

Council Chambers
Municipal Building
December 27, 2016

The McAlester City Council met in a Regular session on Tuesday, December 27, 2016, at 6:00 P.M. after proper notice and agenda was posted, December 22, 2016 at 3:01 P.M.

Call to Order

Mayor Browne called the meeting to order.

Pastor Anthony Washington gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, 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; Leroy Alsup, Community & Economic Development Director; 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 December 6, 2016, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- B. Approval of the Minutes from the December 13, 2016, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

- C. Approval of Claims for December 7, 2016 through December 20, 2016. *(Toni Ervin, Chief Financial Officer)* General Fund - \$154,392.69; Parking Authority - \$92.45; Nutrition - \$3,568.98; Tourism Fund - \$1,074.26; SE Expo Center - \$17,538.66; E-911 - \$15,064.14; Economic Development - \$1,361.54; Fleet Maintenance - \$6,077.73; Worker's Compensation - \$941.68; Dedicated Sales Tax-MPWA - \$500.00; CIP Fund - \$49,837.82 and Technology Fund - \$6,380.00.
- D. Consider and act upon, authorization of expenditures up to \$ 500.00 in City Funds for the Mayor to attend the Oklahoma Mayors Council Congress of Mayors. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, receipt of the Permit No. WL000061160962 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 1,455 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the 2015 CDBG Water Improvements-Phase II. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, to concur with the Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 202705-JS. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, authorization of payment to KATCON, Inc., Invoice Payment #6, in the amount of \$ 65,188.95 for Construction Services related to Washington Avenue Pavement Reconstruction Project 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 Stevens to approve the Consent Agenda.

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

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

Mayor Browne declared the motion carried.

Scheduled Business

- 1. Consider and act upon, acceptance of the annual City of McAlester Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2016. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to accept the annual Audit for Fiscal Year ending June 30, 2016 for the City of McAlester.

CFO Ervin addressed the Council presenting them with the City of McAlester's Audit for the fiscal year ending June 30, 2016. She reviewed the management and Auditors responsibilities and informed the Council that according to the Audit there had been no material misstatements.

Ms. Ervin distributed the letter to Management that the Auditors had submitted. She then reviewed the Single Audit that is required for Cities that have federal grant funds.

Mayor Browne and Vice-Mayor Karr both congratulated the Finance Department for a job well done.

A motion to accept the annual Audit for Fiscal Year ending June 30, 2016 for the City of McAlester was made by Councilman Smith and seconded by Vice-Mayor Karr. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, approval and authorization for the Mayor to sign a Contract for Services with the McAlester Defense Support Association (MDSA) and McAlester Defense Support Services, Inc. (MDSS) for the creation of a full time office and Executive Director position for MDSS. This contract includes shared funding with the MDSA for the remainder of FY 2016-2017. *(Gene Walker, Vice Chairman, McAlester Defense Support Association)*

Executive Summary

Motion to approve and authorize the Mayor to sign the Contract for Services with MDSA and MDSS for the Executive Director Position for MDSS.

Manager Stasiak addressed the Council commenting that at the previous meeting the Council had suggested adding specific language to this contract regarding reporting requirements. He explained that the language had been added and identified where the change had been inserted.

After discussion concerning the changes, a brief overview of the contract, how the payments would be verified and processed and how often reports would be submitted to the Council, a motion was made by Councilman Smith to approve and authorize the Mayor to sign a Contract for Services with the McAlester Defense Support Association (MDSA) and McAlester Defense Support Services, Inc. (MDSS) for the creation of a full time office and Executive Director position for MDSS. The motion was seconded by Vice-Mayor Karr, there was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion.

CFO Ervin addressed the Council presenting the City of McAlester financial update as of November 30, 2016. She reviewed both the General Fund and the McAlester Public Works Authority's revenue and expenses, commenting that "Sales tax" was not in line with the Budget but the "Use Tax" was over Budget. She added that water sales were strong and that expenses for both funds were under Budget. She briefly reviewed the other funds commenting that the City was still on track with its' Budget and should finish the year in good shape.

There was no vote on this item.

4. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 2 for the contract with Cook Consulting LLC for construction of the East Adams & East Miami Ave. Sanitary Sewer Lines and accept the project as completed. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to authorize the Mayor to sign the final payment of \$22,515.00 for the construction of the East Adams & East Miami Ave. Sanitary Sewer Lines and accept the project as completed.

Manager Stasiak addressed the Council commenting that this was the final payment application for this project and that it was completed under budget.

There was no other discussion, and a motion to authorize the Mayor to sign the final payment of \$22,515.00 for the construction of the East Adams & East Miami Ave. Sanitary Sewer Lines and accept the project as completed was made by Councilman Garvin. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Consider action to adopt a Resolution authorizing the acquisition of the building and property at 103 Steven Taylor Boulevard, McAlester, Oklahoma. (*Leroy Alsup, Director Community & Economic Development*)

Executive Summary

Motion to adopt a Resolution authorizing the acquisition of the building and property at 103 Steven Taylor Boulevard and authorizing the Mayor to execute any and all documents necessary to complete said acquisition.

Director Alsup addressed the Council explaining that this was the same action taken at the last meeting but the Title Insurance documents required approval by a resolution that authorized the sale and stated who could sign for the City of McAlester.

There was no discussion, and Councilman Smith moved to approve RESOLUTION NO. 16-18, authorizing the acquisition of the building and property at 103 Steven Taylor Boulevard, McAlester, Oklahoma and authorizing the Mayor to execute all necessary documents. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

ABSTAIN: (counted as a nay) Councilman Stevens

Mayor Browne declared the motion carried.

6. Consider and act upon, granting a Building Permit fee waiver in the sum of \$3,382.00 for the Pittsburgh County Emergency Center (1200 Captain Zappy Ott Dr.) for their 6,787 sq. ft. main building (Permit #16117- \$2,773) and their 2,261 sq. ft. accessory/garage building (Permit # 16118- \$609). (*Peter Stasiak, City Manager, George Estrada, Building Inspector*)

Executive Summary

Motion to approve a Building Permit fee waiver in the sum of \$3,382.00 for the Pittsburgh County Emergency Center (1200 Captain Zappy Ott Dr.) for their 6,787 sq. ft. main building (Permit #16117- \$2,773) and their 2,261 sq. ft. accessory/garage building (Permit # 16118- \$609).

Manager Stasiak addressed the Council informing them that the County Commissioners were building a new Pittsburg County Emergency Center and were requesting that the City waive the fee.

There was a brief discussion among the Council, Manager Stasiak and Commissioner Selman regarding the request, if the City had waived any previous permit fees for the County, if the City would still conduct the building inspections, how the Emergency Management Center would benefit both the County and the City and the City and County working together.

Councilman Stevens moved to approve the Building Permit fee waiver in the sum of 3,382.00 for the Pittsburgh County Emergency Center (1200 Captain Zappy Ott Dr.) for their 6,787 sq. ft. main building (Permit #16117- \$2,773) and their 2,261 sq. ft. accessory/garage building (Permit # 16118- \$609). The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act to authorize the Mayor to execute a certificate regarding an existing Ground Lease filed on February 9, 2001, in the Office of the Pittsburg County Clerk in Book 1094 at Pages 327-338. (*Joe Ervin, City Attorney*)

Executive Summary

The City attorney recommends the City Council authorize the execution of the attached certificate regarding the Ground Lease on the DEA building.

Attorney Ervin addressed the Council explaining that at the last meeting the Council had been asked to approve several agreements. He stated that he had informed the Counsel for DLI McAlester L.L.C that the City Council was not willing to approve the lease. Attorney Ervin commented that the document before them was a simple Certificate of Fact.

Councilman Smith asked if any transfer would have to come back to the Council and Attorney Ervin stated that the lease was silent on that matter and it would depend on the interpretation of the terms of the lease.

There was no further discussion, and a motion to authorize the Mayor to execute a certificate regarding an existing Ground Lease filed on February 9, 2001, in the Office of the Pittsburg County Clerk in Book 1094 at Pages 327-338 was made by Councilman Garvin. The motion was seconded by Vice-Mayor Karr, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

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.

Pittsburg County Commissioner Selman suggested a way that the City could raise funds for street improvements and Mayor Browne explained that the Council would not be able to discuss that matter.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak commented that the information that had been furnished during the financial update showed that all of the City's employees were working together. He then wished everyone a Happy New Year.

Remarks and Inquiries by City Council

Vice-Mayor Karr stated that he appreciated the new information with the financial update.

Councilman Garvin commented on the Christmas lights.

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

Mayor's Comments and Committee Appointments

Mayor Browne commented on the Christmas lights, how the Street crew would be preparing for bad weather and the Utility Maintenance crews were working in the cold. He then wished everyone a Happy New Year.

Recess Council Meeting

Mayor Browne 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 Vice-Mayor Karr.

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:56 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:58 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, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:58 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk