

The McAlester City Council met in a Regular session on Tuesday December 9, 2014, at 6:00 P.M. after proper notice and agenda was posted, December 5, 2014 at 9:15 A.M.

**Call to Order**

Mayor Steve Harrison called the meeting to order.

William J. Ervin, 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, Jason Barnett & 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; William J. Ervin, Sr., City Attorney and Cora Middleton, City Clerk

**Consent Agenda**

- A. Approval of the Minutes from the November 17, 2014, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 19, 2014 through December 2, 2014. *(Toni Ervin, Chief Financial Officer)* in the following amounts: General Fund - \$116,938.95; Nutrition - \$2,214.73; Airport Grant - \$422,444.00; Tourism Fund - \$3,691.59; SE Expo Center - \$7,263.02; E-911 - \$5,218.81; Economic Development - \$6,794.99; Grants & Contributions - \$440.84; Fleet Maintenance - \$2,645.05; CIP Fund - \$18,398.99 and Federal Forfeiture Fund - \$9,000.00.
- C. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice # MC-14-01-01, in the amount of \$6,888.00 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., City Engineer and Public Works Director)*
- D. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #1, in the amount of \$106,555.24, 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., City Engineer and Public Works Director)*
- E. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 140345-KW. *(Cora Middleton, City Clerk)*
- F. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 140342-KW. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, approval of the 2015 Annual Meeting Schedules for the McAlester City Council, the McAlester Airport Authority, the McAlester Public Works Authority, and the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*

- H. Concur with the Mayor's appointment of Harvey Bollinger, 2702 Hardy Springs, to the McAlester Board of Adjustment to fill the vacant position created by the resignation of John McNally for the balance of the unexpired term to expire on March 31, 2017. (*Steve Harrison, Mayor*)

Mayor Harrison asked that Item "A" be pulled for individual consideration and Manager Stasiak requested that Item "B" be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve items "C through H" of the Consent Agenda. 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**

- A. Approval of the Minutes from the November 17, 2014, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Mayor Harrison moved to approve the Minutes from the November 17, 2014, Special Meeting of the McAlester City Council with the inclusion of the following language on page one (1) the first sentence of the first paragraph after, "informed the Council "that the Contractor". The motion was seconded by Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

- B. Approval of Claims for November 19, 2014 through December 2, 2014. (*Toni Ervin, Chief Financial Officer*) in the following amounts: General Fund - \$116,938.95; Nutrition - \$2,214.73; Airport Grant - \$422,444.00; Tourism Fund - \$3,691.59; SE Expo Center - \$7,263.02; E-911 - \$5,218.81; Economic Development - \$6,794.99; Grants & Contributions - \$440.84; Fleet Maintenance - \$2,645.05; CIP Fund - \$18,398.99 and Federal Forfeiture Fund - \$9,000.00.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve the claims for November 19, 2014 through December 2, 2014.

Before the vote, Manager Stasiak informed the Council of a claim on page seventeen (17) and eighteen (18) of the claims that was for the purchase of a 2014 Police vehicle. He explained that \$13,880.00 had been left from a previous purchase of police vehicles and \$9,000.00 was the matching amount that had been taken from the Federal Forfeiture Fund. He added that he was disclosing this in an effort to maintain transparency. There was no other 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.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing to address two (2) Ordinances.

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 6:07 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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING SECTION 2-67, PERSONNEL POLICIES OF THE CODE OF ORDINANCES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE.

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, Garvin, Barnett, Titsworth, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:08 P.M.

### **Scheduled Business**

1. Consider and act upon, an Amendment to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide Construction Testing during construction of improvements for runway safety and to provide an Approach Slope Survey. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Amendment #8 to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide Construction Testing during construction of improvements for runway safety for a fee not to exceed \$23,325.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Amendment #8 to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide Construction Testing during construction of improvements for runway safety for a fee not to exceed \$23,325.

Before the vote, Director Modzelewski addressed the Council explaining that this amendment would allow LBR, Inc. to provide the Construction Testing Services, required by the FAA, to construct the Runway Improvements that were identified in the Airport Improvements Projects. He added that LBR, Inc. would be the flow through for W2 Engineering, Inc. and the tests would include density and compaction tests and all of the FAA required tests for the project.

Councilman Smith commented that LBR would not make anything for this amendment.

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

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

NAY: None

Mayor Harrison declared the motion carried.

2. 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. 2523**

**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 Vice-Mayor Read to approve **ORDINANCE NO. 2523**.

Before the vote, CFO Ervin addressed the Council explaining that this amendment was to appropriate additional funds for Worker's Compensation settlements.

After a brief discussion regarding the amounts of the settlements, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, a resolution authorizing the amending of the Personnel Policies Document. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends motion to approve resolution authorizing the amending of the Personnel Policies Document.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve RESOLUTION NO. 14-30, amending the Personnel Policies Document.

Before the vote, CFO Ervin addressed the Council explaining that there were changes in the language in the Policy as a result of the recent trainings that the supervisors had attended.

Councilman Smith requested that in the future any time a document was changed that the changes were shown by strikethrough and additions were underlined. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon, an Ordinance on proposed revised Personnel Policies, including Drug and Alcohol Testing Policies, for amendment of the City Code Section 2-67 and repeal of any previous Drug and Alcohol Policies; repealing all conflicting ordinances; providing for a severability clause. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Staff recommends discussion of any changes, questions, concerns, and a motion to approve the Revised Drug and Alcohol Testing Policies.

**ORDINANCE NO. 2524**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING SECTION 2-67. PERSONNEL POLICIES OF THE CODE OF ORDINANCES; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE.**

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2524.**

Before the vote, CFO Ervin addressed the Council explaining that the policies were being updated for legal compliance and these changes would become effective in thirty (30) days. She added this would allow all of the employees to read the policy.

Councilman Smith asked if the “Old Policy” had been updated with the new language. There was no further 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.

### **New Business**

There was no new business.

### **City Manager’s Report**

- Report on activities for the past two weeks.

Manager Stasiak reported that the auditors had been in City Hall last week doing some cleanup work. He commented that they would be finishing up with in the next week and should have the preliminary audit prior to the end of the year. He reported that December 16<sup>th</sup> and 17<sup>th</sup> the police department would be receiving training from Brazos on the ticket writers and should be in use on the 17<sup>th</sup> and should have all out on the streets in the next few weeks. He added that Dr. Sewell had brought in approximately \$3,000.00 in donations for the Dog Park.

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

Councilman Garvin asked Manager Stasiak to furnish him information regarding repairs of the water line at highways 270 and 69. He commented that it was constantly breaking and needed to be repaired correctly.

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

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

Mayor Harrison congratulated everyone that had been involved in putting the Christmas Parade together. He added that it had been the largest crowd he had seen.

### **Recess Council Meeting**

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Vice-Mayor Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith.

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 meeting was recessed at 6:23

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 6:25 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.

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 6:25 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk