

The McAlester City Council met in a Regular session on Tuesday, November 12, 2019, at 6:00 P.M. after proper notice and agenda was posted, November 8, 2019 at 12:05 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Roy Prince, North Gate Baptist Church 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, Zach Prichard & John Browne

Absent: Maureen Harrison

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Assistant City Manager; Jayme Clifton, Community Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Brett Brewer, Fire Chief; Oliver Skimbo, Environmental Program Coordinator; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Recognition and Awards**

Mayor Browne presented Delane Arrington with the Oklahoma Municipal League Employee Recognition for twenty-five (25) years of service to the City of McAlester.

Mayor Browne issued a proclamation in recognition of November 30, 2019 as “Small Business Saturday”.

Mayor Browne issued a proclamation in recognition of November 21, 2019 as “The Great American Smokeout”.

### **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 comments from citizens.

## 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 October 8, 2019, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for October 16, 2019 through November 5, 2019. (*Toni Ervin, Assistant City Manager*) In the following amounts: General Fund - \$106,296.05; Nutrition - \$1,311.70; Educational Fund - \$1,155,236.00; Tourism Fund - \$27,724.95; SE Expo Center - \$10,223.94; E-911 - \$8,915.66; Economic Development - \$54,057.95; Grants & Contributions - \$26,322.95; Fleet Maintenance - \$12,439.70; CIP Fund - \$35,361.75; Stormwater Fund - \$99,906.58 and Infrastructure Fund - \$162,860.53.
- C. Accept and place on file the Oklahomans for Independent Living Quarterly Report for the months of July through September, 2019. (*Pam Pulchny, Executive Director*)
- 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*)
- E. Consider and act upon, authorizing the Mayor and Council members to expend \$50.00 each to attend a reception honoring the Wanda Bass Foundation following the Tulsa Symphony's performance on Saturday, December 7, 2019. (*Cora Middleton, City Clerk*)
- F. Consider and act upon, indefinitely postponing Tort Claim No. 207232-LR, filed by Lauren Harbin. (*Cora Middleton, City Clerk*)
- G. Accept and place on file the Pride in McAlester Quarterly Report for the months of July through September, 2019. (*Megan Waters, Executive Director*)

Councilman Smith requested Item "G" be removed for individual consideration.

Vice-Mayor Stevens requested Item "B" be removed for individual consideration.

Councilman Prichard requested Item "F" be removed for individual consideration.

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

AYE: Councilmembers Read, Smith, Stevens, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

## **Items Removed from Consent Agenda**

- B. Approval of Claims for October 16, 2019 through November 5, 2019. (*Toni Ervin, Assistant City Manager*) In the following amounts: General Fund - \$106,296.05; Nutrition - \$1,311.70; Educational Fund - \$1,155,236.00; Tourism Fund - \$27,724.95; SE Expo Center - \$10,223.94; E-911 - \$8,915.66; Economic Development - \$54,057.95; Grants & Contributions - \$26,322.95; Fleet Maintenance - \$12,439.70; CIP Fund - \$35,361.75; Stormwater Fund - \$99,906.58 and Infrastructure Fund - \$162,860.53.

Vice-Mayor Stevens inquired about the cost to remove a tree paid from the Stormwater Fund to Limestone Gap Construction and asked for more information.

Manager Stasiak explained that Oliver Skimbo the City's Environmental Program Coordinator was in attendance and could explain that item.

Mr. Skimbo addressed the Council explaining that the payment to Limestone Gap Construction was for more than tree removal. He commented that it was the clearing of earthen canals and the whole area was a catch basin.

Manager Stasiak explained where the project was located.

There was no further discussion, and a motion to approve the Claims for October 16, 2019 through November 5, 2019 was made by Councilman Read. the motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilmembers Read, Stevens, Brown, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- F. Consider and act upon, indefinitely postponing Tort Claim No. 207232-LR, filed by Lauren Harbin. (*Cora Middleton, City Clerk*)

Councilman Prichard inquired about the process for a citizen to file a claim for damages and if there were instances that the claims are paid.

Attorney Ervin stated that the City had liability insurance and the carrier processed those claims.

Manager Stasiak explained that the City had forty-eight (48) hours remedy a problem once notified and if the City does not fix the issue, then the City could be held liable for any damages.

Councilman Prichard asked if this item was to postpone the claim forever.

Attorney Ervin explained the process and then stated that this action would allow the City's liability carrier time to process the claim.

There was no further discussion, and a motion to indefinitely postpone Tort Claim No. 207232-LR, filed by Lauren Harbin was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilmembers Smith, Read, Brown, Stevens & Mayor Browne

NAY: Councilman Prichard

Mayor Browne declared the motion carried.

G. Accept and place on file the Pride in McAlester Quarterly Report for the months of July through September, 2019. (*Megan Waters, Executive Director*)

Councilman Smith stated that he wanted to call attention to Pride's report and activities they had done over the past quarter.

A motion was made by Councilman Smith and seconded by Councilman Read. there was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Read, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address an ordinance amending Fiscal Year 2019/2020 was made by Councilman Read and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Prichard, Stevens, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:20 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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

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

AYE: Councilmembers Read, Smith, Prichard, Stevens, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:20 P.M.

### **Scheduled Business**

1. Discussion and update on the Safe Routes to School Policy adopted August 28, 2018.  
(*Zach Prichard, Councilman Ward Six*)

Executive Summary

Discussion.

Councilman Prichard commented that he was wanting an update on the progress of this policy.

Director Clifton addressed the Council explaining that she had started the annual reporting that was required and she informed the Council that this was an ongoing process. She commented that the City continually worked on making improvements across the City. She informed the Council of the improvements that had been accomplished to date, and what the School had accomplished. She explained that the review of the accident reports had not been accomplished at this time because the collision reports were not electronic, so they would have to be reviewed manually. She reviewed the distance requirements from the schools stating that they encompassed the entire City limits except for the Industrial Park.

There was discussion concerning requiring all new home construction to include sidewalks, when repairing streets, the sidewalks be repaired or maintained and requiring homeowners to maintain the sidewalks connected to their property.

There was no action taken on this item.

2. Discussion on the possible amendment to City Charter Article 3, Section 3.01, City Manager Appointment, Qualifications, Compensation, and Periodic Evaluations. (*Zach Prichard, Councilman Ward Six*)

Executive Summary

Discussion.

Councilman Prichard addressed the Council explaining that after reviewing the requirements for a City Manager candidate he felt they were overly restrictive and the Council should have the authority to select the City Manager without being restricted to education and experience.

There was discussion concerning the limitation of local candidates, hiring someone with only a high school diploma, Charter changes having to be voted on by the citizens of McAlester, why lowering the standards would be considered, the voters changing their minds about qualifications, what the City had gotten with a manager that did not have a degree or education, the challenge in finding people to apply, if the citizens wanted the change they would pursue the initiative and the cost of holding a Charter Election.

There was no action taken on this item.

3. Discussion on federal, state, and municipal bidding and procurement processes. (*Cully Stevens, Councilman Ward Two*)

Executive Summary  
Discussion.

Vice-Mayor Stevens stated that he had requested a review of the City's bidding process.

Manager Stasiak commented that he had asked Assistant Manager Ervin to put the information together.

Assistant Manager Ervin addressed the Council reviewing the Oklahoma State Bidding Act, and the City's Code that addressed bidding, which was more restrictive than the State. She explained that there were different requirements for Federal and Federal Aviation Administration bids. She also stressed the difference in the State bid limit of \$50,000.00 and the City's bid limit of \$25,000.00.

Robert Vaughan addressed the Council explaining that their firm worked to make sure that the City stayed in compliance with all bidding regulations and requirements. He then reviewed his firms process.

There was a brief discussion concerning how the City selected contractors to send bid packet to, how contractors were put on a list, local contractors' issues with bonding requirements and the level of bids that required bonding and how bonding protected public money.

There was no action taken on this item.

4. Consider and act upon, an Ordinance amending Ordinance No. 2656 which established the budget for fiscal year 2019-2020; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Assistant City Manager*)

Executive Summary  
Motion to approve the budget amendment ordinance.

Assistant Manager Ervin addressed the Council reviewing the exhibit for the Budget amendment. She explained that this was for the entire amount in that Fund and this would keep her from having to do another amendment when the School requested another disbursement. She added that this was the original Education Bond proceeds.

#### **ORDINANCE NO. 2674**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There was no further discussion, and a motion to approve **ORDINANCE NO. 2674**, amending Fiscal Year 2019/2020 Budget was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Stevens, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Discussion and possible action on, approval of an agreement with Oklahoma Department of Forestry to accept the release and transfer of two Zodiac 7-person inflatable watercraft. These watercraft will be utilized by our swift water rescue team. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the agreement.

Fire Chief Brewer addressed the Council explaining that the Oklahoma Department of Forestry would transfer the watercraft and they would be used by the Department's swift water rescue team.

There was a brief discussion on the number of times that team was deployed, then a motion to approve the agreement with the Oklahoma Department of Forestry was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Stevens, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, accepting the bid amount of \$599,719.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award for the Washington Avenue Improvements Project. (*Dale Burke, Infrastructure Solutions Group, LLC*)

Executive Summary

The recommendation is to accept the bid from Built Right Construction, LLC for a total amount of \$599,719.00 and authorize the Mayor to sign the Notice of Award for the Washington Avenue Improvements Project.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that sealed bids for this project had been received and opened at 2:00 P.M. on Thursday, October

31, 2019. He stated that of the five (5) contractors that received bid packages only three (3) had chosen to submit a bid and of those three (3) Built Right Construction, LLC had been the apparent low bidder with a bid of \$599,719.00.

There was discussion concerning what the project entailed, what was included in the bids, how the parking on the north side of the Post Office would be changed, how traffic would flow onto Washington with cars backing out of the north side, how much of the bid was for the street, and how much the bid would have been if it had been just for the street.

Manager Stasiak explained that the original project was to redo the intersection which had issues with drainage and sewer. He added that a private citizen had donated the money for the traffic circle.

Councilman Prichard asked if the bid would address the drainage and sewer issues. He then commented that the bid seemed like too much money for the intersection and the money could be used to do more good somewhere else.

A motion to accept the bid in the amount of \$599,719.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award for the Washington Avenue Improvements Project was made by Councilman Read. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Brown & Mayor Browne  
NAY: Councilmembers Stevens & Prichard

Mayor Browne declared the motion carried.

7. Consider and act upon, accepting the bid amount of \$87,990.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award for Block 231 Alley Drainage Improvements Project. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

The recommendation is to accept the bid from Built Right Construction, LLC for a total amount of \$87,990.00 and authorize the Mayor to sign the Notice of Award for the Block 231 Alley Drainage Improvements Project.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that four (4) contractors had received bid packets for this project and only three (3) had submitted bids. He stated that those bids were received and opened on Thursday, October 31, 2019 at 2:30 P.M. and the apparent low bidder had been Built Right Construction, LLC with a bid of \$87,990.00.

After discussion concerning the amount of work that Built Right had been awarded, what the project was for, if the alley had vehicle access, the length of the warranty and if the alley was concrete, a motion to accept the bid in the amount of \$87,990.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award for Block 231 Alley Drainage



Improvements Project was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Brown, Prichard, Stevens & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, declaring certain equipment surplus property in accordance with the Code of Ordinances Sec 2-410 and authorize the City Manager to sell it in accordance with the Code of Ordinances Sec 2-411. (*Norma Dellinger, Finance*)

Executive Summary

Motion to declare certain equipment surplus and authorize the disposal of them.

Assistant Manager Ervin addressed the Council explaining that this tractor had been used at the Water Treatment Plant to run the sludge pump. She stated that to repair the tractor would cost more than it was worth and the City had received multiple bids to purchase the tractor from the City. She added that the tractor would be replaced.

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

AYE: Councilmembers Read, Smith, Brown, Prichard, Stevens & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

9. Consider and act upon, authorizing the Mayor to sign the agreement with The Meriweather Group for consultant services for a compensation, employee benefits and performance management study. (*Toni Ervin, Assistant City Manager*)

Executive Summary

Staff recommends approval.

Assistant Manager Ervin addressed the Council explaining that the last time the City had an evaluation of its job positions was in 2008. She stated that the majority of its focus was based on longevity with the step system that the City currently has. She commented that the City's human resources department was focusing on recruitment and retention of the most qualified applicants and this consulting group would enable the City to achieve the next level of quality employment. She added that this would also allow the employees to be rewarded by their performance.

Mayor Browne inquired about the change in the laws regarding FSLA.

Assistant Manager Ervin stated that she did not know the changes and Manager Stasiak commented that the consulting group would aid with those issues as well.

There was no further discussion, and a motion to authorize the Mayor to sign an agreement with The Meriweather Group for consultant services for a compensation, employee benefits and performance management study was made by Councilman Brown. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Brown, Smith, Read & Mayor Browne

NAY: Councilmembers Prichard & Stevens

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 thirty-inch (30") water line at Lake McAlester had been installed up to the intake at the pump station, and the twenty-inch (20") water line at the Water Treatment Plant was moving along well but the connection to the plant had been postponed due to weather and water line breaks. He informed the Council that the pumps at the Coal Creek Pump Station had been pulled and sent off to be rebuilt, the next phase would be the electrical in the pump station and it was planned to bring that pump station online in 2020.

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

Vice-Mayor Stevens asked about the date of the next Stormwater Committee meeting and then asked why several contractors had not been hired when there had been several water line breaks recently.

Manager Stasiak stated that he would get the information for the Stormwater Committee meeting to Vice-Mayor Stevens. He commented that the City had a list of contractors and Built Right was the one that responded and was able to mobilize.

Councilman Read asked if the City was ready for snow and ice, if the City had enough sand and salt.

Manager Stasiak explained that the City normally did not spread sand but did have a stock pile of salt and the equipment was ready to go.

Councilmen Smith and Prichard did not have any comments for the evening.

Councilman Brown stated that the McAlester Buffaloes were in the State playoffs and the Cheer team had competed this past weekend.

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

Mayor Browne stated that he would be putting a committee together that was tied to the Comprehensive Plan and the Action items that had been created. He asked about the road striping projects and when West Street would be striped.

Manager Stasiak stated that he did not know if West Street was on the current list.

Mayor Browne asked that if West Street was not on the current list if it would be put on the next list, because there was a lot of traffic on the street. He then stated that he had spent some time with the Girl Scouts early last week. He explained they were in a competition and had to do a project for the City and then they had to do a robotics project along with it. He stated that their project for the City had been green houses working with the Community Gardens and the robotics project was constructed out of Legos and had to be programmed to go through a table and performed so many functions in a period of time. He stated that they had competed at the State level this past weekend and had placed second.

### **Recess Council Meeting**

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

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

AYE: Councilmembers Smith, Read, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:22 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:23 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: Councilmembers Read, Smith, Prichard, Stevens, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:23 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk