

The McAlester City Council met in a Regular session on Tuesday, June 9, 2015, at 6:00 P.M. after proper notice and agenda was posted, June 5, 2015 at 12:11 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

Pastor Judkins, First United Methodist Church, gave the invocation and led the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

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

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

**Citizens Comments on Non-Agenda Items**

Janelle Brooks addressed the Council concerning her previous rezoning request and questions she felt remained unanswered. Ms. Brooks then asked to have the matter placed back on a Council agenda in order to address her unanswered questions.

Lacey Sudderth, McAlester Main Street Director and Carl Gullick, McAlester Main Street Board President addressed the Council the Down Town McAlester's placement on the Historical Register.

**Consent Agenda**

- A. Approval of the Minutes from the May 12, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the May 26, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for May 20, 2015 through June 2, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$84,416.56; Nutrition - \$909.13; Landfill Res./Sub-Title D - \$2,404.02; Employee Retirement - \$12,793.19; Tourism Fund - \$3,685.40; SE Expo Center - \$3,601.94; E-911 - \$977.43; Economic Development - \$10,969.24; Maintenance - \$3,330.66 and CIP Fund - \$20,149.84.  
  
ACH – Tourism Fund - \$558.20.
- D. Consider and act upon, authorizing the Mayor to sign an Agreement for the 2016 Junior Sunbelt Classic between McAlester Public Schools and the City of McAlester for funding in the amount of \$15,000. *(Peter J. Stasiak, City Manager)*
- E. 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 J. Stasiak, City Manager)*

- F. Consider and act upon, authorizing the Mayor to sign an Agreement between Old Town and the City of McAlester for funding in the amount of \$12,800. *(Peter J. Stasiak, City Manager)*
- G. Consider and act upon, authorizing the Mayor to sign a Public Works Project (PPWP) Contract between the Oklahoma Department of Corrections and the City of McAlester. (addition of Item 30 to original contract) *(Peter J. Stasiak, City Manager)*
- H. Consider and act upon, authorizing the Mayor to sign an Agreement between BizTel Communications, LLC and the City of McAlester to maintain and service Samsung iDCS Digital and Analog Telephone sets located at City Hall. *(James Stanford, IT Computer Support Specialists)*
- I. Consider and act upon, authorizing the Mayor to sign an Agreement between BizTel Communications, LLC and the City of McAlester to maintain and service all 1 and 2 line non-system telephones and associated wiring owned by the City of McAlester within various locations of the City of McAlester. *(James Stanford, IT Computer Support Specialists)*
- J. Consider and act upon, authorizing the Mayor to ratify and approve an agreement between the City of McAlester and MegaPath for providing local and long distance calling services. *(James Stanford, IT Computer Support Specialists)*
- K. Consider and act upon, authorizing the Mayor to ratify and approve a Master Agreement between the City of McAlester and AT&T for Internet Services. *(James Stanford, IT Computer Support Specialists)*
- L. Consider and act upon, authorizing the Mayor to ratify and approve a contract between the City of McAlester and AT&T for the ILEC PLEXAR II Services. *(James Stanford, IT Computer Support Specialists)*
- M. Consider and act upon, authorizing the Mayor to ratify and approve an annual Service Maintenance & License Agreement between the City of McAlester and CivicPlus for the City website. *(James Stanford, IT Computer Support Specialists)*
- N. Consider and act upon, authorizing the Mayor to ratify and approve an annual Business Customer Service Agreement between the City of McAlester and U.S. Cellular for wireless telecommunication services and equipment. *(James Stanford, IT Computer Support Specialists)*
- O. Consider and act upon, authorization of payment to EST, Inc., Invoice # 34410, in the amount of \$12,075.00, for Construction Management Services and Materials Testing Services related to CIP#2 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)*
- P. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-07, in the amount of \$ 12,771.50, for Construction Management and Resident Project Representative Services related to CIP#3 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)*
- Q. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #7, in the amount of \$276,480.32, for the construction of road and infrastructure improvements related to CIP#3 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)*
- R. Consider and act upon, authorization of payment to Carstensen Contracting, Inc. "Contractor's Application for Payment #5", in the amount of \$368,009.20, for the

construction of road and infrastructure improvements related to CIP#2 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*)

- S. Consider and act upon, authorization of the Mayor to sign a Professional Services Agreement with David T. Hardgrave, LLC, for Pretreatment Consulting Services in the amount of \$21,600.00. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)
- T. 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). (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Councilman Smith requested that items “F, K and L” be removed for individual consideration.

Manager Stasiak requested that item “D” be pulled from the Consent Agenda and Councilman Barnett requested that item “S” be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve Consent Agenda items “A, B, C, E, G through J, M through R and T”. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Titsworth, Garvin, Barnett & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

#### **Items Removed from Consent Agenda**

- D. Consider and act upon, authorizing the Mayor to sign an Agreement for the 2016 Junior Sunbelt Classic between McAlester Public Schools and the City of McAlester for funding in the amount of \$15,000. (*Peter J. Stasiak, City Manager*)

Manager Stasiak informed the Council that the City had not received all of the necessary information related to this agreement. It had been placed on the agenda prematurely.

- F. Consider and act upon, authorizing the Mayor to sign an Agreement between Old Town and the City of McAlester for funding in the amount of \$12,800. (*Peter J. Stasiak, City Manager*)

A motion was made by Councilman Smith and seconded by Councilman Barnett to authorize the Mayor to sign an Agreement between Old Town and the City of McAlester for funding in the amount of \$12,800.00.

After a brief discussion concerning the expenditures, the event becoming a two (2) day Festival and spending more on advertising, the vote was taken as follows:

AYE: Councilman Smith, Barnett, Titsworth, Karr, Garvin & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

- K. Consider and act upon, authorizing the Mayor to ratify and approve a Master Agreement between the City of McAlester and AT&T for Internet Services. (*James Stanford, IT Computer Support Specialists*)

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to ratify and approve a Master Agreement between the City of McAlester and AT&T for Internet Services.

After a brief discussion regarding the cost of the contracts the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

- L. Consider and act upon, authorizing the Mayor to ratify and approve a contract between the City of McAlester and AT&T for the ILEC PLEXAR II Services. (*James Stanford, IT Computer Support Specialists*)

A motion was made by Councilman Smith and seconded by Councilman Garvin to authorize the Mayor to ratify and approve a contract between the City of McAlester and AT&T for the ILEC PLEXAR II Services. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Karr, Barnett, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

- S. Consider and act upon, authorization of the Mayor to sign a Professional Services Agreement with David T. Hardgrave, LLC, for Pretreatment Consulting Services in the amount of \$21,600.00. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

A motion was made by Councilman Karr and seconded by Councilman Barnett to authorize the Mayor to sign a Professional Services Agreement with David T. Hardgrave, LLC, for Pretreatment Consulting Services in the amount of \$21,600.00.

After a brief discussion concerning what the agreement was for and if it was necessary to submit the item for bid periodically the vote was taken as follows:

AYE: Councilman Karr, Barnett, Garvin, Smith, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

Councilman Smith moved to open a Public Hearing to address four (4) Ordinances and the FY 2015 Community Development Block Grant for a proposed waterline replacement project. The motion was seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Barnett, Titsworth, Garvin & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:22 P.M.

### **Public Hearing**

- **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 ADOPTING THE BUDGET OF THE CITY OF McALESTER, OKLAHOMA FOR THE FISCAL YEAR 2015-2016.**
- **A PUBLIC HEARING ON THE PROPOSED FY 2015 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES GRANT; PROPOSED WATERLINE REPLACEMENTS PROJECT.**

- AN ORDINANCE AMENDING CHAPTER 99, TELECOMMUNICATIONS, OF THE McALESTER CITY CODE BY AMENDING SECTION 99.55 TELECOMMUNICATION FACILITY STANDARDS; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF McALESTER, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF McALESTER, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE.

There were no comments on any items and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Karr and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:23 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, CFO*)

Executive Summary

Motion to approve the budget amendment ordinance.

### **ORDINANCE NO. 2537**

**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 Councilman Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2537**, amending the Budget for Fiscal Year 2014/2015.

Before the vote, CFO Ervin reviewed the exhibits for the amendment explaining that this was to appropriate funds for the 2015 CDBG Waterline Improvement project, to transfer funds for the 2014 Bond for Streets and additional Interest Expense, to transfer funds to the Bond Trustee

Fund and appropriate funds for the Dedicated Sales Tax Fund. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE, seconded by Councilman Karr. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consider and act upon, authorizing the Mayor to sign an Engagement Letter with Finley & Cook, PLLC for audit services for the fiscal year ending June 30, 2015. (*Toni Ervin, CFO*)

Executive Summary

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

A motion was made by Councilman Garvin and seconded by Councilman Smith to authorize the Mayor to sign an Engagement Letter with Finley & Cook, PLLC for audit services for the fiscal year ending June 30, 2015.

Before the vote, CFO Ervin explained that on May 20, 2015, the Audit & Finance Advisory Committee had met to review the RFP's that had been received for the Audit services for the City of McAlester fiscal year 2014/2015 Audit. She added that the Committee had recommended the services of Finley & Cook, PLLC. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. 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. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve Staff recommendation for funding and authorize the Mayor to sign the agreement.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign a contract between the City of McAlester and Pride-in-McAlester for funding in the amount of \$60,000.

Before the vote, there was discussion regarding the level of funding and the increase in cleanup totals. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and McAlester Main Street for funding in the amount of \$30,000.00. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve Staff recommendation for funding and authorize the Mayor to sign the agreement.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign a contract between the City of McAlester and McAlester Main Street for funding in the amount of \$30,000.00.

After a brief discussion regarding the funding level and an updated membership list for the Council the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith & Mayor Harrison

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried

5. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Pittsburg County Emergency Management for funding in the amount of \$50,000. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve Staff recommendation for funding and authorize the Mayor to sign the agreement.

A motion was made by Councilman Karr and seconded by Councilman Garvin to authorize the Mayor to sign a contract between the City of McAlester and Pittsburg County Emergency Management for funding in the amount of \$50,000.

Before the vote, Manager Stasiak explained that the Council had been furnished with information of the previous eleven (11) months expenditures for the Emergency Management. He added that a list of cities that had or did not have an Emergency Management Director had also been furnished to the Council.

After discussion among the Council including County Commissioner Kevin Smith and Attorney Ervin regarding the funding level, services that Emergency Management provided, Pittsburg County being designated as a regional hub for Emergency Management in the State, why the prior year had not been funded, future and past funding sources and tabling this item until the next meeting, addressing both the 2014/2015 and 2015/2016 contract at that time and having a claim on the next meeting for the 2014/2015 funding.

Councilman Karr move to table the contract between the City of McAlester and Pittsburg County Emergency Management until the next meeting. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, an Ordinance adopting the budget of the City of McAlester, Oklahoma for the fiscal year 2015-2016; providing for severability clause; and declaring an emergency. (*Toni Ervin, CFO and Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve an Ordinance adopting the budget for fiscal year 2015-2016 and declaring an emergency.

### **ORDINANCE NO. 2538**

#### **AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF McALESTER, OKLAHOMA FOR THE FISCAL YEAR 2015-2016.**

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2538**, adopting the Fiscal Year 2015/2016 Operating budget.

Before the vote, CFO Ervin addressed the Council explaining that this was the Official 2015/2016 Budget. She added that the information included a reserve calculation, Ordinance and Budget document.

After discussion regarding the Reserve balances, increasing the Street crews, possibly amending the budget after the 2014/2015 Audit was received, the expenses in Planning and Economic Development, not having a Strategic Plan, setting Departmental goals, how Economic Development projects could take considerable amounts of time to finalize, the amount of payroll in the budget and if it included additional people and how salary increases were dependant on the individuals anniversary date, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Karr moved to approve the EMERGANCY CLAUSE, seconded by Councilman Barnett. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Discussion and possible action on the purchase of the FAA Building located at the McAlester Airport by Pittsburg County Economic Development Authority. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve acceptance of offer or discussion of possible counter offer for the purchase of the FAA building at 101 Airport Drive.

A motion was made by Councilman Smith and seconded by Councilman Karr to authorize the purchase of the FAA Building located at the McAlester Airport by Pittsburg County Economic Development Authority.

Before the vote, Manager Stasiak addressed the Council explaining that the City had been approached by Emergency Management about leasing the FAA Building with an option to purchase the building. He added that the Pittsburg County Economic Development Authority had recently made an offer to purchase the building as is for Three Hundred Thousand dollars (\$300,000.00).

There was discussion among the Council including Commissioner Smith, Manager Stasiak and Attorney Ervin regarding the current condition of the building, its' heat and air equipment, how long this property had been for sale, the purchase offer, why that building could meet the County's Emergency Management needs, what would happen with the FAA room, if the property could later be sold to another entity, having a formal written opinion regarding the sale qualifying for Economic Development, how long it would take to get an updated appraisal and the written opinion concerning the sale and how the building was originally built.

Mayor Harrison moved to table this item until the first meeting in July. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Collins Waterworks, LLC for the construction of 2014 CDBG Water Improvements along Walker Avenue and Pine Street. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement Collins Waterworks, LLC for the construction of 2014 CDBG Water Improvements along Walker Avenue and Pine Street for a total bid equal to \$149,875.00.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the Mayor to sign a contract between the City of McAlester and Collins Waterworks, LLC for the construction of 2014 CDBG Water Improvements along Walker Avenue and Pine Street.

Before the vote, Director Modzelewski addressed the Council explaining that this was a continuation of the CDBG projects.

After a brief discussion regarding the difference in the bid amounts and the experience that the consultant had with the successful bidder the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

9. Consider and act upon, adopting Citizen's Participation Plan for FY-2015 CDBG Project. (*Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve Citizen's Participation Plan for FY-2015 CDBG Project.

A motion was made by Councilman Smith and seconded by Councilman Garvin to adopt a Citizen's Participation Plan for FY-2015 CDBG Project.

Before the vote, Millie Vance addressed the Council explaining that this and the next few items would deal with CDBG grant. She added that the adoption of this plan was a requirement of the CDBG Program and to authorize the Mayor to sign various documents and designates the process.

After a brief discussion concerning the location of the project the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

10. Consider and act upon, adopting a Resolution to Apply for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project. (*Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve adopting the resolution to Apply for the FY-2014 CDBG Small Cities Grant, Proposed Water Line Project.

A motion was made by Councilman Garvin and seconded by Councilman Karr to adopt a Resolution to Apply for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider and act upon, adopting a Resolution to Leverage (Matching) funds for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project. (*Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve to Leverage (Matching) funds for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project.

A motion was made by Councilman Garvin and seconded by Councilman Karr to adopt RESOLUTION NO. 15-06, leveraging matching funds for the FY 2015 CDBG Small Cities Grant, Proposed Water Line Project. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

12. Consider and act upon adopting a Residential Anti-Displacement Plan for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project. (*Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve a Residential Anti-Displacement Plan for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project.

Councilman Garvin moved to approve the adoption of a Residential Anti-Displacement Plan for FY-2015 CDBG Small Cities Grant, Proposed Water Line Project. The motion was seconded by Councilman Karr.

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

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

NAY: None

Mayor Harrison declared the motion carried.

13. Consider and act upon, adopting Contract with Millie Vance Incorporated to prepare FY-2015 CDBG grant application and administer project. (*Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve Contract with Millie Vance Incorporated to prepare FY-2015 CDBG grant application and administer project.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve a Contract with Millie Vance Incorporated to prepare FY-2015 CDBG grant application and administer project.

After a brief discussion concerning the cost of last year's contract and the percentage of the contract, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

14. Consider and act upon, Change Order No. 3 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 3 resulting in the addition of six (6) days and an addition of \$10,974.00 to the contract amount. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 3 to the contract with T. McDonald Construction, Inc and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to October 15, 2015 and the Contract amount to \$2,722,037.50.

Councilman Smith moved to approve Change Order No. 3 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 3 resulting in the addition of six (6) days and an addition of \$10,974.00 to the contract amount. The motion was seconded by Councilman Karr.

After a brief discussion regarding some of the challenges that have been ran into during the various CIP projects, the reason for this particular change order and the possibility of further weather delays, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

15. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC, dba Mehlburger Brawley, for professional services required for the Asphalt Street Repair Project in the South A Street Area. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC, dba Mehlburger Brawley for professional services required for the Asphalt Street Repair Project in the South A Street Area. The Engineering Fee is a lump sum of \$38,400.00 and the Resident Project Representative fee is a sum not to exceed \$27,500.00.

A motion was made by Councilman Garvin and seconded by Councilman Smith to authorize the Mayor to sign a Professional Services Agreement with Infrastructure Solutions Group, LLC, dba Mehlburger Brawley for professional services required for the Asphalt Street Repair Project in the South A Street Area. The Engineering Fee is a lump sum of \$38,400.00 and the Resident Project Representative fee is a sum not to exceed \$27,500.00.

After a brief discussion regarding the streets that this project would address, making the streets right and the funding for this coming from the City's CIP and not from the Bond fund the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

16. Consider and act upon, a resolution supporting MRE Capital, LLC's application for an allocation of 2015 Affordable Housing Tax Credits to acquire and substantially rehabilitate the senior housing development known as the Aldridge Apartments located at 200 East Carl Albert Parkway. *(Leroy Alsup, Community and Economic Development Director )*

Executive Summary

Motion to approve a resolution supporting MRE Capital, LLC's application for an allocation of 2015 Affordable Housing Tax Credits to acquire and substantially rehabilitate the senior housing development known as the Aldridge Apartments located at 200 East Carl Albert Parkway.

Councilman Smith moved to approve RESOLUTION NO. 15-07, supporting MRE Capital, LLC's application for an allocation of 2015 Affordable Housing Tax Credits to acquire and substantially rehabilitate the senior housing development known as the Aldridge Apartments located at 200 East Carl Albert Parkway. The motion was seconded by Councilman Garvin.

After a brief discussion regarding the project, the application and if the application were successful when the project would start, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

17. Consider and act upon, a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2015 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA) and adopting a site specific Affordable Housing Revitalization Plan. *(Leroy Alsup, Community and Economic Development Director )*

Executive Summary

Motion to approve a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2015 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); and adopting a site specific Affordable Housing Revitalization Plan.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve RESOLUTION NO. 15-08, supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2015 Affordable Housing Tax Credits and HOME Funds from

the Oklahoma Housing Finance Agency (OHFA); and adopting a site specific Affordable Housing Revitalization Plan.

Before the vote, Director Alsup addressed the Council explaining that the Council had supported this item when it had been previously considered. He added that the applicant had not been selected for funding at that time.

After a brief discussion concerning the location of this project, the process' schedule, if this type of housing was still needed in the community and if this item and the previous item would affect each other, the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett & Mayor Harrison

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

18. Consideration and action to authorize the execution of a professional services agreement with The Spectrum Group/The Principi Group (TSG/TPG) for the development of a multifaceted Defense Sector Strategic Plan to protect and grow the defense and homeland security segment of the Southeast Oklahoma Economy. (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to approve and to authorize the execution of the professional services agreement with The Spectrum Group/The Principi Group (TSG/TPG) for the development of a multifaceted Defense Sector Strategic Plan to protect and grow the defense and homeland security segment of the Southeast Oklahoma Economy.

A motion was made by Councilman Garvin and seconded by Councilman Karr to authorize the execution of a professional services agreement with The Spectrum Group/The Principi Group (TSG/TPG) for the development of a multifaceted Defense Sector Strategic Plan to protect and grow the defense and homeland security segment of the Southeast Oklahoma Economy.

Before the vote, Director Alsup addressed the Council reminding them that the McAlester Defense Support Association (MDSA) and the City of McAlester had received a 2013 Oklahoma Strategic Military Planning Commission Incentive Award to fund professional consulting services for the development of a multifaceted Defense Sector Strategic Plan. He explained that a detailed RFP had been jointly issued by MDSA and the City of McAlester and they had received responses from six (6) firms. Director Alsup added that after review and a day spent with one (1) of the firms the selection committee had recommended the Spectrum/Principi Group to develop the multifaceted Defense Sector Strategic Plan to protect and grow the defense and homeland security segment of the Southeast Oklahoma Economy.

After discussion regarding the services that this company would provide the City, if the Robison Group and this group performed the same services and if \$39,000.00 would cover the City's match the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

19. Consider and act upon, an Ordinance amending Chapter 99, Telecommunications, of the McAlester City Code by amending Section 99.55 Telecommunication Facility Standards; repealing all conflicting ordinances and declaring an emergency. (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 99, Telecommunications, of the McAlester City Code by amending Section 99.55 Telecommunication Facility Standards; repealing all conflicting ordinances; declaring an emergency; and authorizing the Mayor to sign the ordinance.

**ORDINANCE NO. 2539**

**AN ORDINANCE AMENDING CHAPTER 99, TELECOMMUNICATIONS, OF THE McALESTER CITY CODE BY AMENDING SECTION 99.55 TELECOMMUNICATION FACILITY STANDARDS; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Smith and seconded by Councilman Karr to approve **ORDINANCE NO. 2539**, amending Code Section 99.55 Telecommunication Facility Standards.

Before the vote, Director Alsup addressed the Council explaining that after staff had reviewed the authority granted by City Ordinances to the Board of Adjustment and found that the Board of Adjustment did not have any authority to grant a variance on any of the Telecommunications Facility Standards as set forth in Chapter 99 of the City Code of Ordinances. He then reviewed the proposed Ordinance with the Council.

After discussion concerning the language in the Ordinance, how other communities addressed this particular issue, the site that had been proposed for a tower, the City Attorney's concerns over language granting authority, to change set backs, to the Planning Committee and changing that language to give that authority to the Board of Adjustment. Councilman Karr moved to change the language in section 99.55 on page 3 and in the "Setbacks" paragraph on page 4 to give authority to the Board of Adjustments.

Councilman Karr moved to amend the motion to approve **ORDINANCE NO. 2539** and amend the language in section 99.55 on page 3 and in the "Setbacks" paragraph on page 4 to give authority to the Board of Adjustments. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Karr, Smith, Garvin, Barnett, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

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

AYE: Councilman Garvin, Karr, Barnett, Smith, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried.

20. Consider and act upon, an Ordinance amending the Employee Retirement System, Defined Contribution Plan for the City of McAlester and authorizing the Mayor to sign the amended Oklahoma Municipal Retirement Fund Master Defined Contribution Plan Joinder Agreement. (*Cora Middleton, CMC*)

Executive Summary

Motion to approve an Ordinance amending the Employee Retirement System, Defined Contribution Plan for the City of McAlester and Authorizing the Mayor to sign the amended Oklahoma Municipal Retirement Fund Master Defined Contribution Plan Joinder Agreement.

**ORDINANCE NO. 2540**

**AN ORDINANCE AMENDING THE EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF McALESTER, OKLAHOMA BY ADOPTING A REVISED AND RESTATED RETIREMENT PLAN; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF McALESTER, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR NON-ALIENATION OF BENEFITS; LOSS OF BENEFITS FOR CAUSE AND LIMITATIONS OF BENEFITS; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A RETIREMENT COMMITTEE AND PROVIDING**

FOR POWERS, DUTIES, AND RIGHTS OF RETIREMENT COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR REPEALER AND SEVERABILITY; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2540**, amending the City of McAlester's Defined Contribution Retirement Plan.

Before the vote, Manager Stasiak addressed the Council explaining that in March a representative from the Oklahoma Municipal Retirement Fund had addressed the Council regarding the change(s) before the Council this evening. He added that this was the final step that would put these changes into effect. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

21. Discussion on possible Sales Tax proposition to maintain and improve our streets. (*Peter Stasiak, City Manager*)

Executive Summary

Discussion

Mayor Harrison explained that he had requested this item be placed on the agenda. He reviewed how the City had used found money for the CIP projects and how the City had worked hard to reduce the debt. He commented that with Council term limits in place the current council was probably the most experienced Council in years. He then reviewed his suggestion on how to obtain funding for use on maintenance and repair of the City's streets. Mayor Harrison stated that his thoughts were to go to the voters with a sales tax proposition dedicated to streets and related infrastructure. This proposition would be to extend the one quarter cent (1/4¢) sales tax currently dedicated to schools until June 30, 2023 and to extend the one quarter cent (1/4¢) sales tax currently dedicated to economic development until June 30, 2023 and have both of those quarter cent (1/4¢) sales tax items repurposed for the extension period to streets and related infrastructure. Then propose a new one half cent (1/2¢) sales tax beginning January 1, 2016 that would dedicate to streets and related infrastructure extending through June 30, 2023.

There was discussion among the Council regarding the amount of revenue that this scenario could generate for the City over the seven and half (7.5) years, how the City had addressed its' equipment needs over the last few years, increasing the customer base rather than increasing the sales tax, the sales tax survey of other similar size communities and asking the City Attorney to work on a draft Ordinance addressing this matter.

There was no vote on this item.

### **New Business**

There was no new business.

### **City Manager's Report**

- Report on activities for the past two weeks.

Manager Stasiak did not have a report for this evening

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

Councilman Garvin commented on the status the 6<sup>th</sup> Street and 17<sup>th</sup> Street projects.

Councilman Karr inquired about the status of the walking track at Mike Deak and stated that he had met the new CEO of the Chamber.

Manager Stasiak informed the Council that citizens in the area had concerns about the location and there would be a meeting held where the citizens could voice their concerns. He added that this meeting would be held on June 25<sup>th</sup> at the EOSC McAlester Campus at 6:00 P.M.

Councilman Titsworth commented that he had also received calls about the Mike Deak Walking track.

Councilman Barnett and Smith did not have any comments for the evening.

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

Mayor Harrison did not have any comments for the evening.

### **Recess Council Meeting**

Mayor Harrison 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 Councilman Barnett.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:47 P.M.

### **Reconvene Council Meeting**

The meeting was reconvened at 8:48 P.M. Councilman Garvin moved to recess the Regular meeting for an Executive Session in accordance with 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 and City Clerk, Cora Middleton, and in accordance with Title 25, Sec. 307.B.3 and C.10, to confer on matters pertaining to Economic Development, including the transfer or purchase of real property and discussion of option to purchase real property. The motion was seconded by Councilman Karr. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:50 P.M.

## **Executive Session**

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.1., 3 & C.10 et.seq. Oklahoma Statutes, to wit:*

- 1) 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
- 2) 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 Clerk, Cora Middleton
- 3) Consider and Act to convene in Executive Session for the purpose of conferring on matters pertaining to Economic Development, including the transfer or purchase of real

property and discussion of option to purchase real property per Title 25 Oklahoma Statute Sec. 307 B(3) & C(10).

The Regular Meeting was reconvened at 9:48 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak and City Clerk, Cora Middleton, in accordance with Title 25, Sec. 307.B.1., and in accordance with Title 25, Sec. 307.B.3 and C.10, to confer on matters pertaining to Economic Development, including the transfer or purchase of real property and discussion of option to purchase real property. Only those matters were discussed, no action was taken and the Council returned to open session at 9:48 P.M., and this constituted the Minutes of the Executive Session.

Mayor Harrison moved to approve the City entering into Contract for options to purchase real property. The motion was seconded by Councilman Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried

### **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 Karr. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:50 P.M.

ATTEST:

\_\_\_\_\_  
Steve Harrison, Mayor

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