

The McAlester City Council met in Regular session on Tuesday, November 12, 2013, at 6:00 P.M. after proper notice and agenda was posted, November 8, 2013, at 4:07 P.M.

Call to Order

Mayor Harrison called the meeting to order.

William J. Ervin, Jr., City Attorney 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, Sam Mason & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Gary Wansick, Police Chief; Brett Brewer, fire Chief; Kirk Ridenour, Economic Development Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition Awards

Mayor Harrison presented Darrell Miller and Steve White with the Oklahoma Municipal League Honor Roll of Service awards for 25 years of Service to the City of McAlester. Charley Gilbertson also received the award but was unable to attend the meeting.

Citizen's Comments on Non-agenda Items

There were no Citizen comments.

Consent Agenda

- A. Approval of the Minutes from the October 22, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the October 24, 2013, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for October 16, 2013 through November 5, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$86,418.60; Nutrition - \$1,935.93; Landfill Res./Sub-Title D - \$2,257.50; Tourism Fund - \$7,989.60; SE Expo Center - \$16,269.91; E-911 - \$3,034.60; Economic Development - \$7,345.77; Grants & Contributions - \$2,050.00; Fleet Maintenance - \$18,083.18; Worker's Compensation - \$941.68 and CIP Fund - \$44,727.44.
- D. Consider and act upon to authorize the Mayor to execute a City-County Jail Services Agreement. *(Peter J. Stasiak, City Manager)*
- E. Consider and act upon to authorize the Mayor to sign a lease with Pitney Bowes for Postage Meter and UB & C Folding Machine. *(Toni Ervin, Chief Financial Officer)*
- F. Consider and act upon to authorize the Mayor to sign an agreement between City of McAlester and Mutual Assurance Administrators, Inc. for the purpose of Mutual Assurance Administrations to obtain written consent prior to assigning the Agreement to a third party HealthSmart Benefit Solutions, Inc. *(Peter J. Stasiak, City Manager)*

- G. Ratify and approve for a one year term the Emergency Medical Technician Basic, Intermediate & Paramedic Field Clinical Agreement between the City of McAlester and Kiamichi Technology Center. *(Cora Middleton, City Clerk)*
- H. Ratify and approve for a one year term the Service and License Agreement between Civic Plus and the City of McAlester. *(Cora Middleton, City Clerk)*
- I. Accept and place on file the McAlester Public Schools Roofing Project and Expenditure Report. *(Marsha Gore, Superintendent, McAlester Public Schools)*
- J. Accept and Place on File the Pride In McAlester First Quarter Report for FY 2013-2014. *(Stephanie Giacomo, Executive Director Pride in McAlester)*
- K. Accept and place on file the Oklahomans for Independent Living Quarterly Report for FY 2013-2014. *(Pam Pulchny, Executive Director, Oklahomans for Independent Living)*
- L. Consider and act upon to authorize the Mayor to sign a Single Advisory Contract (“Agreement”) between Morgan Stanley Smith Barney LLC and the City of McAlester for the City of McAlester Defined Benefit Plan and Trust. *(Peter J. Stasiak, City Manager)*

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

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Garvin to open a Public Hearing to address a proposed Ordinance amending the Fiscal Year 2013-2014 Operating Budget. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Titsworth, Read, Karr, Mason & 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. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from the Council or citizens and Mayor Harrison asked for a motion to close the Public Hearing.

Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Garvin and the vote was taken as follows:

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

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

Scheduled Business

- 1. Presentation and update by David Keith, CEO McAlester Regional Hospital. *(David Keith, CEO, McAlester Regional Hospital)*
 Executive Summary
 Discussion only.

David Keith addressed the Council reviewing the negative effect of the “Affordable Care Act” on the McAlester Regional Health Center, the lack of Medicaid Expansion and how the one (1) year extension of “Insure Oklahoma” would impact the hospital. He informed the Council about RAC Audits, the Health Center’s plan to restructure, the Family Medicine Residency Program the areas where the facility was expanding services, the plan to refurbish the facility and how the Authority’s debt limitation could affect its’ expansion. Mr. Keith then introduced Darrel Lennington the Hospital’s new Chief Financial Officer.

Mr. Lennington addressed the Council reviewing the Health Center’s financial status, and its’ Audit.

There was a brief discussion among the Council including David Keith regarding when the Health facilities audit would be presented to the Council, how the “Affordable Care Act” would affect the Hospital, and how the Hospital planned to address the projects that exceeded its’ \$500,000.00 debt limitation.

There was no vote on this item.

2. Discussion on Long-Term Planning for McAlester City Government and a Request for Proposal (RFP) for Long-Term Planning/Teambuilding Services. *(Cora Middleton, City Clerk)*

Executive Summary

Discussion only.

Mayor Harrison commented that the Committee Chair had met with Mr. Alsup and wished to move this item to the next Council meeting in November. Manager Stasiak stated that it would be on the November 26th meeting agenda.

3. Consider, and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; 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. 2482

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve **ORDINANCE NO. 2482**, amending the fiscal year 2013-2014 Operating Budget.

Before the vote, Toni Ervin addressed the Council reviewing the amendment. She explained that Exhibits A1 and A2 addressed the change in the Community and Economic Development Department, Exhibit A3 was for the engineering for the 20” water line relocation and move the Lift Station from Water Treatment Expenditures to Waste Water Treatment Capital Outlay Expenditures and Exhibit A4 was to appropriate funds to purchase four (4) new Police Department vehicles.

After a brief discussion concerning the number of Police vehicles the City planned to purchase each year, the purchase of a vehicle for the Community and Economic Development Director and the amount budgeted for the Community and Economic Development Department, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon request that 30 parcels of land belonging to the City of McAlester and located within the City limits be declared salvage property. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve request for 30 parcels of land to be declared salvage property.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the request to declare thirty (30) parcels of land as salvage property.

Before the vote, Toni Ervin addressed the Council informing them that the majority of the land was the lots that had been returned by KiBois. She stated the values that City staff had calculated had been submitted to a local realtor and had also been compared to the County Tax Assessor's records. Ms. Ervin added that the values listed in the information were recommendations for the reserve amounts for each parcel.

After a brief discussion regarding Charter requirements for the sale of land, informing citizens of building and zoning requirements, how the sale of this land would be conducted and if the reserve amount was the lowest acceptable amount the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon a Work Order for Professional Services with Mehlburger Brawley for engineering services required for the design of the Proposed Relocation of the 20-inch water main at Talawanda Lake No. 2. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the Work Order for Professional Services for Mehlburger Brawley for Professional Engineering Services to complete work required for the design of the Proposed Relocation of the 20-inch water main at Talawanda Lake No. 2. Estimated fee for this Work Order for Professional Services is \$69,232.50.

A motion was made by Councilman Garvin and seconded by Councilman Titsworth to approve and authorize the Mayor to sign a Work Order for Professional Services for Mehlburger Brawley for Professional Engineering Services to complete work required for the design of the Proposed Relocation of the 20-inch water main at Talawanda Lake No. 2. Estimated fee for this Work Order for Professional Services is \$69,232.50.

Before the vote, John Modzelewski addressed the Council informing them that in the past six (6) years the City of McAlester had experienced three (3) water main breaks under Talawanda Lake No. 2 and at the request of the Council during the October 22, 2013 meeting, City staff has begun to pursue the necessary steps to relocate that 20-inch water Main. He stated that the work order included the engineering, the survey, the acquisition of easement/right of ways, DEQ required permits, assist in the advertisement for bids, and provide general administration of the project.

There was discussion among the Council, Manager Stasiak, and Robert Vaughan concerning the length of time to obtain easements in the proposed schedule, the steps that had to be taken before the easement application could be filed with the Choctaw and Chickasaw Nations, forming a committee to meet with the Bureau of Indian Affairs, repairing the old line and keeping it as a back up, why the water main was under the lake and the age of the water main.

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon award of bid to Haynes Equipment Co., L.L.C. for the supply of one (1) above ground pumping station in the amount of \$41,957.00. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to award the bid received on October 29, 2013 by Haynes Equipment Co., L.L.C. of Oklahoma City Oklahoma, for the supply of one above ground pumping station and authorizing the Mayor to purchase the equipment in the amount of \$41,957.00.

Councilman Smith moved to award the bid for one (1) above ground pumping station to Haynes Equipment Co., L.L.C., in the amount of \$41,957.00. The motion was seconded by Councilman Read.

Before the vote, John Modzelewski addressed the Council commenting that the Katy Lift Station had been in need of repair for several years and this project would provide an above ground sewage pumping station equipment with two (2) sewage pumps and housing to be located at the Katy Lift Station.

Vice-Mayor Mason commented that he was surprised that Haynes had been the low bidder. There was no further discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider, and act upon a **“Proposed Schedule for CIP Streets”**. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve and accept the **“Proposed Schedule for CIP Streets”**.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve and accept the “Proposed Schedule for CIP Streets”.

Before the vote, John Modzelewski addressed the Council concerning proposed schedule for the CIP Streets. He informed the Council that the 17th Street repair project bids had been opened that evening. He then briefly reviewed the next two (2) streets in the schedule.

There was discussion among the Council regarding the schedule and the Mayor clarifying that this was only to approve the schedule and that each project would be brought before the Council to approve those contracts. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager’s Report

Manager Stasiak reported that on November 30, 2013 the first Christmas on the Hill would be held. He commented that there were various activities planned for the evening. He informed them the City had received \$160,000.00 from the Oklahoma State Parks Department for the Trails system. He explained it would be used to replace the existing bridge and add almost 2,000 feet to the trail system.

Remarks and Inquiries by City Council

Vice-Mayor Mason, Councilmen Titsworth, and Read did not have any comments for the evening.

Councilman Garvin inquired about the Electric Chair. Attorney Ervin explained the steps he had taken to acquire information concerning the electric chair and the various individuals he had contacted during this process.

Councilman Karr stated that he had spoken with Representative Renegar, Senator Boggs and the Lt. Governor concerning the electric chair. He commented that Electric Street was open to the public for travel again.

Councilmen Smith thanked Stephanie Giacomo and the Pride In McAlester volunteers for the work they did in the City.

Mayor's Comments and Committee Appointments

Mayor Harrison stated that next week the Annual Awards Dinner for Keep Oklahoma Beautiful would be held in Oklahoma City. He added that he thought Pride had been nominated again along with the High School Auxiliary Pride group. He wished them both well in the competition.

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 Mason.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 7:28 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:29 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Mason moved for the meeting to be adjourned, seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:30 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk