

The McAlester City Council met in a Regular session on Tuesday, January 26, 2016, at 6:00 P.M. after proper notice and agenda was posted, January 22, 2016 at 2:48 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Fifth Ward Councilman Buddy Garvin 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; Leroy Alsup, Community & Economic Development Director; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

There were no citizens' comments.

Consent Agenda

- A. Approval of Claims for January 6, 2016 through January 19, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$124,011.20; Nutrition - \$2,885.99; Landfill Res./Sub-Title D - \$7,978.00; State Forfeiture Fund - \$590.00; Tourism Fund - \$5,917.77; SE Expo Center - \$17,431.41; E-911 - \$14,429.00; Economic Development - \$22,194.88; Grants & Contributions - \$6,074.47; Fleet Maintenance - \$6,824.29; Worker's Compensation - \$941.68; CIP Fund - \$11,496.56 and Technology Fund - \$637.55.

- B. Consider and act upon, a request from the University of Oklahoma, National Resource Center for Youth Services, to partner with them for the rental fee for the use of the Southeast Expo Center for their event, "Empowering OK Successful Adulthood Conference-Where Will You Be in 2016" for April 29, 2016 in the amount of \$315.00. *(Jerry Lynn Wilson, Community Services)*

- 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 2016 Annual Italian Festival in the amount of \$2,125.00. *(Jerry Lynn Wilson, Community Services)*
- D. Consider and act upon, approval by the Council for the charge-off of \$1,049.92 currently owed the City of McAlester on an existing and active residential water account. *(Peter Stasiak, City Manager)*
- E. Concur with Oklahoma Municipal Assurance Group denial of Claim No. 201287-LR. *(Cora Middleton, City Clerk)*
- F. Concur with Oklahoma Municipal Assurance Group denial of Claim No. 201398-LR. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, authorizing the Mayor to sign service contract with Technical Programming Services, Inc. (TPSi) to print and mail our utility bills. *(Toni Ervin, Chief Financial Officer)*
- H. Consider and act upon, authorizing the Mayor to sign 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)*
- I. Consider and act upon, authorization of payment to EST, Inc., Invoice # 36198, in the amount of \$11,505.00 for Construction Management Services and Materials Testing Services related to CIP#4 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 EST, Inc., Invoice # 36199, in the amount of \$25,462.50 for Construction Management Services and Materials Testing Services related to CIP#4A 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

Vice-Mayor Read requested that items “E and F” be removed for individual consideration and Councilman Smith requested that Items “G, H and J” be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items “A through D and I”.

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

- E. Concur with Oklahoma Municipal Assurance Group denial of Claim No. 201287-LR.
(*Cora Middleton, City Clerk*)

A motion was made by Councilman Smith and seconded by Councilman Karr to concur with Oklahoma Municipal Assurance Group denial of Claim No. 201287-LR.

Before the vote, Vice-Mayor Read inquired about the reported damage to the citizens vehicle and after discussion concerning the street construction, what the trench had been cut for, the trench not being repaired in a timely manner, how hard a vehicle would have had to hit the trench to cause the reported damage, how the trench had been filled, looking at each claim individually, the Council approving a claim and not setting a precedence if they approved the claim, a motion to approve paying the claim was made by Vice-Mayor Read and seconded by Councilman Garvin.

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

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

Mayor Harrison declared the motion carried.

- F. Concur with Oklahoma Municipal Assurance Group denial of Claim No. 201398-LR.
(*Cora Middleton, City Clerk*)

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to concur with Oklahoma Municipal Assurance Group denial of Claim No. 201398-LR.

Before the vote, Vice-Mayor Read commented that not all of the information was available for this item. Manager Stasiak recommended that this item be tabled until the next meeting so the rest of the information could be made available to the Council.

Vice-Mayor Read moved to table this item until the next meeting. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

- G. Consider and act upon, authorizing the Mayor to sign service contract with Technical Programming Services, Inc. (TPSi) to print and mail our utility bills. (*Toni Ervin, Chief Financial Officer*)

A motion was made by Councilman Karr and seconded by Councilman Smith to authorize the Mayor to sign a service contract with Technical Programming Services, Inc. (TPSi) to print and mail our utility bills.

Before the vote Councilman Smith commented that there was no Agenda Report to explain this item and he asked if Agenda Reports could be included for all packet items in the future.

Attorney Ervin commented that there were some minor changes that needed to be made to the agreement and he recommended that the agreement be approved subject to those changes.

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

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

NAY: None

Mayor Harrison declared the motion carried.

H. Consider and act upon, authorizing the Mayor to sign 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*)

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize the Mayor to sign 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, Councilman Smith commented that this item did not have an agenda report either and except for the CFO's letter there was no explanation.

After a lengthy discussion among the Council including CFO Ervin and Attorney Ervin concerning the support fees, what the committee had based their recommendation on, what costs were being approved at the meeting, how long this issue had been discussed, how the supervisors would verify the employees time, where the funding for this software would come from, Councilman Titsworth moved to table this item until the next meeting. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

J. Consider and act upon, authorization of payment to EST, Inc., Invoice # 36199, in the amount of \$25,462.50 for Construction Management Services and Materials Testing Services related to CIP#4A 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. (*Peter Stasiak, City Manager*)

A motion was made by Councilman Smith and seconded by Councilman Karr to authorize payment to EST, Inc., Invoice # 36199, in the amount of \$25,462.50 for Construction Management Services and Materials Testing Services related to CIP#4A 6th Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account.

Before the vote, Councilman Smith stated that this item did not have an agenda report and he had been confused with the emails.

After a brief discussion that included Dale Burke, P.E., President of Infrastructure Solutions Group, LLC dba Mehlburger Brawley, concerning why this payment had not been approved earlier, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Karr and seconded by Vice-Mayor Read to open a Public Hearing to address an Ordinance amending the operating Budget for fiscal year 2015-2016.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:48 P.M.

Public Hearing

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no other comments from the audience or Council and Vice-Mayor Read moved to close the Public Hearing. The motion was seconded by Councilman Smith 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 Public Hearing was closed at 6:48 P.M.

Scheduled Business

1. Consider and act upon, accepting the annual City of McAlester Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2015.
(*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to accept the annual Audit for Fiscal Year ending June 30, 2015 for the City of McAlester

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to accept the annual City of McAlester Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2015.

Before the vote, CFO Ervin addressed the Council explaining that the remaining members of the Audit & Finance Advisory Committee had reviewed the Audit and had signed a letter recommending that the Council approve and accept the City of McAlester Audited Financial Report.

Nate Atchison with Finley & Cook, addressed the Council informing them that his firm had issued a clean audit report. He added that they had also conducted a Single Audit on the Grant funds that the City had received and also found no issues there. He stated that they had been given all information requested in a timely manner.

Mayor Harrison stated that the City had anticipated having a Special Meeting at the end of the year but a lightning strike at the Crawford office had prevented the preparation of the financials. Otherwise, the City would have met the yearend deadline for the audit.

CFO Ervin informed the Council that there was a special page in the financials for the CAFR Award from last year and as soon as the Audit is accepted it will be submitted for the CAFR again this year.

Mayor Harrison confirmed that the Council had received all written documents from the audit firm. 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.

2. **TABLED FROM THE JANUARY 12TH MEETING:** Consider and act upon, authorizing the Mayor to sign a resolution in agreement with Oklahoma Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway.
(*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends participation and authorizing the Mayor to sign the attached Resolution.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Read to approve and authorize the Mayor to sign RESOLUTION NO. 16-02, in agreement with Oklahoma

Department of Transportation for the removal of unwarranted traffic signals on Carl Albert Parkway.

Before the vote, Manager Stasiak commented that this had been tabled from a previous meeting. He added that the resolution had been updated and a map was provided to show the Council what the proposed changes would look like. He stated that Chad Pendley with ODOT was present to answer any questions that the Council may have.

Mr. Pendley addressed the Council reviewing the proposed changes to the traffic signals along Carl Albert Parkway and the percent of matching funding the State of Oklahoma was prepared to provide for these changes.

After a brief discussion concerning the “A” Street intersection and when this project could be started the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Discussion and presentation of the Mid-Year Review of Fiscal Year 2015-2016. (*Toni Ervin, Chief Financial Officer, Peter Stasiak, City Manager*)

Executive Summary

Mid-Year Review of Fiscal Year 2015-2016 Budget.

Manager Stasiak addressed the Council explaining that CFO Ervin and he would be reviewing the present state of the City’s finances, what had been accomplished and what was planned for the future.

CFO Ervin reviewed the major fund balances as of June 30, 2015 after the audit. She reviewed the expenditures as of December 31, 2015 commenting that even though the City was under on its’ revenues, the expenditures were under budget also. She stated that the projections that she had done through the end of the fiscal year indicated that both the revenues and expenditures would be under budget. CFO Ervin reviewed the City of McAlester’s revenue sources and compared Oklahoma municipalities with Texas cities and cities throughout the United States. She commented that Oklahoma cities were the only cities that were dependent on sales tax. She then explained how the sales tax revenues the City of McAlester received were distributed. She reviewed the employee headcount for fiscal year 2015-2016.

Manager Stasiak addressed the Council commenting on how tightly the City Department heads watch the expenditures. He then reviewed the projects that had been completed and the projects that were currently in progress. Manager Stasiak reviewed projects that were currently in planning and how each of those proposed projects would be funded.

There was a brief discussion concerning a crack sealing program, a street maintenance program and an overall plan for the improvements at the water treatment plant.

There was no vote on this item.

4. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2558

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith amending the Budget for fiscal year 2015-2016.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits to the amendment. She commented that the Defined Pension Benefit was being moved to an Interdepartmental by fund budgeting system, and additional funds were being appropriated for consultant fees, DEQ fees, Worker's Compensation and several planned projects. 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.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to issue funds in the amount of \$3,214.00 to the Pittsburg County Regional Expo Authority Board. (*Bill Derichsweiler*)

Executive Summary

Staff recommends the authorization of funds in the amount of \$3,214.00 to Pittsburg County Regional Expo Authority as assistance for estimated utility expenditures for the balance of fiscal year 2015-2016.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to funds in the amount of \$3,214.00 to the Pittsburg County Regional Expo Authority Board.

Before the vote, Manager Stasiak explained that he had been contacted by Stephanie Wilson a new member of the Pittsburg County Regional Expo Authority Board. He added that the Expo Board was requesting assistance with their remaining fiscal year utility expenditures. He reminded the Council that in 2012 Mr. Derichsweiler had approached the Council asking for funding to help with operating and maintenance costs at the fairgrounds.

Stephanie Wilson addressed the Council commenting that she would answer any questions she could about the programs that were going on at the fairgrounds.

There was discussion among the Council and Ms. Wilson concerning the County's contributions, the maintenance that was needed, the Live Stock Show Board's expected contribution, approaching the Choctaw Nation to inquire about possible funding, the annual budget or expenditures that the Expo Board had, possible documents that stated what the City did and what the County did, creating such a document if one did not already exist, the Archery Park and funding this request contingent upon work being done on a budget and a plan for what was to be done at the fairgrounds.

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

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

NAY: Vice-Mayor Read

Mayor Harrison declared the motion carried.

6. **TABLED FROM THE JANUARY 12TH MEETING:** Consider and act upon, 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 cost of equipment necessary for a ropes rescue team. Funds to be used from the City of McAlester's Fire Department portion of the county quarter cent excise tax for fire services. Approx. cost, \$6,000.00.

A motion was made by Councilman Karr and seconded by Councilman Garvin to approve cost of equipment necessary for a ropes rescue team. Funds to be used from the City of McAlester's Fire Department portion of the county quarter cent excise tax for fire services. Approx. cost, \$6,000.00.

Before the vote, Chief Brewer addressed the Council explaining that the Fire Department had obtained two (2) quotes for the requested purchase and the lowest responsive quote was from "Rescue Response Gear" in the amount of \$5,565.30.

Councilman Smith stated that he appreciated the format this had been presented in. 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.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that he had distributed a memo regarding complaints received September 1, 2015 through December 31, 2015 that had been emailed to them over the weekend. He reviewed some of the complaints, what departments were affected, the number of complaints, how the complaints were handled and the time it took for the complaints to be addressed

Remarks and Inquiries by City Council

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

Councilmen Karr inquired about the water leak issue and asked if there was anything that could be done to help reduce that problem. He also inquired about plans to address the City's street issue.

Manager Stasiak commented that the City was utilizing the CDBG projects to help address the aging water infrastructure in the North Town area.

Mayor Harrison commented that in theory automated water meters could alert the City of potential problems with customer accounts.

Manager Stasiak stated that the automated meter system could detect unusual use in customer accounts and notify the City of the matter. He added that the City was waiting to get through the election so any new Councilmen could be included in budget planning and the streets would be addressed during the budget process.

Councilman Garvin commented on the progress on the 6th Street project and complimented all of the City's departments on their work and their positive attitudes.

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. 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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:59 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:01 P.M.

Councilman Smith moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.1, to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Attorney, Ervin & Ervin and Title 25, Sec. 307.B.4; Legal Update on Pending Claims. The motion was seconded by Vice-Mayor Read 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 and the meeting was recessed at 8:01 P.M.

Executive Session

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Attorney, Ervin & Ervin
- 2) Title 25, Sec. 307 (B) (4), Legal Updates on Pending Claims

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:50 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Attorney, Ervin & Ervin, in accordance with Title 25, Sec. B.1 and for Legal Updates on Pending Claims, in accordance with Title 25, Sec. B.4. Only those matters were discussed, no action was taken and the Council returned to open session at 8:50 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.

There was no 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, and the meeting was adjourned at 8:50 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk