

The McAlester City Council met in a Regular session on Tuesday, November 14, 2017, at 6:00 P.M. after proper notice and agenda was posted, November 13, 2017 at 10:52 A.M.

Call to Order

Mayor Browne called the meeting to order.

Boy Scout Troop #404 gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

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

Staff Present: Peter J. Stasiak, City Manager; David Horinek, Public Works Director; Toni Ervin, CFO; Gary Wansick, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne recognized the members of the Swift Water Rescue Team that took part in the Hurricane Harvey Search and Rescue operation on August 28, 2017.

Each of the members received a flashlight and a Certificate of appreciation.

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.

Bobby Day 1811 Cardinal Lane, addressed the Council expressing his concerns regarding the amount of pigeons that were in the Down Town area. He asked if there was anything that could be done to address the problem.

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 September 26, 2017, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the October 10, 2017, Workshop Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for October 18, 2017 through November 7, 2017. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$123,756.65; Nutrition - \$1,140.56; Landfill Res./Sub-Title D - \$7,988.85; Tourism Fund - \$14,526.75; SE Expo Center - \$10,202.40; E-911 - \$8,406.73; Economic Development - \$22,259.08; Grants & Contributions - \$3,004.54; CDBG Grants Fund - \$12,494.10; Fleet Maintenance - \$16,357.01; Worker's Compensation - \$941.68; CIP Fund - \$78,151.00; Technology Fund - \$6,927.91 and Stormwater Fund - \$15,884.13.
- D. Consider and act upon, a Resolution allowing the Oklahoma Department of Transportation (ODOT) to select one of ODOT's prequalified engineering firms to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. *(David Horinek, Public Works Director)* Resolution No. 17-18
- E. Concur with the Mayor's appointment of Kelsey Flynn to the McAlester Housing Authority Board for a term to expire in July, 2021. *(John Browne, Mayor)*
- F. Accept and place on file the Pride in McAlester First Quarter Performance Report for FY 2017-2018. *(Stephanie Giacomo, Executive Director)*
- G. Accept and place on file the final accounting of expenditures for the 2017 Wild West Festival held October 7-8th, 2017. *(Brenda Baxter, Chairperson Old Town Association)*
- H. Consider and act upon, a request from Kiamichi Technology Center, to waive the deposit fee in the amount of \$200.00 for use of the Fox-Sheehan Memorial Firing range on December 15th & 16th for a Private Security Phase IV Firearms class. *(Gary Wansick, Chief of Police)*
- I. Consider and act upon, a request from Kiamichi Technology Center, to waive the student fees maximum amount of \$300.00 for use of the Fox-Sheehan Memorial Firing range on December 15th & 16th for a Private Security Phase IV Firearms class. *(Gary Wansick, Chief of Police)*
- J. **TABLED FROM OCTOBER 24TH MEETING:** Concur with the Mayor's appointment of Kristen Lloyd as an at-large members of the McAlester Downtown Area Reinvestment Review Committee. *(John Browne, Mayor)*

Councilman Smith requested that item "F" be removed for individual consideration and Vice-Mayor Karr asked that item "J" be removed to individual consideration.

A motion to approve Consent Agenda items “A through E and G, H and I” was made by Vice-Mayor Karr and seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

F. Accept and place on file the Pride in McAlester First Quarter Performance Report for FY 2017-2018. (*Stephanie Giacomo, Executive Director*)

Councilman Smith stated that Pride continues to do a good job for the community and he wanted to remind everyone of all that the organization did.

A motion to accept and place on file the Pride in McAlester First Quarter Performance Report for FY 2017-2018 was made by Councilman Smith and seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Barnett & Stevens
NAY: Vice-Mayor Karr
ABSTAIN: Councilman Stevens (counted as a no vote)

Mayor Browne declared the motion carried and asked if the Council understood that this item had been for the Pride in McAlester quarterly report.

J. **TABLED FROM OCTOBER 24TH MEETING:** Concur with the Mayor’s appointment of Kristen Lloyd as an at-large members of the McAlester Downtown Area Reinvestment Review Committee. (*John Browne, Mayor*)

Vice-Mayor Karr inquired about why the appointment of Ms. Lloyd was tabled.

There was a brief discussion among the Council including Attorney Ervin concerning a possible conflict of interest since Ms. Lloyd owns property in the downtown area that could be included in a TIF, that at this time there was no conflict, and the TIF committee being an advisory committee only.

There was no further discussion, and a motion to concur with the Mayor’s appointment of Kristen Lloyd as an at-large member of the McAlester Downtown Area Reinvestment Review Committee was made by Councilman Garvin. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Barnett & Stevens
NAY: Vice-Mayor Karr

ABSTAIN: Councilman Stevens (counted as a no vote)

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to discuss the redistricting criteria and the process used to define the proposed Ward boundaries in accordance with section 6.04 of the City of McAlester City Charter was made by Vice-Mayor Karr. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:25 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.

PUBLIC HEARING TO DISCUSS THE REDISTRICTING CRITERIA AND THE PROCESS USED TO DEFINE THE PROPOSED WARD BOUNDARIES, IN ACCORDANCE WITH SECTION 6.04 OF THE CITY OF MCALESTER CITY CHARTER.

Evans McBride, 1100 Preakness Ave. addressed the Council as the Chairman of the Ward Redistricting Committee. He reminded the Council of the past redistricting in 2011 and the restriction of including the prison population. He explained that since then, the citizens of McAlester had approved an amendment to the Charter allowing the exclusion of the prison population. Mr. McBride informed the Council that the Committee had worked with Dr. Gregory Plumb. He added that Dr. Plumb had been the individual the Committee had worked with in 2011 and the reason was that Dr. Plumb would be unbiased. Mr. McBride reviewed the criteria that Dr. Plumb had been asked to follow and explained that this was the final step before Council approval of the proposed boundaries.

Vice-Mayor Karr and Councilman Garvin expressed their appreciation of the work that the Committee had done.

Mayor Browne also expressed his appreciation for the work that had been done by the Ward Redistricting Committee.

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

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:31 P.M.

Scheduled Business

1. Discussion and presentation of the annual mandatory Ethics Training and the McAlester Code of Conduct Policy. (*Jimmy Williams, Chairperson, Ethics Board*)

Executive Summary

Discussion and presentation on the importance of annual Ethics Training and the purpose of the City of McAlester Code of Conduct Policy.

Jimmy Williams, 803 Village Blvd. addressed the Council as Chairman of the Ethics Board reporting the activities of the current year. He stated that the Board had established quarterly meetings, and mandatory Ethics training for all City of McAlester employees. He explained that he had reviewed the training and found that it meets the requirements of the Board. He asked that the Council participate in the training also. He recognized Missy Garrett for the efforts she has made to move the training forward and stated that the Board would be working with the City's IT department to make the training interactive.

Councilman Smith thanked Mr. Williams for providing the training. Mayor Browne thanked Mr. Williams and the Ethics Board for the work they were doing. He commented that it was a good group of people for the Board.

There was no vote on this item.

2. Presentation of Financial Reporting Under GSB Statements (Actuarial Report) for the City of McAlester Defined Benefit Retirement Plan and Trust as of July 1, 2017. (*Bruce Nordstrom, Senior Consultant, McQueary Henry Bowles Troy, LLP*)

Executive Summary

Motion to accept and place on file the Actuarial Report for period ending July 1, 2017.

Bruce Nordstrom, Senior Consultant, McQueary Henry Bowles Troy, LLP addressed the Council presenting the Actuarial Report as of July 1, 2017 for the City of McAlester's Defined Benefit Retirement Plan and Trust. He briefly reviewed the annual required funding for fiscal year 2017 commenting that it was approximately \$50,000.00 less than the previous year's required funding. He then compared the current year's valuation to the 2012 valuations.

Vice-Mayor Karr inquired about the time when the City would be fully funded with this plan. Mr. Nordstrom commented that possibly seven (7) to fifteen (15) years. He add that a lot of factors could affect the funding of the plan. He also stated that this was a good story for this plan and the City had taken great steps toward getting it into the position it was currently in.

There was no vote on this item.

3. Consider and act upon, accepting the bid amount of \$41,749.50 from R & D Maintenance and Repair, LLC, and authorizing the Mayor to sign the Notice of Award for the Water Treatment Plant Concrete Clearwell Joint and Crack Sealing. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

The recommendation is to accept the bid from R & D Maintenance and Repair, LLC, in the amount of \$41,749.50 and authorize the Mayor to sign the Notice of Award for Water Treatment Plant Concrete Clearwell Joint and Crack Sealing.

Robert Vaughan, P.E. Infrastructure Solutions Group, LLC Branch Manager addressed the Council briefly reviewing the history of this item. He explained that what had originally been thought to be a relatively small problem had turned into a major repair when a closer look had been taken. He stated that bids had been received and opened at 2:00 p.m. on October 24, 2017 with the City receiving one (1) bid. He informed the Council that he had worked R&D Maintenance and Repair, LLC and the bid of \$41,749.50 had come under the Engineer's estimate.

Councilman Stevens asked if this was the only contractor to submit a bid. Mr. Vaughan informed the Council that five (5) contractors had attended the pre-bid conference but only R&D Maintenance and Repair, LLC had elected to submit a bid.

A motion was made by Councilman Smith and seconded by Councilman Garvin to accept the bid of \$41,749.50 from R & D Maintenance and Repair, LLC, and authorize the Mayor to sign the Notice of Award for the Water Treatment Plant Concrete Clearwell Joint and Crack Sealing.

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

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

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-410 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-411. (*Toni Ervin, Chief Financial Officer, Sheila Norman, Purchasing Fixed Assets*)

Executive Summary

Motion to declare certain vehicles and equipment surplus property and authorize the sale of said vehicles and equipment.

Manager Stasiak addressed the Council explaining that the list of vehicles and equipment the City as wanting to surplus were no longer of any use.

There was no further discussion, and Councilman Stevens moved to declare certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-410 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-411. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, a Resolution adopting a Records Retention Policy for the City of McAlester; amending Resolution 12-21 pertaining to the recordkeeping and disposal of public records. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to pass and approve the Resolution adopting a records retention policy for the City of McAlester; amending Resolution 12-21 pertaining to the recordkeeping and disposal of public records.

City Clerk Middleton addressed the Council explaining that the City had adopted Resolution No. 12-21 in December of 2012 that established retention terms for documents that were not regulated by State Statute. She commented that a formal retention policy had never been adopted by the City and State Statute was not always clear on its regulations. She stated that Melissa Garrett, the City's Paralegal had taken the project on and had been able to complete the document that was presented for the Council's consideration. She added that this document was more in depth and provided a clearer explanation of State Statute.

There was a brief discussion concerning the development of the retention policy, who has reviewed the policy, extending the retention of some documents and insuring that any documents involved in litigation were retained.

A motion to approve RESOLUTION NO. 17-19, adopting a Records Retention Policy was made by Vice-Mayor Karr. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Garvin, Barnett, Stevens & 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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak stated that he had distributed a memorandum addressing the events on November 3, 2017. He briefly reviewed the water line break that had left the City with little to no water pressure. He thanked all of the employees that had been involved in handling the calls and repairing the broken water line.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC updated the Council on the status of the pumps at the water plant.

There was a brief discussion concerning the repairs to the water plant and the difficulties in locating the valves.

Remarks and Inquiries by City Council

Each of the Councilmen thanked the employees involved in the repair of the broken water line and wished everyone a Happy Thanksgiving.

Mayor's Comments and Committee Appointments

Mayor Browne thanked all of the employees and thanked the citizens for their patience. He stated that a group from the City had been in Washington D.C. last week for the McAlester Stampede and updated everyone on the McAlester Army Ammunition Plant's hiring procedures.

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, Barnett, Smith, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:06 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:07 P.M.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned. The motion was seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:07 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk