

The McAlester City Council met in a Regular session on Tuesday, March 24, 2015, at 6:00 P.M. after proper notice and agenda was posted, March 23, 2015 at 2:00 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Mimi Kelley, 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; Ralph Jernigan, Asst. Fire Chief; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

There were no comments.

Consent Agenda

- A. Approval of the Minutes from the February 24, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for March 4, 2015 through March 17, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$88,115.08; Parking Authority - \$133.06; Nutrition - \$1,138.14; Tourism Fund - \$1,756.87; SE Expo Center - \$7,939.85; E-9112 - \$5,992.98; Economic Development - \$509.06; Fleet Maintenance - \$5,274.45; Worker's Compensation - \$941.68; CIP Fund - \$42,434.35 and Federal Forfeiture Fund - \$2,400.00.
- C. Consider and act upon, a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the Southeast Expo Center for the 2015 Annual Italian Festival in the amount of \$2,125.00. *(Jerry Lynn Wilson, EXPO Center Manager)*

- D. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. “Contractor’s Application for Payment #3”, in the amount of \$ 493,930.66 for the construction of road and infrastructure improvements 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)*

- E. Consider and act upon, authorization of payment to Poe and Associates, Inc. Invoice #0-102096-9576 in the amount of \$89,626.01, for engineering services related to CIP#4 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)*

- F. Consider and act upon, authorization of payment to EST, Inc. Invoice #33944 in the amount of \$31,395.00, for Construction Management and Resident Project Representative 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)*

- G. Consider and act upon, authorization of payment to McAlester News Capital & Democrat, Ad Number 05617889, in the amount of \$174.84 for publication of Advertisement for Bids related to CIP#4 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)*

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve the Consent Agenda. There was no 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.

Scheduled Business

- 1. Consider and act upon, authorizing the Mayor to sign the Tripartite Agreement and Plan of Merger by and among the City of McAlester, Oklahoma, the McAlester Public Health Authority (PHA), an Oklahoma public trust and the McAlester Regional Hospital Center Authority (MRHCA). *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve authorizing the Mayor to sign the Tripartite Agreement and Plan of Merger by and among the City of McAlester, Oklahoma, the McAlester Public Health Authority, an Oklahoma public trust and the McAlester Regional Hospital Center Authority.

A motion was made by Councilman Karr and seconded by Councilman Smith to authorize the Mayor to sign the Tripartite Agreement and Plan of Merger by and among the City of McAlester, Oklahoma, the McAlester Public Health Authority (PHA), an Oklahoma public trust and the McAlester Regional Hospital Center Authority (MRHCA).

Before the vote, Manager Stasiak explained that the Public Health Authority and the McAlester Regional Health Center Authority had planned to merge and decided that it was in the best interest of the Health Center. He then introduced MRHC CEO David Keith.

Mr. Keith addressed the Council explaining that the formation of the Public Health Authority had been researched and what had been needed in 1978 was not needed today. He then turned the topic over to David Randolph, attorney for the McAlester Regional Health Association.

Mr. Randolph provided a short overview of the procedure that would be followed during the merger.

After a brief discussion among the Council, Mr. Keith and Mr. Randolph concerning when the Public Health Authority was formed, if both the McAlester Regional Health Authority and the Public Health Authority boards had approved the merger, what would happen with the Public Health Authority Board members and the District filing, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consider and act upon, a Resolution approving an amended and restated trust indenture for the Oklahoma Municipal Retirement Fund. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve resolution.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve RESOLUTION NO. 15-03, amending and restating the trust indenture for the Oklahoma Municipal Retirement Fund (OMRF).

Before the vote, Manager Stasiak addressed the Council explaining that this would amend the “Defined Contribution Retirement Plan” that the City had changed to in July of 2014. He then introduced Chris Whatley.

Mr. Whatley explained to the Council how contributions and other activities within the current plan were valued at the end of each month and this amendment would allow all activities within specific accounts to be valued the next day. He stated that this would not increase any cost to the City. He added that this would change how distributions were made.

Mayor Harrison commented that if this were approved there would be a second step.

Mr. Whatley explained that once this step was passed then the legal documents would be sent to the participating cities to be signed and returned to OMRF.

There was no further 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.

3. 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, McAlester Fire Chief*)

Executive Summary

Motion to approve the purchase of new replacement SCBA Air Cylinders. The cost of the cylinders not to exceed \$15,000.00. 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 Councilman Garvin and seconded by Councilman Karr to approve the purchase of new replacement SCBA Air Cylinders, with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services and not to exceed \$15,000.00.

Before the vote, Assistant Fire Chief William Jernigen addressed the Council requesting that they accept the bid from Chief Fire & Safety Co., Inc. He stated that this would allow the department to purchase fifteen (15) more composite bottles giving them a total of about fifty-five (55) bottles. He added that the department was converting from steel bottles to composite bottles. 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.

4. Consider and act upon, authorizing the Mayor to sign the Proposed Award from the Oklahoma Office of Homeland for 2 replacement laptop computers for the Regional Response Haz-mat Unit. (*Brett Brewer, McAlester Fire Chief*)

Executive Summary

Motion to approve acceptance of proposed award.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign the proposed Award from the Oklahoma Office of Homeland Security for two (2) replacement laptop computers for the Regional Response Haz-Mat Unit.

Before the vote, Assistant Fire Chief William Jernigen addressed the Council explaining that the two (2) "Tough Book" computers that were currently in the Unit were obsolete and the Oklahoma Office of Homeland Security was giving the department two (2) new computers.

There was no further 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.

5. Discussion on Emergency Fund as per McAlester City Charter. (*Steve Harrison, Mayor*)
Executive Summary
Discussion only.

Mayor Harrison opened the conversation stating that about three (3) months ago the Council had discussed this matter. He commented that what had been brought before the Council was a proposal. He stated that he did not have any concerns with the Ordinance until he got to the third sentence in section four (4). He commented that he felt that language was too restrictive.

There was discussion among the Council regarding the language in the Ordinance, why it had been written that way, changing the required number of votes to pass from five (5) to six (6), how changing the vote requirement would make it harder to change the Ordinance, the one (1) previous attempt to access the Emergency Fund, and not having the vote requirement so that only two (2) Council members could decide that an event was not an emergency.

Manager Stasiak commented that the amended language would be put together and brought before the Council for their consideration.

There was no action taken on this item.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak commented that at the last meeting Councilman Karr had brought up the question of the City's "Pavement Preservation Program". He then distributed a schedule of the rankings of the City's streets. He updated the Council on the progress of the construction on 17th Street. He commented on the progress of the construction on "A" Street by Carstensen Contracting, Inc. and informed the Council that bids, for the South Street Project, had been opened today and were close to the Engineers estimate. He informed the Council that the 2nd Street project was close to on schedule and that Ms. Hooper was working on a bar graph to track the progress of the projects. He stated that this information would be put on the City's website and furnished to the newspaper with monthly updates.

Remarks and Inquiries by City Council

Councilman Barnett, Read, and Smith did not have any comments for the evening.

Councilman Garvin commended the City employees that were working on 17th Street.

Councilman Karr commented that he had attended the Pow Wow last Saturday and that it had been very good.

Councilman Titsworth commented that the area, on Village Avenue, that had been proposed for rezoning a few months past has had material dumped onto it, raising it higher than street level and was causing water problems when it rained.

Manager Stasiak stated that he would look into it.

Mayor's Comments and Committee Appointments

Mayor Harrison reminded everyone about the election that was to be held on April 7th concerning the refinancing of one of the City's bonds and he encouraged everyone to vote.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Garvin 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 Garvin, Smith, Karr, Barnett, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:45 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:46 P.M.

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.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 6:47 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk