

The McAlester City Council met in a Regular session on Tuesday, February 9, 2016, at 6:00 P.M. after proper notice and agenda was posted, February 5, 2016 at 4:26 P.M.

Call to Order

Mayor Harrison called the meeting to order.

City Attorney William J. Ervin 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; Toni Ervin, CFO; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

Lacey Sudderth, Director McAlester Main Street Association addressed the Council inviting all of them to the membership meeting on Wednesday, at the Grand Event Center.

Consent Agenda

- A. Approval of the Minutes from the January 12, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the January 26, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for January 20, 2016 through February 2, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$63,065.59; Nutrition - \$856.60; Landfill Res./Sub-Title D. - \$800.00; Tourism Fund - \$4,864.90; SE Expo Center - \$5,377.72; E-911 - \$11,452.03; Economic Development - \$6,532.50; Grants & Contributions - \$8,160.18; CDBG Grants Fund - \$29,765.34; Fleet Maintenance - \$7,104.89; CIP Fund - \$96,807.12 and Federal Forfeiture Fund - \$750.00.

- D. Accept and place on file, the McAlester Main Street Second Quarter Report for Fiscal Year 2015-2016. (*Lacey Sudderth, Executive Director*)
- E. **TABLED FROM THE JANUARY 26TH MEETING:** Concur with Oklahoma Municipal Assurance Group denial of Claim No. 201398-LR. (*Cora Middleton, City Clerk*)
- F. Consider and act upon, ratification of Supplemental Agreement Change Order #2 to Bronze Oak, LLC for the Airport Drainage Project in the amount of \$12,318.95 and adding 10 additional work days. (*Peter Stasiak, City Manager*)
- G. Consider and act upon, ratification of Change Order #6 to Carstensen Contracting for CIP#4 South Sixth Street in the amount of (\$27,112.36). (*Peter Stasiak, City Manager*)
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-05, in the amount of \$ 13,045.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. (*Peter Stasiak, City Manager*)
- I. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-16-02-02, in the amount of \$2,580.00, for Engineering Services related to CIP#4 Final Quantity Audit and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. (*Peter Stasiak, City Manager*)
- J. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-16-03-01, in the amount of \$17,227.15, for Engineering Services and Construction Testing related to CIP#4A 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. (*Peter Stasiak, City Manager*)
- K. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #5, in the amount of \$209,610.14, for Construction Services related to CIP#4 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. (*Peter Stasiak, City Manager*)
- L. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #15, in the amount of \$31,886.17, 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*)
- M. Consider and act upon, a request by the "OETA Ready to Learn Program" to partner with them for the rental fee for the use of the Southeast Expo Center for the "Stories Around the Campfire" in the amount of \$125.00. (*Jerry Lynn Wilson, Expo Center*)

- N. Concur with Oklahoma Municipal Assurance Group denial of Claim No. 201478-LR.
(Cora Middleton, City Clerk)

Manager Stasiak commented that on Item “F” the additional days needed to be changed to five (5) days instead of ten (10).

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the Consent Agenda. 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.

Public Hearing

No Ordinances to be considered at this meeting.

Scheduled Business

1. Presentation of the Mayor’s Annual State of the City Address. (Steve Harrison, Mayor)
Executive Summary
Presentation.

Mayor Harrison delivered his 2016 Annual State of the City presenting the Council with a PowerPoint that illustrated the various accomplishments that the City had achieved. He highlighted how the City over the past ten (10) had reduced its’ bond debt from \$160 million to about \$80 million and had realized more than \$12 million that had been invested into the City’s street system. He then reviewed the various Street CIP projects that had been completed or were nearing completion, the improvements to the Water Treatment Plant and future planned improvements to that facility including the relocation of the 20” water main. He added that the City had started addressing the problems with its’ Stormwater system and commented that the recently enacted Stormwater fee would allow the City to begin making progress on the aging system. He reminded the Council of the \$19 million in electrical upgrades that Public Service Company was in the process of constructing that included two (2) new substations and eight (8) miles of transmission line. He commented that these improvements would help to meet the needs of the City of McAlester and the Steven Taylor Industrial Park. He commented on economic development projects that were in process or had been completed. He reviewed some of the donations and grants that the City had received and the accomplishments that were tied to each, including the acquisition of a K-9 for the Police Department, body cameras for the Police Department and the new playground equipment that had been gotten for Mullen and Chadick Parks. He commended the City’s Finance Department for the Certificate for Achievement for Excellence in Financial Reporting they had received. He reminded everyone that the McAlester Downtown District had been added to the National Register and stated that McAlester Main Street was pursuing the same designation for the Old Town historic area. He commented on the pocket parks the City had recently completed and the one that was in the planning stage for the intersection of 1st Street and Choctaw Avenue. He thanked everyone for doing such a great job

and commemorated Pam Kirby the City's grant writer that had passed away last year for all of the work she had done, commenting that much of the City's accomplishments would not have happened if not for her dedication and civic-mindedness. He ended his address commenting on the healthy initiative that had been started in McAlester and Pittsburg County, stating that this was to help promote overall wellness for all members of the community and he thanked everyone involved and everyone listening to his address.

2. **TABLED FROM THE JANUARY 26TH MEETING;** Consider and act upon, authorizing the Mayor to sign a service contract with ExecuTime Software, LLC for installation and maintenance of time entry software that interfaces with our Tyler Incode accounting software. (*Toni Ervin, Chief Financial Officer*).

Executive Summary

Staff recommends that the Council authorize the Mayor to sign ExecuTime Agreements.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize the Mayor to sign a service contract with ExecuTime Software, LLC for installation and maintenance of time entry software that interfaces with our Tyler Incode accounting software.

Before the vote, CFO Ervin addressed the Council stating that she had included Return on Investment information, a recommendation letter from the City of Stillwater, changes recommended by the City Attorney and the memo and references that had been previously included. She commented that she hoped the information would answer the questions that had been previously asked.

Attorney Ervin commented that the current agreement had incorporated his recommended changes and it was in proper legal form.

After a brief discussion concerning what departments would be included in using this system, who would enter the employees time, the system interfacing with Incode, the Supervisors still approving all time, which hardware would be used and the price range, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign a resolution allowing the execution of a license agreement in favor of Public Service Company of Oklahoma (PSO) for a temporary staging area during emergency conditions. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends authorizing the Mayor to sign the resolution and license agreement in favor of Public Service Company of Oklahoma (PSO).

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign a RESOLUTION NO. 16-03, allowing the execution of a license agreement in

favor of Public Service Company of Oklahoma (PSO) for a temporary staging area during emergency conditions.

Before the vote, Manager Stasiak address the Council explaining that Public Service Company of Oklahoma had used the Expo Center in the past during emergencies but wanted to have something in writing. He added that all comments and corrections had been incorporated into the agreement and the City Attorney had reviewed the agreement. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign the Engineer's Certificate of Completion and the Certificate of Substantial Completion for the 2014 CDBG Water Improvements. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommends approval and authorization for the Mayor to sign the Engineer's Certificate of Completion and the Certificate of Substantial Completion accepting the project as complete.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign the Engineer's Certificate of Completion and the Certificate of Substantial Completion for the 2014 CDBG Water Improvements.

Before the vote, Manager Stasiak addressed the Council informing them that Collins Waterworks, LLC, had completed all work associated with the project and the City's engineer on the project, Infrastructure Solutions dba Mehlburger Brawley, Inc. had recommended the approval and execution of these documents. There was no other 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.

5. Consider and act upon, authoring the Mayor to sign the Final and Contractor's Pay Estimate No. Three (3) for the 2014 CDBG Water Improvements with Collins Waterworks, LLC. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve final payment of \$12,797.29 for the 2014 CDBG Water Improvements to Collins Waterworks, LLC.

Councilman Garvin moved to authorize the Mayor to sign the Final and Contractor's Pay Estimate No. Three (3), in the amount of \$12,797.29, for the 2014 CDBG Water Improvements with Collins Waterworks, LLC. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak reiterated that Collins Waterworks, LLC had completed all work associated with the project and Infrastructure Solutions dba Mehlburger Brawley, Inc., the City's engineer on the project recommended approval of the Final Pay Estimate. There was no other 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 Change Order No. 3 to the contract with Katcon Inc. for Illinois Ave. Drainage Improvements. (*Peter Stasiak, City Manager. (Peter Stasiak, City Manager)*)

Executive Summary

Motion to approve Change Order No. 3 to the contract with Katcon Inc., and authorizing the Mayor to sign Change Order No. 3 adding 11 rain days.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve and authorize the Mayor to sign Change Order No. 3 to the contract with Katcon, Inc. adding eleven (11) days.

Before the vote, Manager Stasiak explained that the eleven (11) days had occurred around Christmas.

After a brief discussion concerning the completion date, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, accepting the bid amount of \$134,682.30 from Katcon, Inc. to repair two (2) portions of the Sandy Creek canal wall, and authorizing the Mayor to sign the Notice of Award to Katcon, Inc., and the Agreement to complete the repair. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to enter into an agreement with Katcon, Inc. for the Total Bid equal to \$134,682.30, to repair two (2) portions of the Sandy Creek canal wall.

A motion was made by Councilman Garvin and seconded by Councilman Karr to accept the bid from Katcon, Inc. in the amount of \$134,682.30 to repair two (2) portions of the Sandy Creek canal wall and authorize the Mayor to sign the Notice of Award and the Agreement.

Before the vote, Manager Stasiak addressed the Council that during May and June of 2015, the excessive rains damaged two (2) sections of Sandy Creek canal walls in the vicinity of 730 S. Ninth Street and 902 E. Osage Ave. He stated that both sections had been fenced off for public safety. He added that this project was part of FEMA reimbursement. The City would pay for

repairs up front and then FEMA would reimburse ninety percent (90%). He explained that after reviewing the bids that had been received and opened on January 26, 2016, the Engineering Division and Infrastructure Solutions Group, LLC recommended awarding the contract to Katcon. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, accepting the bid amount of \$37,500.00 from Sunrise Construction, LLC to repair a portion of the Sandy Creek canal wall, and authorizing the Mayor to sign the Notice of Award to Sunrise Construction, LLC, and the Agreement to complete the repair. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to enter into an agreement with Sunrise Construction, LLC. for the Total Bid equal to \$37,500.00, to repair a portion of the Sandy Creek canal wall.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to accept the bid from Sunrise Construction, LLC in the amount of \$37,500.00 to repair a portion of the Sandy Creek canal wall and authorize the Mayor to sign the Notice of Award and Agreement.

Before the vote, Manager Stasiak addressed the Council explaining that the excessive rain in May and June of 2015 severely damaged a section of the Sandy Creek canal wall in the vicinity of 911 S. Tenth Street. He commented that the project had been advertised on January 3 and 10, 2016, and on January 26, 2016, four (4) bids had been received and opened with Sunrise Construction, LLC being the apparent low bidder. He stated that after review of all received bids the Engineering Division and Infrastructure Solutions Group, LLC had recommended the award of the contract to Sunrise Construction, LLC. Manager Stasiak also informed the Council that the City would not receive any FEMA aid for this repair project.

After a brief discussion concerning experience with the contractor, why the City had not qualified for FEMA aid, and the amount of water that the canal carried, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the CIP #4A was approximately 98% complete and the preliminary walk through had been performed. He stated that there had been eleven (11) minor problems and the final walk through would be Friday. Manager Stasiak informed the Council that the Storm Water fee had been enacted, the letters had been sent out and there had been thirty-three (33) inquiries. He added that the City was making corrections to its' mapping information.

Remarks and Inquiries by City Council

Vice-Mayor Read commented that CIP #3, Second Street was open and it looked great.

Councilmen Smith, Titsworth, Karr, Garvin 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. Vice-Mayor Read 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 Read, Smith, Karr, Garvin, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:51 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:52 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Read moved for the meeting to be adjourned. The motion was seconded by Councilman Smith.

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, and the meeting was adjourned at 8:50 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk