

Council Chambers
Municipal Building
July 12, 2016

The McAlester City Council met in a Regular session on Tuesday, July 12, 2016, at 6:00 P.M. after proper notice and agenda was posted, July 7, 2016 at 2:10 P.M.

Call to Order

Mayor Browne called the meeting to order.

Roy Prince gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & John Browne
Absent: None
Presiding: John Browne, 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

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

There were no citizen comments.

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the June 14, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 22, 2016 through July 5, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$278,483.01; Nutrition - \$3,202.51; Tourism Fund - \$8,370.20; SE Expo Center - \$16,253.04; E-911 - \$10,077.79; Economic Development - \$10,626.50; Grants & Contributions - \$1,000.00; Fleet Maintenance -

\$14,209.82; Worker's Compensation - \$55,569.00; CIP Fund - \$129,807.50 and Technology Fund - \$6,031.80.

- C. Consider and act upon, authorizing the Mayor to sign Public Works Project Contract(s) between the Oklahoma Department of Corrections and the City of McAlester. (*Peter Stasiak, City Manager*)
- D. Concur with the Mayor's appointment of Ms. Rachel Gronwald to serve on the Community Tree Board for a term ending September, 2017. (*John Browne, Mayor*)
- E. Consider and act upon, to ratify the attached Memorandum of Understanding with Severn Trent to fill the UTM Manager position. (*Peter Stasiak, City Manager*)

Vice-Mayor Karr requested that item "E" be removed for individual consideration.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the Consent Agenda items "A through D". There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- E. Consider and act upon, to ratify the attached Memorandum of Understanding with Severn Trent to fill the UTM Manager position. (*Peter Stasiak, City Manager*)

Vice-Mayor Karr asked which department this individual was over. Manager Stasiak informed the Council that the UTM Manager was over the maintenance of the City's water and sewer lines.

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

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

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Garvin to open a Public Hearing addressing an ordinance amending the FY 2015-2016 Budget and an ordinance amending the FY 2016-2017 Budget. There was no discussion, and Mayor Browne declared the Public Hearing open at 6:03 P.M.

Public Hearing

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

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.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from the audience or the Council. Councilman Read moved to close the Public Hearing. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

AYE: Councilman Read, Karr, Garvin, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:04 P.M.

Scheduled Business

1. 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. 2571

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.

CFO Ervin addressed the Council reviewing the exhibit to the amendment informing them that this would appropriate funds for additional Worker's Compensation and would finish out fiscal year 2015/2016. She commented on the decrease in claims and stated that the decrease could be attributed to the safety programs that the City had implemented.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2571**, amending Fiscal Year 2015-2016 Budget. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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. 2572

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

CFO Ervin addressed the Council explaining that the first exhibit would reimburse funds from the MDSA funds and appropriate funds for the loan payments on the MCC Control.

Manager Stasiak added that the \$25,000.00 was from MDSA to be used for the Spectrum Consulting Firm contract.

After a brief discussion concerning the loan payments, approving the payment before approving the loan and the reimbursement from MDSA, Councilman Smith moved to approve **ORDINANCE NO. 2572**. The motion was seconded by Councilman Read and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

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

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

Mayor Browne declared the motion carried.

3. 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 purchase of 6 new SCBA Mask. The cost of the masks not to exceed \$5000.00. 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.

Fire Chief Brewer addressed the Council explaining that with the recent new hires and age of several of the older masks the Department was requesting approval of the purchase of six (6) new SCBA Masks.

A motion was made by Vice-Mayor Karr and seconded by Councilman Garvin to approve the Purchase of six (6) new SCBA masks in an amount not to exceed \$5,000.00. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

4. Consider and act upon, accepting the bid amount of \$167,610.00 from H&G Paving Contractors for the Phase 1 Street Improvements to Village Boulevard, and authorizing the Mayor to sign the Notice of Award to H&G Paving Contractors to perform the work. (*Peter Stasiak, City Manager*)

Executive Summary

The recommendation is to enter into an agreement with H&G Paving Contractors for the Total Bid equal to \$167,610.00 for the Phase 1 improvements to Village Boulevard.

Manager Stasiak addressed the Council explaining that this project would replace the asphalt surface and base underneath Village Boulevard to the first stop sign at the top of the hill. He added that this was the only entrance and exit into the area and the City had been there several times patching the road.

After a brief discussion among the Council, Manager Stasiak and Robert Vaughan, Branch Manager of Infrastructure Solutions Group, LLC concerning how traffic would be routed during the construction, what would happen to the base material, the City retaining the base material in future projects and the City having someplace to store the waste material, a motion was made by Councilman Smith and seconded by Councilman Read to accept the bid of \$167,610.00 from H&G Paving Contractors for the Phase 1 Street Improvements to Village Boulevard, and

authorize the Mayor to sign the Notice of Award to H&G Paving Contractors to perform the work.

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

AYE: Councilman Smith, Read, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, authorization of the Mayor to hire Infrastructure Solutions Group, LLC for the Engineering to replace the High Service Motor Control Center (MCC Controls) at the Water Treatment Plant and to sign the Work Order for Professional Service in the amount of \$32,500.00. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends authorizing the Mayor to sign the attached agreement with Infrastructure Solutions Group, LLC in the amount of \$32,500.00, Option 2 of the attached schedule.

Manager Stasiak addressed the Council explaining that the City was moving away from Severn Trent as the engineering firm for the project to replace the High Service Motor Control Center at the Water Treatment Plant and going with Infrastructure Solutions Group, LLC. He then informed them that Dale Burke, President Infrastructure Solutions Group, LLC was in attendance and would be able to answer any questions.

Mr. Burke addressed the Council commenting that the City had two (2) real options for engineering services, go with Severn Trent or Infrastructure Solutions Group, LLC. He then distributed a revised comparison of fees.

After a brief discussion concerning the two (2) options, what each firm would be doing during the design phase of the project, the cost difference between option one (1) and option two (2) and Infrastructure Solutions Group, LLC had any experience with Brown Engineering, a motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to authorize of the Mayor to hire Infrastructure Solutions Group, LLC for the Engineering to replace the High Service Motor Control Center (MCC Controls) at the Water Treatment Plant and to sign the Work Order for Professional Service in the amount of \$32,500.00.

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

AYE: Councilman Garvin, Karr, Read, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign a Loan Agreement with First National Bank for the Water Plant Electrical System (MCC Controls) replacement in the amount of \$328,000 for a fixed term of 4 years. (*Toni Ervin, Chief Financial Officer, Peter Stasiak, City Manager*)

Executive Summary

Staff recommends authorizing the Mayor to sign a Loan Agreement with First National Bank for the Water Plant Electrical System (MCC Controls) replacement in the amount of \$328,000 for a fixed term of 4 years.

CFO Ervin addressed the Council regarding the funding of the project to replace the Motor Control Center at the Water Treatment Plant. She explained that First National Bank & Trust had approved the loan offer of \$328,000.00 at an interest rate of 3.45% for four (4) years.

There was no discussion, a motion was made by Vice-Mayor Karr and seconded by Councilman Read to authorize the Mayor to sign a Loan Agreement with First National Bank for the Water Plant Electrical System (MCC Controls) replacement in the amount of \$328,000 for a fixed term of 4 years, and the vote was taken as follows:

AYE: Councilman Karr, Read, Garvin, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

7. Discussion and possible action to approve authorization for Mayor Browne and Councilman Garvin to meet with State Representatives Renegar, Condit and Department of Corrections to formally discuss the return of the electric chair of McAlester. (*John Browne, Mayor*)

Executive Summary

Motion to approve the authorization of Mayor Browne and Councilman Garvin to meet with State Representatives Renegar, Condit and Department of Corrections to formally discuss the return of the electric chair to McAlester.

Mayor Browne explained that this was his item and since this was submitted Vice-Mayor Karr had requested that he be a part of the discussions. He added that Senator Boggs would be added to the group also. He explained that they would be sitting down with the State to find out what the State's plans for the Electric Chair were and work toward getting it returned to the City.

Vice-Mayor Karr commented that the prison was in his ward and the Tannehill Museum would be a good place for the Chair to be housed.

Attorney Ervin stated that his office would attend the meeting but also would prepare a packet with the formal history of the Electric Chair.

There was no further discussion, a motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to authorize Mayor Browne, Councilman Garvin and Vice-Mayor Karr to meet with State Representatives Renegar and Condit, State Senator Boggs and Department of Corrections to formally discuss the return of the electric chair to McAlester. The vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Manager Stasiak informed the Council that the New Business item that had been added to the Council packet would not be addressed and needed to be removed.

New Business

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

1. Consider and act upon, approval of the Taking Shape in Pittsburg County organization to hold their next event, July 16, 2016, at the Stipe Center Pool with the provision that all participants are to sign the attached Waiver & Release Form. *(Peter Stasiak, City Manager)*

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the information, that Vice-Mayor Karr had requested, on the holding ponds at the water plant would be brought to the Council meeting on August 26th and hopefully some information on funding mechanisms. He updated the Council on the progress that the canal cleaning crews were making and commented that since this was the first year for the canal cleaning crew they may not get into removing the larger trees but next summer would be able to make more headway in the canals.

Vice-Mayor Karr if the City was using City employees or inmate labor in the canals and did the City expect to get through the entire canal system this year.

Manager Stasiak commented that the City was having problems getting inmate labor and were only using the part-time/summer employees with one (1) full-time supervisor. He added that the canals had been neglected for too long and it would take more than one (1) summer, possibly two (2) or three (3) to get them cleaned out.

Councilman Smith asked if some of the canal cleaning could be done at other times during the year.

Manager Stasiak commented that it probably could if the City had employees that could be freed up from other departments. He continued updating the Council on the Washington Street project. He informed them that it was a 120 day project with a projected completion date of November 18th, the Swan Lane project was completed last Friday, the repairs of the residential streets around the "A" Street construction began last week and he would be out of town for the City Manager's Association of Oklahoma Summer Conference in Ada the next two (2) days.

Remarks and Inquiries by City Council

Vice-Mayor Karr inquired about the various water leaks around the City and asked if the City needed more manpower to address the problem, when the archery park would be usable, when the grand opening was for the archery park and the bridge for the trail at Mike Deak. Manager Stasiak commented that the City always could use more manpower but the budget was tighter

this year, the city was working on addressing the restroom issue at the archery park and would have the grand opening when that issue was solved and the bridge at the Mike Deak section of the trails system was moving forward.

Councilman Garvin commended the City workers for the work they were doing and the direction that the City was going.

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

Mayor's Comments and Committee Appointments

Mayor Browne commented that he had attended a DEQ award ceremony for Pride In McAlester. He added that this was the second time that Pride In McAlester had received the award. He stated that two (2) McAlester residents had competed nationally in Taekwondo with one (1) receiving a silver medal. He then commented on the recent prayer vigils in McAlester.

Recess Council Meeting

Mayor Browne 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 Councilman Read.

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

AYE: Councilman Smith, Read, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:43 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:44 P.M.

Adjournment

There being no further business to come before the Council, Councilman 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, Barnett, Karr, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:45 P.M.

ATTEST:

John Browne, Mayor

Karen Boatright, Deputy City Clerk