

The McAlester City Council met in a Regular session on Tuesday, March 22, 2016, at 6:00 P.M. after proper notice and agenda was posted, March 21, 2016 at 12:30 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

City Attorney Joe Ervin 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, Buddy Garvin, Jason Barnett & Steve Harrison  
Absent: None  
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Fire Chief, Brett Brewer; , Toni Ervin, CFO; Fire Chief, Brett Brewer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

**Citizens Comments on Non-Agenda Items**

There were no citizen comments.

**Consent Agenda**

- A. Approval of the Minutes from the February 23, 2016, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for March 1, 2016 through March 15, 2016. (*Toni Ervin, Chief Financial Officer*) General Fund - \$223,512.18; Parking Authority - \$116.70; Nutrition - \$3,650.06; State Forfeiture Fund - \$19,298.00; Tourism Fund - \$2,401.86; SE Expo Center - \$15,832.50; E-911 - \$15,687.59; Economic Development - \$22,470.88; Fleet Maintenance - \$13,431.99; Worker's Compensation - \$941.68; CIP Fund - \$101,289.55; Federal Forfeiture Fund - \$16,118.00 and Technology Fund - \$248.80.
- C. Consider and act upon, approving an Agreement for the Fireworks Display for the 2016 show scheduled for July 4<sup>th</sup>, 2016. (*Jerry Lynn Wilson, EXPO Manager*)

- D. Consider and act upon, approval and signing of a lease with Miller Office Supply for one high volume printer for the Utility Billing Office. *(Toni Ervin, Chief Financial Officer)*
- E. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-16-03-02, in the amount of \$14,637.00 for Engineering Services and Construction Testing related to CIP#4A 6<sup>th</sup> Street and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City, Manager)*
- F. Consider and act upon, authorization of payment to Poe & Associates, Inc., Invoice # WIC 9649, in the amount of \$755.78, for engineering services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- G. Concur with the Mayor's appointment of Mark Emmons, 1701 Boardwalk Avenue; Susan Kanard, 3051 South Peaceable Drive, and Chris Taylor, 108 Saunier Way to new three-year terms on the Board of Adjustment to expire on March 31, 2019 and appointment of Justin Few, 1423 Timber Lane to an unexpired term on the Board of Adjustment to expire on March 31, 2017. *(Steve Harrison, Mayor)*
- H. Concur with the Mayor's appointment of Ronda Bailey, 2007 Cardinal Lane, McAlester, to the McAlester Audit & Finance Advisory Committee, for a term to end March 31, 2018. *(Steve Harrison, Mayor)*

Councilman Garvin requested the Item "B" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda Items "A, and C through H". There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

**Items Removed from Consent Agenda**

- B. Approval of Claims for March 1, 2016 through March 15, 2016. *(Toni Ervin, Chief Financial Officer)* General Fund - \$223,512.18; Parking Authority - \$116.70; Nutrition - \$3,650.06; State Forfeiture Fund - \$19,298.00; Tourism Fund - \$2,401.86; SE Expo Center - \$15,832.50; E-911 - \$15,687.59; Economic Development - \$22,470.88; Fleet Maintenance - \$13,431.99; Worker's Compensation - \$941.68; CIP Fund - \$101,289.55; Federal Forfeiture Fund - \$16,118.00 and Technology Fund - \$248.80.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve Consent Agenda Item "B".

Before the vote, Councilman Garvin asked that Manager Stasiak explain the payment to Severn Trent on page ten (10).

Manager Stasiak explained that the first amount was for contracted services at the Water Treatment Plant, which was full operations of the Water Treatment Plant and the second amount was for contracted services of a Utility Maintenance Supervisor through the end of the year.

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing to address an Ordinance amending Fiscal Year 2015/2016 Operating Budget.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:06 P.M.

### **Public Hearing**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from the Council or citizens. A motion was made by Councilman Garvin and seconded by Councilman Karr to close the Public Hearing.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:07 P.M.

**Scheduled Business**

1. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; 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. 2561**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2561.**

Before the vote, CFO Ervin addressed the Council reviewing the exhibits and explaining that this amendment would appropriate funds toward the purchase of two (2) new patrol vehicles and appropriate funds for Fleet Maintenance that were covered by insurance reimbursements.

Manager Stasiak added that these cars were being offered at a price that the City could not pass on by a car dealership in Oklahoma City.

Councilman Karr inquired about the balance in the Federal Forfeiture Fund.

CFO Ervin stated that as the end of last year the fund balance was \$44,616.00.

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion to approve the EMERGENCY CLAUSE was made by Vice-Mayor Read and seconded by Councilman Karr.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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

Executive Summary  
Discussion.

CFO Ervin addressed the Council reviewing the City's financial situation as of February 29, 2016. She explained that the City's General Fund was down in its' revenue but also the expenditures were down. She added that any time revenues began falling the accounts were more closely monitored and expenditures would be more closely scrutinized. She continued with a review of the McAlester Public Works Authority informing them that its' revenues were also down but the expenditures were below budget as well.

Ms. Ervin reviewed the Street Projects the City had been able to accomplish. She briefly reviewed the City's Use and Franchise Tax figures. She informed them that the City was currently working on the budget for fiscal year 2016/2017.

Mayor Harrison commented that even with the decline in sales tax the City had been controlling its' expenditures and the City had not experienced the decline as drastically as other areas of the State.

There was no vote taken on this item.

3. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the cost of communication fees related to" Edispatches". Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. Approx. cost \$450.00.

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve the cost of communication fees related to" Edispatches". Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. Approx. cost \$450.00.

Before the vote, Chief Brewer addressed the Council explaining that this was for a one (1) year subscription for the service.

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

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

Mayor Harrison declared the motion carried.

4. Discussion on the Storm Water Fee adopted by Ordinance 2554 dated December 22, 2015. (*Peter Stasiak, City Manager*)

Executive Summary

Discussion.

Manager Stasiak commented that there had been a lot of interest in Ordinance No. 2554 that had been adopted on December 22, 2015. He added that this particular Ordinance had established a Storm Water Fee. He then asked that Brandon Claborn with Meshek and Associates to address the Council and review how the City got to this point.

Mr. Claborn reviewed, in detail, the actions that had brought the City of McAlester to the development of the Storm Water Fee.

Councilman Karr asked that Mr. Claborn explain what was used to calculate the fee, what other cities used to calculate the fee and if exemptions could be given to specific groups.

Mr. Claborn briefly explained what information was used to calculate the fee and how that information was gathered, what other methods had been used and if exemptions were granted then the fee would be considered a tax.

Stephanie Giacomo, 509 W. Adams; Carl Voss, 2506 S. 14<sup>th</sup> and Zach Prichard, 1103 Remington Avenue, each addressed the Council expressing their concerns about the Storm Water Fee.

There was lengthy discussion among the Council, Brandon Claborn and attending citizens concerning the calculation of the fee, what information was used to calculate the fee, establishing a committee to oversee the use of the fee, proposal of a sales tax instead of a fee on the Utility bill, the citizens working together, having a graduated fee for non-residential accounts, finding people that would be willing to serve on a citizen advisory committee and if this committee would only review Stormwater issues or if they would review all infrastructure issues.

Manager Stasiak explained the division of the current sales tax between the State, County and City and out of the 9.5% only 3.5% was actually dedicated to the City of McAlester. He added that out of the 3.5%, 2% was dedicated to repayment of bonds.

Mayor Harrison reminded everyone that a Sales Tax issue that the City had presented to the citizens in October of 2015 that was for infrastructure and it had failed with only 8% of the citizens voting. He added that he was in favor of a citizen committee and proposed that the first step would be to establish a phase in fee. He then asked the City Attorney if an Ordinance could be written to enact a sales tax and rescind the fee.

Attorney Ervin commented that his office would work with staff to amend the current Stormwater Ordinance adding the phase in and incorporating the language creating the committee. He added that this should be ready by the next Council Meeting.

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 updated the Council on the Water Storage Tank maintenance. He informed them of the kickoff meeting for the time clocks and that he expected it to take approximately one hundred and twenty (120) days to implement. He stated that he, CFO Ervin and Ms. Hooper were in the process of reviewing the detail of the sales tax to see where the decline was from and at this point it appeared to be across the board. He informed them of the bid opening for the repair of the side streets around the "A" Street construction and if the information was accurate it could allow the City to add to the project. He commented that the new Expo sign had been lit up for the first time yesterday. He informed them that the repairs to the canal walls at Puterbaugh Park had been repaired and the next canal wall repair project which was down a couple of blocks, was in process and making good progress.

Mayor Harrison commented on the list of projects that were in progress or completed.

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

Councilman Garvin commented that he had received a call regarding a citizens' water bill and he asked Manager Stasiak how these issues should be addressed.

Manager Stasiak asked that Councilman Garvin give him the names and staff would contact the individuals.

Councilmen Smith, Titsworth, Karr, Read and Barnett 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 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, Garvin, Barnett, Titsworth & Mayor Harrison  
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:38 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:39 P.M.

**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, Barnett, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:40 P.M.

ATTEST:

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

\_\_\_\_\_  
Karen Boatright, Deputy City Clerk