

The McAlester City Council met in a Regular session on Tuesday, May 22, 2018, at 6:00 P.M. after proper notice and agenda was posted, May 21, 2018 at 2:13 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Councilman Buddy Garvin 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 Stasiak, City Manager; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Recognition and Awards**

Mayor Browne presented Patrolman Jonathan O'Dell of the McAlester Police Department as May, 2018 Employee of the Month. Officer O'Dell received a Certificate of Appreciation and a personal planner.

### **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 April 24, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the May 8, 2018, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for May 2, 2018 through May 15, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$107566.20; Parking Authority - \$184.97; Nutrition - \$2,590.08; Employee Retirement - \$11,235.00; Tourism fund - \$2,367.62; SE Expo Center - \$22,335.82; E-911 - \$20,45.57; Economic Development - \$8,151.00; Grants & Contributions - \$166.62; Fleet Maintenance - \$14,637.71; Worker's Compensation - \$941.68; Technology Fund - \$20,047.32 and Stormwater Fund - \$36,488.83.
- D. Accept and place on file the Oklahomans for Independent Living 3rd<sup>d</sup> Quarter report for the months of January through March, 2018. *(Pam Pulchny, Executive Director)*

- E. Consider and act upon, a “Pledge and Guarantee” document which authorizes the annual renewal of the City of McAlester’s Participation Agreement with the Association for Landfill Financial Assurance (ALFA). *(Peter Stasiak, City Manager)*
- F. Consider and act upon, a request from the Pittsburg County Chapter NAACP to use the Michael J. Hunter Park, 14<sup>th</sup> and Chickasaw, Oklahoma on Saturday, June 16, 2018 from 9:00 a.m. until 5:00 p.m. to hold the Juneteenth Celebration. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, authorizing the Mayor to sign an Agreement between Oklahomans for Independent Living and the City of McAlester for funding in the amount of \$24,000. *(Peter Stasiak, City Manager)*
- H. Consider and act upon, authorizing the Mayor to sign an agreement with “Feed the Need Foundation for Rural Oklahoma” (KEDDO) for funding of the City of McAlester’s Title III nutrition centers. *(Mel Priddy, Community Services Director)*
- I. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Pride-in-McAlester for funding in the amount of \$60,000. *(Stephanie Giacomo, Executive Director)*
- J. Consider and act upon, receipt of the Permit No. WL000061180056 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 3,250 linear feet of six (6) inch HDPE and PVC potable water line and all appurtenances to serve the 2017 CDBG Water System Improvements for the City of McAlester. *(Dalton Carlton, Utility Maintenance)*
- K. Consider and act upon, approval of Ward 4 Councilman James Brown attending the New Municipal Officials Institute on June 28, 2018 at the Tulsa Tech, Lemley Campus in Tulsa, OK. *(Cora Middleton, City Clerk)*

Manager Stasiak requested Items “G and I” be removed for individual consideration

A motion to approve the Consent Agenda items “A through F and H, J and K” was made by Councilman Read and seconded by Councilman Stevens.

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

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

Mayor Browne declared the motion carried.

**Items Removed from Consent Agenda**

- G. Consider and act upon, authorizing the Mayor to sign an Agreement between Oklahomans for Independent Living and the City of McAlester for funding in the amount of \$24,000. *(Peter Stasiak, City Manager)*
- I. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Pride-in-McAlester for funding in the amount of \$60,000. *(Stephanie Giacomo, Executive Director)*

Manager Stasiak stated that these two (2) agreements had been placed on the agenda prior to the approval of the Budget. He then asked that they be pulled.

There was no vote on these items.

A motion to open the Public Hearing on the proposed Budget for fiscal year 2018/2019 was made by Councilman Read and seconded by Councilman Brown.

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

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

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:08 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.*

### **A PUBLIC HEARING ON THE PROPOSED BUDGET FOR FY 2018/2019 FOR THE CITY OF MCALESTER.**

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

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

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:08 P.M.

### **Scheduled Business**

1. Consider and act upon, Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$5,985.00. (*Jayme Clifton, Community & Economic Development Director*)

#### Executive Summary

Motion to award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$5,985.00 and to authorize the Mayor to execute the respective Building Demolition & Site Clearance Contract.

Director Clifton addressed the Council explaining that on January 23, 2018 the Council had condemned three (3) dilapidated structures and of those only one (1), at 712 S. 8<sup>th</sup> Street, was left to demolish. She added that bids for demolition of the structure at 712 S. 8<sup>th</sup> Street were opened on May 8, 2018 with Henry Moss dba Moss Trucking being the lowest most qualified bidder. She added that the balance for demolition funding was \$12,608.00.

There was no discussion, and a motion award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$5,985.00 and to authorize the Mayor to execute the respective Building Demolition & Site Clearance Contract was made by Councilman Garvin. The motion was seconded by Councilman Brown and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

2. Consider and act upon, accepting the bid amount of \$39,905.00 from Built Right Construction, LLC, and authorizing the Mayor to sign the Notice of Award for the Canal Wall Repair, 8<sup>th</sup> and Kiowa Avenue. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

#### Executive Summary

The recommendation is to accept the bid from Built Right Construction, LLC for a total of \$39,905.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Repair, 8<sup>th</sup> & Kiowa Avenue.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council informing them that on May 9, 2018 the City opened three (3) bids for the Canal Wall repair at 8<sup>th</sup> and Kiowa Avenue. He explained that Built Right Construction, LLC, was the apparent low bidder. He added that this was the third contract that Built Right would be doing for the City and there had not been any problems.

A motion was made by Interim Vice-Mayor Stevens and seconded by Councilman Brown to accept the bid from Built Right Construction, LLC for a total of \$39,905.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Repair, 8<sup>th</sup> & Kiowa Avenue. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

3. Consider and act upon, Amendment No. 3 to the consulting and design services agreement for AIP Project 3-40-0057-016-2018 (Rehabilitate Runway 2/20 and Connecting Taxiways) with LBR, Inc. (*David Horinek, Public Works Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign Amendment No. 3 to the consulting and design services agreement to provide construction administration and testing services for the Rehabilitation of Runway 2/20 and Connecting Taxiways AIP Project 3-40-0057-016-2018 at the McAlester Airport.

Director Horinek addressed the Council explaining this item was to amend the consulting and design services agreement with LBR, Inc. for the airport project that would rehabilitate the runway at the Airport. He then explained how the grant would be paid by the Federal Aviation Administration (FAA), the Oklahoma Aeronautical Commission and the City of McAlester.

Manager Stasiak asked that the Council be informed of what stage the project was at, a cost standard and why it was important to repair the runway.

Tyler McDonald, P.E. Vice-President LBR, Inc. Airport Consultants informed the Council that two (2) bids had been opened last week and both bids were lower than the Engineer's estimate. He explained that FAA had \$3.8 million in place for the project but the City needed about \$4.6 million. He added that the City was competing for the rest of the funding and he felt that the City would receive the additional funding. He stated that as soon as the money comes in the City could award the contract. He then explained that the concrete of the runway was different ages and was deteriorating. He added that once this project was complete only maintenance would need to be done to the runway for a long time.

There was a brief discussion concerning the number of planes that come into the Airport regularly.

Motion was made by Councilman Garvin to approve and authorize the Mayor to sign Amendment No. 3 to the consulting and design services agreement to provide construction administration and testing services for the Rehabilitation of Runway 2/20 and Connecting Taxiways AIP Project 3-40-0057-016-2018 at the McAlester Airport. The motion was seconded by Councilman Smith.

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

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

Mayor Browne declared the motion carried.

4. 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 painting the McAlester Fire Departments 2010 Freightliner and 5,000 gallon potable water tank. The cost of the painting not to exceed \$2300.00. Payment will be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Manager Stasiak addressed the Council explaining that Chief Brewer was out at a fire scene. He then explained that the City had recently acquired a 2010 Freightliner and a 5,000 gallon potable water tank from the forestry service. He stated that these two (2) items would be painted and the funds to pay for this expense would come from the City's portion of the County quarter cent excise tax for fire services.

Councilman Read moved to approve the cost of painting the McAlester Fire Departments 2010 Freightliner and 5,000 gallon potable water tank. The cost of the painting not to exceed \$2300.00

and paid with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. The motion was seconded by Councilman Smith.

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

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

NAY: None

Mayor Browne declared the motion carried.

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

Executive Summary

Discussion.

Manager Stasiak addressed the Council presenting them with the financial update as of May 31, 2018. He explained that CFO Ervin was on vacation this week. Manager Stasiak then reviewed the General Fund stating that the year was 83.33% completed and revenues were half a percent (.5%) over budget and expenses were one and a half (1.5%) under budget. He stated that the MPWA Fund revenues were one and a half percent (1.5%) under budget and expenses were about three percent (3%) under budget. He added that the accounts were being carefully watched and the budget was being successfully controlled by managing expenses.

There was a brief discussion of any type of back end flow, how large payments at the first of the fiscal year were averaged out over the entire year and what months were represented in the May information.

Manager Stasiak then reviewed the Sales tax receipts, Use tax receipts and water sales.

There was discussion concerning the Highway Reconstruction project, how the Council has been blamed for the businesses alleged loss of revenue, informing the citizens that the project had not as adversely affected business and furnishing the general sales tax information.

There was no vote on this item.

6. Consider and act upon, authorizing the Mayor to sign an Engagement Letter with Finley & Cook, PLLC for audit services for the next 3 fiscal years of 2018-2019, 2019-2020, and 2020-2021. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to authorize the Mayor to sign the Engagement Letter with Finley & Cook, PLLC.

Manager Stasiak addressed the Council informing them that the Audit & Finance Advisory Committee had met on May 16, 2018 and reviewed the RFPs for audit services. Their recommendation was to use Finley & Cook, PLLC. He added that the City could not sign an agreement for three (3) years but could enter into an engagement letter and annually ratify that letter.

There was no further discussion, and a motion to authorize the Mayor to sign the Engagement Letter with Finley & Cook, PLLC was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, 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 reported that the Highway project was coming to conclusion this week and once the striping was completed the contractor would be out of the area. He stated that the Cardinal Lane Stormwater project had run into some problems when the City attempted to replace the asphalt, he explained how the City would address those issues, the Summer work schedules would begin next week with some employees coming in at 6:00 A.M. and leaving at 2:00 P.M. and 2:30 P.M. and yesterday the City was hit with a virus that took out all five (5) servers. He stated that the City has lost all data from Sunday morning to yesterday at 3:00 P.M. He added that Wave 11 had been called in to help analyze the computers and locate all infected machines.

### **Remarks and Inquiries by City Council**

There were no comments from the Council.

### **Mayor's Comments and Committee Appointments**

Mayor Browne congratulated all graduating seniors and urged everyone to be safe during the upcoming Memorial Day weekend.

### **Recess Council Meeting**

Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Stevens.

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

AYE: Councilman Read, Stevens, Brown, Garvin, Barnett, Smith & 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 6:45 P.M.

A motion was made by Councilman Read 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 and IAFF and 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. The motion was seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Regular Meeting was recessed at 6:46 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 7:32 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 and IAFF and 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 7:32 P.M., and this constitutes the Minutes of the Executive Session.

- Consider and act upon, the proposed FOP Contract.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the proposed FOP Contract. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

- Consider and act upon, the evaluation and contract of City Manager, Peter Stasiak.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the evaluation and contract of City Manager, Peter Stasiak. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried

- Consider and act upon, the proposed IAFF Contract.

Mayor Browne stated that the Council would wait to vote on the IAFF until the actual language was written down. He added that everything seemed to be in agreement.

### 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 Councilman Read.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:33 P.M.

ATTEST:

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John Browne, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk