

The McAlester City Council met in a Regular session on Tuesday, December 11, 2018, at 6:00 P.M. after proper notice and agenda was posted, December 10, 2018 at 12:05 P.M.

Call to Order

Mayor Browne called the meeting to order.

A motion to recess the Regular meeting to reconvene and conclude the Special meeting was made by Councilman Browne and seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the Regular meeting was recessed at 6:00 P.M.

The Regular meeting was reconvened at 6:01 P.M.

William J. Ervin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, James Brown, Buddy Garvin, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Peter Stasiak, City Manager; Toni Ervin, Asst. City Manager; Kirk Ridenour, Economic Development Director; Gary Wansick, Police Chief; Mel Priddy, Community Services Director; Brett Brewer, Fire Chief; David Horinek, Public Works Director; An-Chen Lai, CFO; Dalton Carlson, Utility Maintenance Superintendent; 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.

Janelle Brooks, 804 E. Monroe addressed the Council expressing her support for the "Moving McAlester Forward" plan. She also asked that the Council continue to consider her request to rezone some property on East Monroe, so she could open a salon to help victims of cancer.

Mayor Browne informed Ms. Brooks that the Council could not discuss or take any action on this matter at this time and he recommended that she speak with Jayme Clifton, Community Development Director.

Manager Stasiak stated that the City had been working with Ms. Brooks for a couple of years and would continue to work with her.

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 November 27, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 21, 2018 through December 4, 2018. *(Toni Ervin, Assistant City Manager)* In the following amounts: General Fund - \$120,291.33; Nutrition - \$11,901.12; Landfill Res./Sub-Title D - \$1,785.00; Employee Retirement - \$12,973.75; Tourism Fund - \$10,327.96; SE Expo Center - \$16,281.45; E-911 - \$1,766.32; Economic Development - \$24,915.66; Grants & Contributions - \$80.00; Fleet Maintenance - \$7,774.17; CIP Fund - \$43,432.67; Technology Fund - \$893.52; Stormwater Fund - \$9,300.88 and Infrastructure Fund - \$7,146.24.
- C. Consider and act upon, approval of the Schedule of Council and Authorities 2019 Regular meeting dates. *(Cora Middleton, City Clerk)*
- D. Consider and act upon, to authorize the Mayor to sign all required documents for accepting a Supplemental Agreement No. 1 to the "Rehabilitate Runway 2-20 and Connecting Taxiways", FAA AIP 3-40-0057-016-2018 and OAC MLC-19-FS construction contract with Interstate Highway Construction. *(Tyler McDonald, LBR Consultant)*
- E. Consider and act upon, a \$250 one-time net pay for all full and part time regular employees. *(Peter Stasiak, City Manager)*

Mayor Browne requested that "Item C" be removed for individual consideration.

Councilman Smith moved to approve Consent Agenda items "A, B, D and E". The motion was seconded by Councilman Read. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Items Removed From Consent Agenda

- C. Consider and act upon, approval of the Schedule of Council and Authorities 2019 Regular meeting dates. (*Cora Middleton, City Clerk*)

Mayor Browne explained the conflict with the second meeting in December and the Christmas Holiday.

Vice-Mayor Stevens moved to move the second meeting in December 2019 to the previous Tuesday, December 17th. The motion was seconded by Councilman Read.

There was a brief discussion about moving the location of the Council meetings to the Court Chambers in the former Federal Court House, moving them to various locations in the City and possible issues with internet and Wi-Fi availability. Mayor Browne commented that in the past the Council had Town Hall meetings around the City.

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

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

NAY: None

Mayor Browne declared the motion carried.

Scheduled Business

1. Presentation of the McAlester Regional Health Center update for Fiscal Year 2018. (*David Keith, McAlester Regional Health Center CEO*)

Executive Summary
Presentation.

David Keith, CEO McAlester Regional Health Center addressed the Council introducing his staff and reviewing the Health Center's activities and financial status at this point in the year.

Jim Fraser, McAlester Regional Health Center CFO addressed the Council reviewing the Center's Statements of Revenues and Expenses as of June 30,2018, he reviewed the Cash Flows, the Balance Sheet and the Center's purchasing activities.

There was a brief discussion of cash days on hand, the receivables aging and the total revenue for the fiscal year.

Mr. Keith updated the Council on the various medical services that the Hospital was providing, the additional services they planned to provide in the future, the VA Clinic, the parking lot expansion, the Center's community engagement, the activities of the Atoka County Medical Center, their Employee Recognition Program and the Center's plans for future expansion of services throughout the City of McAlester.

There was discussion concerning the Center's annual write offs, the Atoka facility, the actual services at the VA Clinic and if the Health Center had a Master Plan for the Hospital campus.

There was no vote on this item.

2. Consider and act upon, acceptance of a bid from Western Interiors for the Interior Painting at the Carl Albert Federal Building. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to accept the bid from Western Interiors in the amount of \$42,400.

Manager Stasiak addressed the Council informing them of the bid that had been received and opened on Monday, December 3, 2018. He explained that two (2) packets had been sent out and only one had submitted a bid. He stated that this would paint and repair a large portion of the interior of the Federal Building. He added that the bid received had been in the amount of \$42,400.00 from Western Interiors.

There was no further discussion, and a motion to accept the bid from Western Interiors to paint portions of the Federal Building, in the amount of \$42,400.00 was made by Councilman Smith. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign the attached "Outlay Report and Request for Reimbursement for Construction Programs" for Project AIP 3-40-0057-016-2018 and OAC Grant Partial Payment Request for Grant MLC-19-FS for rehabilitation of Runway 2/20 and connecting taxiways. (*David Horinek, Public Works Director, Tyler McDonald, LBR*)

Executive Summary

Motion to approve and authorize the withdrawal of FAA and OAC grant funds to be used toward the payment of LBR and Interstate Highway Construction (IHC) for Construction and Construction Management services.

Tyler McDonald, LBR Airport Consultant addressed the Council explaining that this was for work that had already been done by the contractor and so far, everything had been going well.

There was a brief discussion concerning the work being on schedule.

A motion to approve and authorize the Mayor to sign the "Outlay Report and Request for Reimbursement for Construction Programs" for Project AIP-3-40-0057-016-2018 and OAC Grant Partial Payment Request for Grant MLC-19-FS for rehabilitation of Runway 2/20 and connecting taxiways was made by Councilman Garvin. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. Consideration and possible action on reimbursement to the owner in the amount of \$7,500 for Claim No. 203169-KW. (*Buddy Garvin, Councilman Ward Five*)

Executive Summary

Consideration and possible action to reimburse the owner on Claim No. 203169-KW.

Mayor Browne asked Attorney Ervin how this item could be handled without creating a conflict of interest.

Attorney Ervin commented that looking at City Charter section 2-78 (c), it was obvious that a member of the Council had a financial interest in this item. He stated that the Councilman could not participate in discussion, motion or vote. He added that he would be able to participate as a member of the public.

Councilman Garvin commented that this bothered him that this happened while he was on the Council. He stated that he would continue when he was standing at the podium.

Attorney Ervin commented that would provide the visual that he was distancing himself from the Council.

Buddy Garvin, 200 E. Park addressed the Council regarding a claim that he had made against the City of McAlester for damaged that had been done to a vehicle he owned.

There was discussion regarding how he had calculated the value of the vehicle, where the vehicle had been located when it was damaged, why the City had been on private property when this damage had been done, and what the statute of limitations was on this claim.

Attorney Ervin explained how the Tort Claim worked, what the Statute of Limitations did and how this claim was time barred by the Oklahoma Tort Claim Act.

There was further discussion concerning paying money to a citizen that does not have a claim against the City, how that could open the individual Council members to personal liability, how the Tort Claim Act process worked, and how any citizen could file a lawsuit if this claim were to be paid.

Councilmen Read and Smith commented that it was unfortunate that Mr. Garvin could not pursue this claim and the City could not pay this now. They also inquired about the procedures being cleared up with the City's employees. Manager Stasiak stated that the City's procedures had been clarified with all employees.

A motion to pay Buddy Garvin \$7,500.00 for damage done to his property was made by Councilman Brown. There was no second.

Mayor Browne declared the motion died for lack of a second.

5. Discussion over the City pursuing an application for an Oklahoma Electric Vehicle Charging Station Grant through the Department of Environmental Quality. (*Zach Prichard, Councilman Ward Six*)

Executive Summary
Discussion only.

Mayor Browne announced that this item would be pulled.

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 notification from OML had been received about the annual Council of Mayors that is scheduled for January 25, 2019 at the OML office in Oklahoma City. He explained it was for Mayors, Vice-Mayors and Councilmembers.

Mayor Browne clarified that anyone can attend but only there could only be one voting representative. He then briefly explained the activities that happen during the meeting.

Manager Stasiak updated the Council on the activities at the Federal Building and informed them that the painting would not start until after the first of the year and the projected move into the building was end of January. He commented on the latest team building project that the City had done in which twenty-five (25) teams had decorated Choctaw Avenue from the Farmers Market to 2nd Street. He added that the Parks Department had expanded the lights on Carl Albert to the area between Walgreens and CVS. He informed the Council that the ice skating rink would be installed and open on Friday. He then stated that this would be his last Council meeting for the year, he would be out until the week of the first of the year and the Assistant City Manager would be handling the second meeting this month. He then wished the Council a Merry Christmas and a Happy New Year.

Remarks and Inquiries by City Council

Councilman Smith that the lights were getting better every year and he appreciated all of the work that goes into the decorating.

Vice-Mayor Stevens expressed his appreciation for the projects that the employees had accomplished and all of the work that they do.

Councilman Brown commented on the lighting and the Skating Rink adding that they were both very good additions for the City.

Councilman Garvin informed the Council that this would be his last meeting and he was officially resigning as of the end of this meeting. He then wished the Council good luck.

Councilman Prichard stated that the Down Town Area TIF Committee would meet again tomorrow, December 12, 2018 in the Council Chambers at noon. He then inquired about how the road repairs were proceeding.

Manager Stasiak stated that the asphalt plants have closed until March, there would not be any asphalt work done until that time.

Councilman Read did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne thanked Councilman Garvin for all the work that he had done during his time on the Council. He expressed his appreciation for the work that was done on Choctaw and it had been wonderful to work with them. He clarified that the next meeting had been changed.

Clerk Middleton verified that the meeting had been changed to December 26, 2018.

He then inquired about flagging that had been done on Carl Albert Parkway.

Manager Stasiak stated that he was not aware of anything going on.

Recess Council Meeting

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

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:31 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:33 P.M.

Adjournment

There being no further business to come before the Council, Councilman Brown 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 Brown, Smith, Stevens, Read, Garvin, Prichard & Mayor Browne
NAY: None

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

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk