

The McAlester City Council met in Regular session on Tuesday, October 28, 2014, at 6:00 P.M. after proper notice and agenda was posted, October 27, 2014 at 2:29 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Glenn Meyer, Trinity Lutheran Church, gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: John Titsworth, Travis Read, Robert Karr & Steve Harrison
Absent: Weldon Smith, Buddy Garvin & Jason Barnett
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Pamela Smith-Jeffries and Jamie Padford-Gresham addressed the Council explaining the recent change in private ambulance services in the City of McAlester.

Regina Peoples, Executive Director Pride In McAlester addressed the Council updating them on the groups activities during October. She informed them that 166, 000 pounds of trash had been collected during the fall cleanup, she had attended the Oklahoma Recycler's Association Conference in Edmond, the group had worked with McAlester Public Schools and that two (2) of the schools were competing in the "Recycle Bowl". She commented that Pride had received eighteen (18) new recycling bins from Republic Waste and the General membership meeting for November would be on the second (2nd) Thursday of the month.

Consent Agenda

- A. Approval of the Minutes from the September 23, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the October 8, 2014, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- C. Approval of Claims for October 7, 2014 through October 21 2014. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$222,474.65; Parking Authority - \$242.83; Nutrition - \$1,482.92; Landfill Res./Sub-Title D - \$4,200.00; Tourism Fund - \$575.42; SE Expo Center - \$23,117.64; E-911 - \$6,567.69; Economic Development - \$324.82; Fleet Maintenance - \$24,876.32 and CIP Fund - \$195,720.95.
- D. Concur with Mayor's appointment of Jan Grubbs, 1106 Remington Ave. to the McAlester Library Advisory Board for a term to expire December, 2019. *(Cora Middleton, City Clerk)*
- E. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice MC-14-01-07 in the amount of \$14,740.00 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)*
- F. Consider and act upon, authorization of payment to EST, Invoice 33212 in the amount of \$42,712.50 for construction management services related to CIP#1 and funded through the McAlester Public Works Authority Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

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

AYE: Councilman Read, Karr, Titsworth, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

Scheduled Business

- 1. Accept and place on file, the Status Report for the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Accept the Status Report on the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to accept the Status Report on the McAlester Public Works Authority's "Water System Operation and Maintenance Agreement" with Severn Trent Environmental Services., Inc.

Before the vote, Director Modzelewski addressed the Council introducing Jake Walton, Project Manager for Severn Trent.

Mr. Walton addressed the Council reviewing the financial status of the Water Treatment Plant, the expenses related to the chemicals used at the plant and maintenance on the plant. He informed the Council the company was planning on a trial with a new chemical to reduce the Trihalomethanes levels in the water supply.

After a brief discussion among the Council concerning operations at the water plant, PH levels and Severn Trent hiring all of the City employees at the water plant, the vote was taken as follows:

AYE: Councilman Read, Karr, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

2. Accept and place on file expenditures for the Wild West Festival. (*Lacey Sudderth, Main Street*)

Executive Summary

Presentation

A motion was made by Councilman Karr and seconded by Councilman Titsworth accept the expenditures for the Wild West Festival.

Before the vote, Lacey Sudderth Executive Director McAlester Main Street addressed the Council distributing a handout containing expenses for the recent Wild West Festival. She then introduced and asked Linda Baxter, President Old Town Association to help with questions and the presentation.

Ms. Baxter reviewed the presentation of the “Old Town Wild West Festival” activities with the Council.

After the presentation, there was discussion among the Council and Ms. Baxter concerning the expenditures for the Festival, the fees charged to the vendors, where the event had been advertised, the activities during the Festival, the weather, growing the event and the need for a detailed agreement in the future.

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

AYE: Councilman Karr, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, approval of Change Order No. 2, the deduction of two emergency repairs of existing water main for a total of \$7,000.00, to the existing contract with W. Brown Enterprises, Inc. to construct 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. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 2 for the deduction of two emergency repairs of existing water main for a total of \$7,000.00 to the existing contract with W. Brown Enterprises, Inc. to construct 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. This deduction will change the Contract Price to \$433,006.00.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to approve Change Order No. 2, the deduction of two emergency repairs of existing water main for a total of \$7,000.00, to the existing contract with W. Brown Enterprises, Inc. to construct 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.

Before the vote, Director Modzelewski addressed the Council explaining that this had been the emergency repairs to the water line along south Main Street. He added that some of the expected repairs had not needed to be done so this reduced the cost of the overall repairs by \$7,000.00, changing the contract price to \$433,006.00.

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

AYE: Councilman Read, Karr, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, Final and Contractor's Pay Estimate No. 2 for contract with W. Brown Enterprises, Inc. to construct 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, and accept the project as completed. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Final and Contractor's Pay Estimate No. 2 for contract with W. Brown Enterprises, Inc. to construct 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, and accept the project as completed. The Final and Contractor's Pay Estimate No. 2 is in the amount of \$163,875.30.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to approve, Final and Contractor's Pay Estimate No. 2 for contract with W. Brown Enterprises, Inc. to construct 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, and accept the project as completed.

Before the vote, Director Modzelewski addressed the Council explaining that the contractor W. Brown Enterprises had completed all work associated with the project and that the Contractor's

Certification and Guarantee that all work had been completed in accordance with the contract documents. He added that the city's engineer on the Project had recommended approval of the Final and Contractor's Pay Estimate No. 2 and acceptance of the project as completed.

Vice-Mayor Read commented that this was a Third Ward Project and had been very important. He then thanked Mehlburger Brawley and W. Brown for completing the project on time. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign the First Amendment to the Water System Operation and Maintenance Agreement between Severn Trent Environmental Services, Inc. and the McAlester Public Works Authority, Dated April 22, 2014. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to authorize the Mayor to sign the First Amendment to the Water System Operation and Maintenance Agreement between Severn Trent Environmental Services, Inc. and the McAlester Public Works Authority, Dated April 22, 2014.

Vice-Mayor Read moved to authorize the Mayor to sign the First Amendment to the Water System Operation and Maintenance Agreement between Severn Trent Environmental Services, Inc. and the McAlester Public Works Authority, Dated April 22, 2014.

Before the vote, Director Modzelewski addressed the Council explaining there had been a conflict in the Contract as to who would pay the electrical utility bills. He stated in order to maintain the City's rate, the City would have to pay the Utility bill and deduct that amount from the monthly payments to Severn Trent.

After a brief discussion among the Council including Director Modzelewski concerning the discounts that the City received and eventually lowering the utility bill through better maintenance, the vote was taken as follows:

AYE: Councilman Read, Karr, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, a Professional Services Agreement with Mehlburger Brawley for engineering services required for the design of the 2014 Community Development Block Grant (CDBG) Small Cities Water Improvements. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the Professional Services Agreement with, Mehlburger Brawley for Professional Engineering Services to complete work required for the 2014

Community Development Block Grant (CDBG) Small Cities Water Improvements. The Lump Sum fee for Engineering design is \$18,400 and Resident Project Representative during construction is \$7,260.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to approve and authorize the Mayor to sign a Professional Services Agreement with, Mehlburger Brawley for Professional Engineering Services to complete work required for the 2014 Community Development Block Grant (CDBG) Small Cities Water Improvements. The Lump Sum fee for Engineering design is \$18,400 and Resident Project Representative during construction is \$7,260.

Before the vote, Director Modzelewski addressed the Council explaining that the project area was in the northwestern part of McAlester and the proposed course of action would be to replace the old deteriorated water mains with new mains of adequate size and material to serve the project areas for the next thirty (30) to forty (40) years. He added that the project had been split into two (2) areas with the first area to cover Walker Avenue between Katy Road and Birch Street and the second area covering Pine Street, between Walker Avenue and Ridge Street.

There was a brief discussion concerning how the funds had to be spent and if there were extra funds once the project was finished if the City would be able to do more repairs.

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

AYE: Councilman Read, Titsworth, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, authorizing the Mayor to sign an amendment to the Professional Services Agreement with Poe & Associates, Inc., for the design of road and infrastructure improvements for CIP#4. This amendment will provide a driveway, approximately five hundred twenty linear feet long, south of Will Rogers School between Thirteenth Street and the school parking lot. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign the "Supplemental" to the Professional Services Agreement with Poe & Associates, Inc. Consulting Engineers, for the design of a driveway, approximately five hundred twenty linear feet long, south of Will Rogers School between Thirteenth Street and the school parking lot.

The Fee Proposal is a lump sum amount of \$25,500.00.

Councilman Titsworth moved to authorize the Mayor to sign an amendment to the Professional Services Agreement with Poe & Associates, Inc., for the design of road and infrastructure improvements for CIP#4. This amendment will provide a driveway, approximately five hundred twenty linear feet long, south of Will Rogers School between Thirteenth Street and the school parking lot, for a lump sum of \$25,500.00. The motion was seconded by Vice-Mayor Read.

Before the vote, director Modzelewski addressed the Council explaining the amendment to the Professional Services Agreement with Poe & Associates. He commented on the benefits of the proposed driveway behind Will Rogers Elementary School and this issue had been discussed during the October 14, 2014 meeting.

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

AYE: Councilman Titsworth, Read, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, accepting the bid from Reynolds Ford, Norman, OK in the amount of \$309,800.92 for the lease purchase of 13 vehicles and entering into a lease purchase agreement with Arvest Bank at 2.15% interest for the term of this lease purchase. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve request to accept the bid from Reynolds Ford for a fleet of 13 vehicles and entering into a lease purchase agreement with Arvest Bank.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to accept the bid from Reynolds Ford, Norman, OK in the amount of \$309,800.92 for the lease purchase of 13 vehicles and entering into a lease purchase agreement with Arvest Bank at 2.15% interest for the term of this lease purchase.

Before the vote, CFO Ervin addressed the Council commenting that they had received good bids and an excellent interest rate from Arvest Bank.

There was discussion among the Council including CFO Ervin and Manager Stasiak concerning the interest rate, if all of the local banks had submitted quotes and if the vehicles would be delivered or would the City have to go get them. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

9. 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 new SCBA Mask. The cost of the masks not to exceed \$6,000.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Vice-Mayor Read and seconded by Councilman Titsworth to approve the purchase of new SCBA Mask. The cost of the masks not to exceed \$6,000.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Chief Brewer addressed the Council explaining this purchase would replace some of the SCBA masks for the Firefighters. He added that they are asking to accept the cost estimate from Chief Fire & Safety in the amount of \$798.00 per mask and to purchase seven (7) masks not to exceed \$6,000.00. There was no other discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

10. Consider and act upon, a resolution amending the City's Non-Uniform pay scale to reflect a 2% increase.

Executive Summary

Staff recommends motion to approve resolution amending the City's Non-Uniform pay scale to reflect a 2% increase.

A motion was made by Vice-Mayor Read and seconded by Councilman Titsworth to approve RESOLUTION NO. 14-27, amending the City's Non-Uniform pay scale to reflect a 2% increase.

Before the vote, CFO Ervin distributed revised copies of the pay scale then addressed the Council explaining that the Non-Uniform employee's pay scale had been incorrect at the previous Council meeting and this revised pay scale had been corrected. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Titsworth, Karr & 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 distributed copies of a press release from the Oklahoma Department of Transportation (ODOT) regarding the Highway 69 Bypass project. He added that ODOT was relooking at how the project would be accomplished.

Councilman Smith arrived at 7:00P.M.

Manager Stasiak further reported that the ten (10) day Notice of Default on the 17th Street Project had been issued to the Contractor, his attorney and his Surety company, and about nine (9) days ago the Contractor had shown back up at the work site. He added that as of today the Contractor had pulled off of the job. He informed the Council that he would keep them updated as this matter went forward.

Remarks and Inquiries by City Council

Councilman Karr commented that the work on 69 Bypass had been shifted to 2016.

Vice-Mayor Read asked if the Austin Paving showing back at the job site would impact going after their Bond. He inquired about status of the Sunbelt Classic Contract and the Prison and Rural Water District Contracts.

Manager Stasiak stated that he would get the information and send it to Vice-Mayor Read.

Councilman Titsworth inquired about the redesign of the 69 Bypass project.

Manager Stasiak commented that ODOT was planning to review the project.

Councilman Smith did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Harrison commented that he was encouraged by ODOT reviewing the 69 Bypass Project and possibly coming up with a concept that would fix the entire area.

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, Titsworth & Mayor Harrison

Mayor Harrison declared the motion carried and the meeting was recessed at 7:05 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:07 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 of Claud Lackey.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 7:08 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: the workers compensation claim of Claud Lackey.

Reconvene into Open Session

Take any action as a result from Executive Session.

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)(4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: workers compensation claim of Claud Lackey. Only that matter was discussed, no vote was taken, and the Council returned to open session at 7:29 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act to authorize settlement of the workers compensation claim of Claud Lackey.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to authorize the worker's compensation claim of Claud Lackey.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Adjournment

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

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:31 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk