

The McAlester City Council met in a Regular session on Tuesday, May 9, 2017, at 6:00 P.M. after proper notice and agenda was posted, May 5, 2017 at 3:54 P.M.

Call to Order

Mayor Browne called the meeting to order.

Vice-Mayor Robert Karr gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Robert Karr, Jason Barnett & John Browne
Absent: Cully Stevens, Travis Read & Buddy Garvin
Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; Mel Priddy, Community Services Director; Toni Ervin, CFO; David Horinek, Public Works Director; Kirk Ridenour, Economic Development Director; Jayme Clifton, Exec. Assistant/Planning Tech; Ginny Bailey, Grant Writer/PIO; George Estrada, Building Inspector; 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 Citizens 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 April 11, 2017, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 19, 2017 through May 2, 2017. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$89,742.14; Nutrition - \$838.58; Landfill Res./Sub-Title D - \$4,035.00; State Forfeiture Fund - \$22,532.00; Tourism Fund - \$5,113.50; SE Expo Center - \$2,456.79; E-911 - \$10,897.92; Economic Development - \$8,810.50; Grants & Contributions - \$4,098.71; CDBG Grants Fund - \$1,829.17; Fleet Maintenance - \$4,366.39; Worker's Compensation - \$941.68; CIP Fund - \$23,722.78; Technology Fund - \$688.47 and Stormwater Fund - \$7,600.00.
- C. Accept and place on file, the Oklahomans for Independent Living quarterly report for the months of January through March, 2017. *(Pam Pulchny, Executive Director, Oklahomans for Independent Living)*
- D. Accept and place on file, the Pride in McAlester 3rd Quarter Report for the months of January through March, 2017. *(Stephanie Giacomo, Executive Director, Pride in McAlester)*
- E. Accept and place on file, the McAlester Main Street 3rd Quarter Report for the months of January through March, 2017. *(Amy Newman, Executive Director, McAlester Main Street)*

- F. Consider and act upon, a Personal Service Agreement with David Wright for hay baling on the Steven Taylor Industrial Park and Hwy. 31, west of Indian Nation Turnpike in the amount of \$760.00. *(Mel Priddy, Community Services Director)*
- G. Consider and act upon, a request from the Pittsburg County Chapter NAACP to use the Michael J. Hunter Park, 14th and Chickasaw, Oklahoma on Saturday, June 17, 2017 from 9:00 a.m. until 5:00 p.m. to hold the Juneteenth Celebration. *(Cora Middleton, City Clerk)*
- H. Consider and act upon, authorizing the Mayor to ratify the 5-Year CIP for 2017/2018-2021/2022, adopted in New Business on April 25, 2017. *(Peter Stasiak, City Manager)*
- I. Consider and act upon, authorization to refund penalties of \$2,429.91 charged to Rural Water District #5. *(Peter Stasiak, City Manager)*

Councilman Smith requested that item “I” be removed for individual consideration

A motion was made by Councilman Smith and seconded by Councilman Barnett to approve the Consent Agenda items “A through H and J”.

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

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

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- I. Consider and act upon, authorization to refund penalties of \$2,429.91 charged to Rural Water District #5. *(Peter Stasiak, City Manager)*

Councilman Smith asked what had brought this item about.

Manager Stasiak stated that the Rural Water District had been late in paying its’ bill and according to the City’s ordinance the account was accessed penalty and late fees.

Jim Henley, 430 Chambers Road, McAlester, OK addressed the Council explaining that he preferred to pay in person so he could have a receipt. He stated that he had come by City Hall on Good Friday and the offices were closed and that he had been out of town past the due date. He then described the relationship that the Water District had with the City of McAlester.

There was discussion concerning City employees flushing the Water District’s lines, the District reporting the amount of water used by its’ customers that had City sewer services, the water not being in compliance when it reaches the District’s line, the availability of the two (2) drop boxes at City Hall, the City’s policy for any other customer that is late on their bill and the Water District’s request for the waiver of the late fee and penalties.

A motion was made by Councilman Smith and seconded by Councilman Barnett to refund the penalties in the amount of \$2,429.91. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to open a Public Hearing addressing an Ordinance amending the membership terms for the Audit and Finance Advisory Board.

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

AYE: Councilman Smith, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:18 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 AMENDING SECTION 2-166 OF THE McALESTER CITY CODES CONCERNING MEMBERSHIP, TERMS, CREDENTIALS AND QUALIFICATIONS OF THE AUDIT AND FINANCE ADVISORY COMMITTEE; AND DECLARING AN EMERGENCY.

There were no comments on the Public Hearing and a motion to close the Public Hearing was made by Vice-Mayor Karr. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:18 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance amending Section 2-166 of the McAlester City Codes concerning membership, terms, credentials and qualifications of the Audit and Finance Advisory Committee; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the ordinance.

CFO Ervin addressed the Council that the Audit & Finance Advisory Committee had not had a full membership in many years and that was part of the reason for this proposed change. She added that this amendment would lengthen the terms and remove the term limitations that were currently in effect.

There was a brief discussion concerning why the change in the term limits and if the current chair of the Committee could be reappointed to the Committee even though he had already served two (2) terms.

ORDINANCE NO. 2601

AN ORDINANCE AMENDING SECTION 2-166 OF THE McALESTER CITY CODES CONCERNING MEMBERSHIP, TERMS, CREDENTIALS AND QUALIFICATIONS OF THE AUDIT AND FINANCE ADVISORY COMMITTEE; AND DECLARING AN EMERGENCY.

A motion to approve **ORDINANCE NO. 2601**, was made by Councilman Smith and seconded by Vice-Mayor Karr. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion to approve the EMERGENCY CLAUSE was made by Councilman Smith and seconded by Vice-Mayor Karr.

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

AYE: Councilman Smith, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, the approval of the Complete Streets Resolution for the planning of safe, convenient, and accessible transportation for all users including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth and families. (*Jayme Clifton, Planning Tech/Executive Assistant*)

Executive Summary

Motion to approve the Complete Streets Resolution.

Jayme Clifton, Planning Tech/Executive Assistant addressed the Council explaining that the Planning Commission had met on April 18, 2017 and had unanimously voted to recommend the Complete Streets Resolution be approved as presented.

Councilman Smith asked if this was a continuation of what the City was already doing and Manager Stasiak explained that it was mirroring what the City was doing with the trails.

A motion was made by Councilman Smith to approve RESOLUTION NO. 17-05, for the planning of safe, convenient, and accessible transportation for all users including pedestrians, bicyclists, persons with disabilities, motorists, movers of commercial goods, users and operators of public transportation, seniors, children, youth and families. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

AYE: Councilman Smith, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting Proposal "B" from Children's Specialties in the amount of \$123,950.00 for the purchase of ADA Inclusive Playground Equipment for Chadick Park. (*Mel Priddy, Community Services Director, Sheila Norman, Fixed Assets*)

Executive Summary

Staff recommends accepting Proposal "B" from Children's Specialties in the amount of \$123,950.00 for the purchase of ADA Inclusive Playground Equipment for Chadick Park.

Community Services Director Priddy thanked the Puterbaugh Foundation Board of Trustees for awarding this substantial grant to the City. He added that staff and the ADA Committee that had been put together for this project recommended proposal "B" from Children's Specialties.

Councilman Smith asked what the difference was between the proposals and Director Priddy stated that it was the number of children the playground would serve.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to accept Proposal "B" from Children's Specialties in the amount of \$123,950.00 for the purchase of ADA Inclusive Playground Equipment for Chadick Park.

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

AYE: Councilman Smith, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, a request from the property owner for a 90 day extension of Special Remodel Permit No. 16102 for the condemned property at 1516 Park Drive. (*George Estrada, Building Inspector, Jayme Clifton, Planning Tech/Executive Assistant*)

Executive Summary

Motion to grant a 90 day extension of Special Remodel Permit No. 16102 for the condemned property at 1516 Park Drive.

George Estrada, Building Inspector addressed the Council explaining that the property at 1516 Park Drive had been condemned on April 12, 2016, then on May 11, 2016 a Special 90 Day Remodeling Building permit had been issued to property owner Michelle Hazen. He stated that the first Special Remodeling Building permit had expired on August 9, 2016 and a second Special 90 Day Remodeling Building permit had expired on December 19, 2016. Mr. Estrada added that work was progressing and the property owner was requesting a third Special Remodeling Building permit for the property at 1516 Park Drive.

Jack Crockett addressed the Council and distributed photos of the progress that had been made to the building and explained the upgrades that had been made to the structure.

A motion was made by Vice-Mayor Karr and seconded by Councilman Barnett to grant a 90 day extension of Special Remodel Permit No. 16102 for the condemned property at 1516 Park Drive.

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

AYE: Councilman Karr, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Presentation and discussion of Fiscal Year 2017/2018 Budget. *(Peter Stasiak, City Manager)*

Executive Summary
Presentation.

Manager Stasiak addressed the Council presenting the Fiscal Year 2017/2018 Preliminary Budget. During his presentation, Manager Stasiak reviewed the number of full and part-time employees and the benefits that the City had been able to maintain. He informed the Council that there was no cost of living increase but the merit/step increases had been maintained. He reviewed the projected General Fund Sales Tax revenue and explained that it had been decreased from the 2016/2017 fiscal year. He also reviewed the expenditures for the General fund.

Manager Stasiak reviewed the revenue and expenditures for the Public Works Authority and he commented that the Public Works Authority had always helped to pay the Bond Payments since the sales tax projections had not been fulfilled. He then reviewed the funding of the outside agencies, the deficit in the Nutrition funding and the Airport Fund. He stated that there was no intent to lay any employees off, that the City would look at attrition as employees retired or quit.

Vice-Mayor Karr asked when the Economic Development and Education Sales Tax would expire and Manager Stasiak commented that they would both expire in 2018.

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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the City of McAlester's Finance Department had receive the CAFR award for the third year in a row. He reported that last Thursday, the City had sent out a RAVE concerning the problem with the Water Treatment Plant. He then explained what had transpired during that event and commented that Dalton Carlton, the City's Utility Maintenance Supervisor had worked to help solve the problem.

Mayor Browne commented that it was nice to have access to the experts.

Remarks and Inquiries by City Council

Councilman Smith thanked Pride in McAlester for the Spring Cleanup and thanked the group that organized the Armed Forces Day Parade.

Vice-Mayor Karr agreed with Councilman Smith and commented that it was pretty impressive.

Councilmen Barnett did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne commented that the people that put the whole weekend on did a fantastic job. He announced that this coming Saturday was the annual Letter Carrier Food Drive and there was also a Pancake Breakfast from 8:00 a.m. until 12:00 at First Baptist Church to benefit the men's homeless shelter.

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

AYE: Councilman Smith, Barnett, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:59 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:00 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to recess the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP; in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: IAFF and in accordance with Title 25, Section 307.B.1, to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak

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

AYE: Councilman Smith, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Regular Meeting was recessed at 7:01 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 & B.2 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP
- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: IAFF
- 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 Manager, Peter Stasiak

Reconvene into Open Session

The Regular Meeting was reconvened at 7:47 P.M. Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups:

FOP; in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: IAFF and in accordance with Title 25, Section 307.B.1, to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak. Only those matters were discussed, no action was taken, and the Council returned to open session at 7:47 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon, the proposed FOP Contract.

A motion was made by Vice-Mayor Karr to accept the FOP contract, changing the dates and inserting the “Me Too” clause. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

- Consider and act upon, the proposed IAFF Contract.

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

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

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:49 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk