Mayor)*
- E. Concur with Mayor's Reappointment of Karen Harrison, 1414 Timber Lane to the Community Tree Board for a term to expire September, 2016. *(Steve Harrison, Mayor)*
- F. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services in relation to the approval of the cost of training. Approximate cost of \$675.00. *(Brett Brewer, Fire Chief)*
- G. Consider and act upon, authorization of payment to McAlester News Capital & Democrat, Ad Number 05615916, in the amount of \$158.88 for publication of Advertisement for Bids related to CIP#3 and funded through the McAlester Public Works Authority Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- H. Consider and act upon, authorization of payment to Lot Maintenance of Oklahoma, Inc., Invoice 033177, in the amount of \$750.00 for video of sewer mains in Second Street at Kiowa related to CIP#3 and funded through the McAlester Public Works Authority Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- I. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice MC-14-01-06, in the amount of \$11,060.00 for engineering services related to CIP#3 and funded through the McAlester Public Works Authority Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- J. Consider and act upon, authorizing the Mayor to sign a Renewal Master Services Agreement with Southwestern Bell Telephone d/b/a AT&T Oklahoma for E-911 System. *(Shawn Smith, E911 Manager)*

Vice-Mayor Read requested that Item "B" be pulled for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the Consent Agenda Items "A, C, D, E, F, G, H, I and J". 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

- B. Approval of Claims for September 17, 2014 through October 7, 2014. (*Toni Ervin, CFO*) In the following amounts: General Fund - \$94,671.84; Nutrition - \$928.05; Landfill Res./Sub-Title D - \$9,858.00; Tourism Fund - \$11,617.22; SE Expo Center - \$25,082.78; E-911 - \$4,835.36; Economic Development - \$10,944.08; Grants & Contributions - \$2,179.50; Fleet Maintenance - \$35,050.08; CIP Fund - \$15,268.84 and Technology Fund - \$29,399.56.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Claims for September 17, 2014 through October 7, 2014. (*Toni Ervin, CFO*) In the following amounts: General Fund - \$94,671.84; Nutrition - \$928.05; Landfill Res./Sub-Title D - \$9,858.00; Tourism Fund - \$11,617.22; SE Expo Center - \$25,082.78; E-911 - \$4,835.36; Economic Development - \$10,944.08; Grants & Contributions - \$2,179.50; Fleet Maintenance - \$35,050.08; CIP Fund - \$15,268.84 and Technology Fund - \$29,399.56.

Before the vote, Vice-Mayor Read inquired about a payment to McAlester Main Street in the amount \$8,000.00.

There was discussion among the Council, Manager Stasiak and Attorney Ervin regarding the payment, a contract for those services not being in place, no detail on the invoice, disbursing the funds before the expenditure was approved, the City Manager’s level of authorization that was in the Code, all of the claims placed on the Agenda for approval and ratification so the Council was completely informed, this practice was completely lawful and getting a detailed report on how the funds were spent,

Vice-Mayor Read moved to vote on payment to “Main Street for the Old Town Wild West Festival” separately. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

There was no further discussion on the first motion 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.

Scheduled Business

- 1. Consider and act upon, a request by McAlester Public Schools to partner with them for the rental fee in the amount of \$1,500.00 for the use of the Expo Center on January 27 &

28th, 2015 for a Technology Expo. The MPS Technology Expo will provide hands-on learning experiences and exposure to the classroom integration of technology within the McAlester Public Schools. The event will bring together members of business, industry, public and higher education to showcase the integration and use of technology in our classrooms, but also to highlight the need for technological literacy and a high tech skill set within the McAlester business community. (*Mel Priddy, Community Services Director, Jerry Wilson, Expo Center Manager*)

Executive Summary

Consider approving this partnership request in the amount of \$1,500.00.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve a request by McAlester Public Schools to partner with them for the rental fee in the amount of \$1,500.00 for the use of the Expo Center on January 27 & 28th, 2015 for a Technology Expo.

Before the vote, Jerry Wilson addressed the Council introducing Stephanie Holt, Director of Secondary Curriculum for McAlester School System.

Ms. Holt addressed the Council explaining the intent of this event and the possible positive impact it could have on the students. She added that it was hoped that this would become an annual event.

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

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

NAY: None

Vice-Mayor Read declared the motion carried.

2. Consider and act upon, a resolution amending the City's Police Pay Scale, Fire Pay Scale, and Non-Uniform Pay Scale to reflect a 2% increase. (*Toni Ervin, CFO*)

Executive Summary

Staff recommends motion to approve resolution amending the City's Police Pay Scale, Fire Pay Scale, and Non-Uniform Pay Scale to reflect a 2% increase.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve RESOLUTION NO. 14-26, amending the City's Police Pay Scale, Fire Pay Scale, and Non-Uniform Pay Scale to reflect a 2% increase.

Before the vote, CFO Ervin addressed the Council explaining that the 2% COLA had been budgeted and would become effective the pay period beginning October 13th.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, acceptance of the Cops Hiring Program (CHP) Grant. (*Darrell Miller, Captain*)

Executive Summary

Motion to approve the Cops Hiring Program (CHP) Grant.

A motion was made by Councilman Garvin and seconded by Councilman Karr to accept the Cops Hiring Program (CHP) Grant.

Before the vote, Deputy Chief Miller addressed the Council explaining that the City had applied and was approved for the Cops Hiring Program Grant. He stated that this grant would provide for up to seventy-five (75) percent of the approved entry level salary and fringe benefits of three (3) full-time officers for a thirty-six (36) month grant period with a minimum twenty-five (25) percent local cash match requirement. He added that the police department would implement a drug interdiction team for combating illegal drug trafficking and a traffic unit for increased safety for the citizens of McAlester.

There was discussion among the Council including Manager Stasiak and Deputy Chief Miller concerning the officers becoming full-time fill in for when other officers were absent, if there was a mechanism to cancel the grant midstream, using experienced officers for the drug interdiction team, if the extra manpower would help with problems in the City and from where the new officers vehicles would come.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of a washer and dryer for laundering of Firefighting Bunker Gear; approximate cost \$15,000.00, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Vice-Mayor Read moved to approve the purchase of a washer and dryer for laundering of Firefighting Bunker Gear; approximate cost \$15,000.00, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. The motion was seconded by Councilman Smith.

Before the vote, Chief Brewer addressed the Council explaining that they had previously approved the purchase of new Bunker gear. He stated that a regular washer and dryer would not hold up to cleaning this gear and the gear should never be washed in the same machine that was

used for home laundry. He added that the washer and dryer would be used solely to clean the bunker gear.

There was no further 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.

5. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of Firefighting gear, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. Cost not to exceed \$6,500.00.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve the purchase of Firefighting gear, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. Cost not to exceed \$6,500.00.

Before the vote, Chief Brewer addressed the Council explaining that with the retirement of several Firefighters over the last year, the promotion of numerous personnel and the hiring of four (4) new employees it was necessary to purchase new gear, boots and helmets. He added that this would provide the proper protective gear to everyon

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and T. McDonald Construction, Inc. for the construction of road and infrastructure improvements related to CIP#3 which includes a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with T. McDonald Construction, Inc. for a Total Bid equal to \$2,730,987.50 for the construction of road and infrastructure improvements related to CIP#3 which includes a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign a contract between the City of McAlester and T. McDonald Construction, Inc. for the construction of road and infrastructure improvements related to CIP#3 which includes a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal.

Before the vote, Director Modzelewski addressed the Council reviewing the process that had been followed to obtain bids for the contractor for CIP #3. He added that the City's consulting engineer had reviewed the Bid documents and references and they recommended awarding the contract to T. McDonald Construction.

After a brief discussion among the Council, Director Modzelewski and Dale Burke, P.E., Mehlburger Brawley concerning the time frame for the project, if the contractor had ever done work the City previously and the company's references the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, a Professional Services Agreement with Infrastructure Solutions Group, LLC dba Mehlburger Brawley to provide Construction Management Services during the construction of road and infrastructure improvements along a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC dba Mehlburger Brawley to provide Construction Management Services during the construction of road and infrastructure improvements along a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal. The total fee to perform these services is a lump sum amount of \$143,500.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC dba Mehlburger Brawley to provide Construction Management Services during the construction of road and infrastructure improvements along a segment of Second Street between Modoc Avenue and Comanche Avenue, and from Comanche Avenue north to the canal.

Before the vote, Director Modzelewski addressed the Council explaining the services that Mehlburger Brawley would provide for CIP #3 project. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Discussion, update and possible action, on CIP#4, including design of road and infrastructure improvements for a segment of South Avenue from a point, two hundred feet west of Strong Boulevard, to a point one hundred eighty feet east of Franklin Street, and a segment of Sixth Street from Chadick Park to Chickasaw Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to include a driveway, approximately five hundred twenty linear feet long, south of Will Rogers School between Thirteenth Street and the school parking lot. This will include any drainage structures required for the project. The proposed driveway will minimize conflicts with school related traffic during construction.

A motion was made by Councilman Karr and seconded by Councilman Smith to accept the recommendation amending CIP#4 to include a driveway, approximately five hundred twenty linear feet long, south of Will Rogers School between Thirteenth Street and the school parking lot. This will include any drainage structures required for the project.

Before the vote, Director Modzelewski addressed the Council explaining that the time frame for this project had been shortened due to the Summer school vacation being shortened. He commented that by adding the driveway behind Will Rogers School would help minimize conflicts with school related traffic during construction.

After discussion among the Council, Director Modzelewski and Attorney Ervin concerning the cost of the change, the easement from the school, if this change and expenditure were for a public use, having stronger penalties when contractors are late and how long the project would take, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

9. Consider and act upon, rescheduling the November 11, 2014 Regularly scheduled Council Meeting. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve the rescheduling of the November 11, 2014 Regularly scheduled Council Meeting and assign a subsequent date.

Manager Stasiak informed the Council that the first meeting in November fell on Veteran's Day which was a City Holiday.

There was discussion among the Council regarding when the meeting should be held. Mayor Harrison moved to reschedule the November 11, 2014 Regular Council meeting to November 6, 2014. The motion was seconded by Councilman Karr. There was no further 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.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the "Notice of Default" had been sent to Austin Paving and the Surety Company on Thursday, November 9, 2014. He informed the Council that for the seventh (7th) month the City had experienced a steady increase in sales tax and that it was 4.4% over last years receipts.

Remarks and Inquiries by City Council

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

Councilmen Smith thanked Pride In McAlester for the Fall Cleanup.

Councilman Titsworth commented on the meeting that had been held regarding loft apartments Down Town. He added that hopefully McAlester would have them in the future.

Councilman Garvin commented on the Service Plaza that was currently under construction on the Turnpike and stated that should be a tremendous boost to the City of McAlester's sales tax.

Mayor's Comments and Committee Appointments

Mayor Harrison thanked Vice-Mayor Read for chairing two (2) meetings. He announced that there were vacancies on the Audit and Finance Advisory Board and the Planning Commission and asked for volunteers.

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

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 7:14 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to recess the Regular Meeting for an Executive Session in accordance with 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: workers compensation claim settlement of Denis Vogel

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

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

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 7:15 P.M.

Executive Session

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

- Proposed 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: Denis Vogel Settlement

Reconvene into Open Session

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 7:32 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 communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: workers compensation claim settlement of Denis Vogel. Only that matter was discussed, no vote was taken, and the Council returned to open session at 7:32 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. The motion was seconded by Vice-Mayor Read.

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:33 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk