

The McAlester City Council met in a Regular session on Tuesday December 23, 2014, at 6:00 P.M. after proper notice and agenda was posted, December 22, 2014 at 11:22 A.M.

Call to Order

Mayor Steve Harrison called the meeting to order.

Sergeant Rob Daniels, Salvation Army, gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Jason Barnett & Steve Harrison
Absent: Buddy Garvin
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments

There were no citizen's comments.

Consent Agenda

- A. Approval of the Minutes from the November 25, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for December 3, 2014 through December 16, 2014. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$107,548.81; Parking Authority - \$146.36; Nutrition - \$1,193.82; Tourism Fund - \$2,966.98; SE Expo Center - \$16,725.24; E-911 - \$4,939.08; Economic Development - \$618.46; Grants & Contributions - 4,306.29; Fleet Maintenance - \$10,387.42; Worker's Compensation - \$941.68 and CIP Fund - \$14,991.63.
- C. Consider and act upon, authorization for the Mayor to sign a lease purchase agreement with Arvest Bank for the purchase of 13 vehicles. This was previously authorized by the Council on October 28th with a non-taxable rate of 2.15%. Upon bond council's legal advice, the non- taxable rate presented on October 28th will be changed to a taxable rate of 3.11%. *(Toni Ervin, Chief Financial Officer)*
- D. Consideration and action, to accept the donation of Lots 6, 7, 8, 9, 10, 11, 12, 13 & 14 of Block 4, The Paddocks Subdivision along with an easement along the western boundary of Lots 8, 9, & 14 of the Howe Addition for the Belmont Trail Project. *(Leroy Alsup, Community and Economic Development Director)*
- E. Consider and act upon, authorization of payment to Poe & Associates, Inc., Invoice # 0-102096-9565, in the amount of \$57,075.38, for engineering services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E.,CFM, City Engineer and Public Works Director)*
- F. Consider and act upon, receipt of Oklahoma Department of Environmental Quality (ODEQ) Permit No. SL000061140908 for the construction of 1,768 linear feet of eight

(8) inch PVC sanitary sewer line and all appurtenances to serve the Choctaw Nation of Oklahoma McAlester Campus. (*John C. Modzelewski, P.E.,CFM, City Engineer and Public Works Director*)

- G. Consider and act upon, authorization of payment to Lot Maintenance of Oklahoma, Inc., Invoice # 033347, in the amount of \$8,625.00, for video of sewer mains in Sixth Street and South Avenue, related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the Consent Agenda.

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

AYE: Councilman Read, Smith, Titsworth, Karr; Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to open a Public Hearing to address two (2) Ordinances. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Titsworth, Karr, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:04 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. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE AUTHORIZING THE CITY OF MCALESTER, OKLAHOMA TO SUBMIT TO THE REGISTERED QUALIFIED VOTERS OF SAID CITY WHETHER SPECIFIC CHANGES TO THE CITY CHARTER SHOULD BE APPROVED.

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

AYE: Councilman Read, Smith, Karr, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:04 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2525

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR

2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2525**, amending FY 2014-2015 Operating Budget.

Before the vote, CFO Ervin addressed the Council explaining that this amendment would be appropriate for the new Salt Shed and for the Airport Grant Drainage Project. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to approve the EMERGENCY CLAUSE. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Karr, Barnett, Smith, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

2. Consider and act upon, authorizing the Mayor to sign the McAlester Regional Airport (MLC) Five Year Capital Improvement Plan. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to authorize the Mayor to sign the McAlester Regional Airport (MLC) Five Year Capital Improvement Plan.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign the McAlester Regional Airport (MLC) Five Year Capital Improvement Plan.

Before the vote, Director Modzelewski addressed the Council explaining that the new program manager at the FAA was requesting some preliminary documents and a schedule for the 2015 airport project identified as "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs and Connecting Taxiway Pavement". He informed them that he had discussed this project with the Oklahoma Aeronautic Commission and since the City had received the full amount of Non Primary Entitlement money (600,000) that a project was needed for the year in order to not lose any of the annual appropriations (150,000).

Mayor Harrison suggested having the Council and the Airport Advisory Board involved in this process.

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

AYE: Councilman Smith, Read, Barnett, Titsworth, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, Amendment No. 9 to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide consulting services, including plans and specifications for Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement". (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Amendment #9 to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide consulting services, including plans and specifications for Project 3-40-0057-013-2015 "Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement" for not to exceed \$72,940.

Councilman Smith moved to approve Amendment No. 9 to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide consulting services, including plans and specifications for Project 3-40-0057-013-2015 “Replace Existing Drainage Pipe, Damaged Inlets, Lights, Signs, and Connecting Taxiway Pavement” for not to exceed \$72,940. The motion was seconded by Vice-Mayor Read.

Before the vote, Director Modzelewski addressed the Council explaining that this amendment would allow LBR, Inc. to provide the Construction testing services that were required by the FAA to construct the “Improve Runway 2-20 Safety Areas; Remove Runway 2-20 Approach Surface Obstructions; and Improve Runway Object Free Area (ROFA) East of Runway 2-20” project. He added that this project had been accepted by the Oklahoma Aeronautic Commission as one of the projects included in the Five (5) Year Capital Improvement Plan.

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

AYE: Councilman Smith, Read, Titsworth, Karr, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign Supplemental Agreement No. 1 to Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U. S. Department of Transportation Federal Aviation Administration. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve authorizing the Mayor to sign Supplemental Agreement No. 1 to Lease Agreement No. DTFACN-13-L-00151

A motion was made by Councilman Smith and seconded by Councilman Karr to authorize the Mayor to sign Supplemental Agreement No. 1 to Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U. S. Department of Transportation Federal Aviation Administration.

Before the vote, Manager Stasiak addressed the Council explaining that he had been contacted by the FAA asking the City to consider the new five (5) year agreement with holdover clause. He commented that the cost to move the equipment out of the current building had decreased and it was the City’s responsibility. He stated that there was a small building next to the FAA building that would be near the AT&T cables.

There was discussion among the Council, Attorney Ervin and Manager Stasiak regarding the City’s conversations with the FAA about moving the equipment, if the City was trying to sell the building, possibly having all emergency related entities located in the FAA building, having the same contract as previously presented, the expense of moving the cables, the holdover clause in the agreement and if the FAA did not want to sign a one (1) year lease, just leaving the matter as it was.

Attorney Ervin stated that he could submit the language to the FAA in the week and have response by the first meeting in January.

After another brief discussion concerning the sale of the building and having a clause that the relocation of the cables was not to exceed \$50,000.00, Councilman Smith moved to table the agreement until the first meeting in January. The motion was seconded by Vice-Mayor Read.

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

AYE: Councilman Smith, Read, Karr, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and K-Bar Company, LLC for the construction of a new Salt Shed to be

installed at the Public Works Complex for a Total Bid equal to \$90,754.00. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with K-Bar Company, LLC for the construction of a new Salt Shed to be installed at the Public Works Complex for a Total Bid equal to \$90,754.00.

Councilman Karr moved to authorize the Mayor to sign a contract between the City of McAlester and K-Bar Company, LLC for the construction of a new Salt Shed to be installed at the Public Works Complex for a Total Bid equal to \$90,754.00. The motion was seconded by Councilman Smith.

Before the vote, Director Modzelewski addressed the Council informing the Council that Salt Shed Project had been advertised on November 16th and 23rd, 2014. The City had issued plans and specifications to eight (8) companies and had received three (3) bids, which were opened on December 9th, 2014. He added that after review of all bids it had been determined that K-Bar Company, LLC was the lowest, qualified, responsible bidder. Director Modzelewski commented that the project would be fully completed within forty five (45) days from the Notice to Proceed.

After a brief discussion concerning the materials that would be used in the construction and when the Notice to Proceed would go out, the vote was taken as follows:

AYE: Councilman Karr, Smith, Titsworth, Read, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

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

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to declare certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec. 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinance Sec. 2-287.

Before the vote, CFO Ervin explained that the Finance Department had worked closely with Fleet Maintenance to identify the worn out vehicles and equipment.

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

AYE: Councilman Read, Smith, Titsworth, Karr; Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

7. Discussion on possible merger of hospital trusts, Public Health Authority (PHA) and McAlester Regional Health Authority (MRHC). (*Peter Stasiak, City Manager*)

Executive Summary

Discussion only.

Mayor Harrison informed the Council that he had requested that this item be placed on the agenda. He explained that there were two (2) Authorities that affected the Hospital and one was now just the landlord for two (2) properties. Mayor Harrison stated that he had asked if separate Boards were needed any longer and the Attorney had advised that they could be combined into one (1) Board. He added that to combine the two (2) authorities, all three (3) bodies would have to agree to the merger and then take the matter to the District Attorney.

Councilman Smith commented that the Public Health Authority did not have much business to conduct.

Mayor Harrison stated that it was not the intent to get involved in the day to day operations. He added that the Hospital had indicated the wish to start the process.

There was no further discussion and no vote was taken.

8. Consider and act upon, approval of an Ordinance of the City of McAlester with proposed amendments to the McAlester City Charter, and authorizing the Mayor to submit the proposed changes to the qualified registered voters of the City of McAlester; and consider and act to approve a resolution calling a Special Election for the purpose of submitting the proposed Charter changes to the qualified electors of the City, and authorizing the issuance of a Proclamation for the election regarding the propositions to change the McAlester City Charter. (*William J. Ervin, City Attorney*)

Executive Summary

Motion to approve an Ordinance proposing amendments to the City of McAlester Charter.

ORDINANCE NO. 2526

AN ORDINANCE AUTHORIZING THE CITY OF MCALESTER, OKLAHOMA TO SUBMIT TO THE REGISTERED QUALIFIED VOTERS OF SAID CITY WHETHER SPECIFIC CHANGES TO THE CITY CHARTER SHOULD BE APPROVED.

A motion was made by Vice-Mayor Read and seconded by Councilman Karr to approve **ORDINANCE NO. 2526**, and RESOLUTION NO. 14-31, authorizing the Mayor to submit the proposed changes to the qualified registered voters of the City of McAlester, and calling a Special Election for the purpose of submitting the proposed Charter changes to the qualified electors of the City, and authorizing the issuance of a Proclamation for the election regarding the propositions to change the McAlester City Charter.

Before the vote, Attorney Ervin commented that this information was familiar to the Council and had only been revised from the previous documents.

Mayor Harrison stated that he wanted to get this before the voters as soon as possible.

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

AYE: Councilman Read, Karr, Barnett, Smith, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the training for the Police Departments digital ticket writers had taken place and currently there were three (3) per shift in service. He commented that these devices should reduce time and improve accuracy. He stated that the new ambulance had been delivered and should be in service after the first of the year. He added that staff had met with the Audit & Finance Advisory Committee on the preliminary audit. He commented that there had been no audit findings and the City had qualified again for the CAFR Certification. He stated that the Audit would be brought to Council in January and he wished everyone a Merry Christmas.

Remarks and Inquiries by City Council

Councilman Barnett and Karr wished everyone a Merry Christmas.

Councilman Smith did not have any comments for the evening.

Vice-Mayor Read expressed his appreciation to the City Staff for getting the Salt Shed bid out and moving forward.

Councilman Titsworth stated he was glad to see things accepted by the City and he wished everyone a Merry Christmas.

Mayor's Comments and Committee Appointments

Mayor Harrison expressed his appreciation for the accomplishments of the CFO and finance staff and he wished everyone a Merry Christmas.

Recess Council Meeting

Mayor Harrison 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 Vice-Mayor Read.

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

AYE: Councilman Smith, Read, Karr, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:23

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:50 P.M.

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 Read.

AYE: Councilman Smith, Read, Karr, Barnett, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 6:52 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk