

The McAlester City Council met in a Regular session on Tuesday, February 23, 2016, at 6:00 P.M. after proper notice and agenda was posted, February 19, 2016 at 11:30 A.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; Fire Chief, Brett Brewer; William J. Ervin, City Attorney and Karen Boatright, Deputy City Clerk

Citizens Comments on Non-Agenda Items

Kenny Beale, 2210 Peaceable Rd, McAlester, OK 74501, addressed the Council regarding Economic Development issues, business development issues, and building permit issues.

Randy Saunier, 1706 Red Bud, McAlester, OK 74501, addressed the Council regarding building permit issues, work force issues and concerns over the Storm Water fee. He asked that Zack Prichard be placed on the next agenda to speak for their group.

Councilman Smith asked Mr. Saunier about his concerns.

Councilman Garvin requested that Mr. Beale's issues be placed on an agenda so the Council could address them.

Consent Agenda

- A. Approval of the Minutes from the February 9, 2016, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- B. Approval of Claims for February 3, 2016 through February 17, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$150,545.32; Parking Authority - \$125.73; Nutrition - \$2,576.62; Tourism Fund - \$6,876.53; SE Expo Center - \$20,748.00; E-911 - \$17,543.80; Economic Development - \$26,176.15; Grants & Contributions – \$28.33; Fleet Maintenance - \$18,441.22; Worker’s Compensation - \$941.68; Dedicated Sales Tax - \$2,500.00; CIP Fund - \$68,978.92; Federal Forfeiture Fund - \$448.81 and Technology Fund - \$679.80.
- C. Consider and act upon, authorization of payment to Weddle Signs, Invoice 68048, in the amount of \$5,225.00, for the installation of one LED Marquee sign in front of Puterbaugh School and the installation of one double poled sign in front of Will Rodgers School, related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- D. Consider and act upon, to amend and approve the contract for legal services between the City of McAlester, Oklahoma and Ervin & Ervin, Attorneys at Law, L.L.P. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorizing the Mayor to sign the signed Pliant Wholesale Water Purchase Contract. *(Toni Ervin, Chief Financial Officer)*
- F. Accept and place on file, the Oklahomans for Independent Living (OIL) quarterly report for the period of October 1, 2015 through December 31, 2015. *(Pam Pulchny, Executive Director O.I.L.)*

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. Consider and act upon, acceptance of the Utility Easement as more particularly described on the attached survey. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommendation is to accept the Utility Easement as more particularly described on the attached survey.

A motion was made by Councilman Karr and seconded by Councilman Garvin to accept the Utility Easement for the new Choctaw Nation Complex off of Elks Road.

Before the vote, Manager Stasiak addressed the Council explaining that this was a twenty (20) foot easement for the public sewer lines that would serve the new Choctaw Nation Complex buildings. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. 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 cost of equipment necessary for Wildland firefighting respiratory mask. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. Approx. cost \$5000.00.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve \$5,000.00 of equipment necessary for Wildland firefighting respiratory mask. Funds to be used 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 regarding the department's request to purchase Wildland firefighting masks. He informed the Council that the department had received two (2) quotes for the equipment, one (1) from Chief Fire & Safety Co., Inc. for \$4,125.00 and the second from OK Fire, LLC for \$4,598.50. He stated that they were requesting to purchase from Chief Fire & Safety Co., Inc.

After a brief discussion, concerning making a purchase from an out of town company, the City's competitive bidding policy, the Council's ability to amend the policy and award a purchase to a local vendor, Councilman Barnett moved to approve the purchase of Wildland firefighting respiratory masks from OK Fire, LLC. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, accepting the Change Order from Katcon, Inc. for eleven (11) weather days only. There is no increase or decrease in the contract price. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to accept this Change Order from Katcon, Inc. for eleven (11) weather days only. There is no increase or decrease in the contract price.

A motion was made by Councilman Karr and seconded by Councilman Garvin to accept a Change Order from Katcon, Inc. for eleven (11) weather days for the Illinois Ave. Drainage Improvements Project.

Before the vote, Manager Stasiak addressed the Council explaining that this was Change Order No. 4, it was for eleven (11) weather related days and four (4) additional days related to a re-pour. He added that this project was now completed and cleaned up.

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.

4. Discussion on the Storm Water Fee adopted by Ordinance 2554 dated December 22, 2015. (*Councilman John Titsworth*)

Executive Summary
Discussion.

Councilman Titsworth explained that he had received calls regarding the Storm Water Fee and he believed that City Hall had received calls. He stated that he thought there could be discussion with reasons why this was done. He added that Tulsa was one (1) of the first cities in Oklahoma to implement a Storm Water Fee and now their Storm Water System was looked at by cities across the United States.

Manager Stasiak informed the Council that information regarding the number of calls received by the City and the types of inquiries had been furnished to them. He stated that to date the City had received fifty-five (55) phone calls and reviewed the various comments and questions that had been addressed. Manager Stasiak explained that the discussion on a storm water fee had started in 2009 and with the floods and problems that the City had experienced in 2015 the idea of a storm water fee was brought to the top of the list of things that needed to be done. He then reviewed the process that had been taken in bringing this fee to reality. Manager Stasiak further explained that this would be brought back in two (2) weeks and the representative from Meshek & Associates, PLC would be available to answer questions.

Kenny Beale, 2210 Peaceable Rd, McAlester, OK; addressed the Council expressing his concerns about the Storm Water Fee, the amount of the fee and how it would be used. Felix Waller, 1108 Easy Street, McAlester, OK; addressed the Council expressing his concerns about the Storm Water Fee. Jeff Mann, with Mann's Flower Shop, McAlester addressed the Council expressing his concerns regarding the Storm Water Fee.

There was discussion concerning how the money would be used, how it would be regulated, how the amount was developed, furnishing better information concerning issues that the Council was addressing, the fee that was in effect since the Ordinance was adopted, the business community attending more meetings to add to discussions instead of only attending when they disagreed with something, oversight of the money generated by the fee, having the list of questions that the

businesses have regarding the fee, having a meeting with the business owners to discuss their concerns and questions, information regarding the fee being available on the City's website, how long this issue had been discussed and reviewing the Ordinance, creating an oversight board to help administer the funds that created the fee and amending the Ordinance if necessary to further restrict or improve the fee.

There was no vote on this item.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that his City Manager's report had been furnished to the Council as well as placed on the City's website. He informed the Council that the sales tax receipts for the three (3) months of the Christmas season had exceeded the budgeted amount by \$19,000.00.

Remarks and Inquiries by City Council

Councilman Garvin commented on the work that was being done to the sidewalk on Second Street across from the Masonic Temple.

Councilmen Smith, Titsworth, Karr, Read 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. 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 7:18 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:19 P.M.

Councilman Garvin moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4, for confidential communication between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly City of McAlester v. Austin Paving (bond claim). The motion was seconded by Vice-Mayor Read and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 7:19 P.M.

Executive Session

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

- Consider and act to convene in 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 City of McAlester v. Austin Paving (bond claim)".

Reconvene into Open Session

The Regular Meeting was reconvened at 7:45 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 communication between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly City of McAlester v. Austin Paving (bond claim). Only that matter was discussed, no action was taken and the Council returned to open session at 7:45 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act to settle the remaining bond claims against Austin Paving and its bonding company related to CIP 1.

Vice-Mayor Read moved to settle the remaining bond claims against Austin Paving and its bonding company related to CIP 1. The motion was seconded by Councilman Smith. 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.

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 Garvin.

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

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:45 P.M.

ATTEST:

Steve Harrison, Mayor

Karen Boatright, Deputy City Clerk