

The McAlester City Council met in Regular session on Tuesday, January 28, 2014, at 6:00 P.M. after proper notice and agenda was posted, January 23, 2013, at 1:00 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Glenn Meyer of Trinity Lutheran 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; John Modzelewski, City Engineer/Public Works Director; Brett Brewer, Fire Chief; Gary Wansick, Police Chief; Leroy Alsup, Community & Economic Development Director; Toni Ervin, Chief Financial Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Award Presentation

Mayor Harrison presented Sheila Maldonado as the December 2013 “Employee of the Month”. Ms. Maldonado received a plaque and a certificate of appreciation.

Citizen’s Comments on Non-agenda Items

Stephanie Giacomo, Executive Director of Pride In McAlester addressed the Council reminding them that the Pride In McAlester Annual Banquet was scheduled for February 20, 2014 at the Grand Event Center.

Consent Agenda

- A. Approval of the Minutes from the January 7, 2014, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 8, 2014 through January 21, 2014. *(Toni Ervin, Chief Financial Officer)* General Fund - \$123,500.51; Parking Authority - \$176.58; Nutrition - \$1,590.55; Tourism Fund - \$523.08; SE Expo Center - \$7,923.10; E-911 - \$4,072.20;

Economic Development - \$800.00; Fleet Maintenance - \$8,767.23; Worker's Compensation - \$941.68; CIP Fund - \$83,513.80 and Technology Fund - \$2,512.50.

- C. Accept and place on file the Pride in McAlester Second Quarter Report for FY 2013-2014. (*Stephanie Giacomo, Executive Director*)
- D. Accept and place on file the McAlester Main Street Second Quarter Report for FY 2013-2014. (*Ginny Webb, Executive Director*)
- E. Ratify and approve for a one year term a Mutual Aid Interlocal Agreement between the City of Krebs and The City of McAlester. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Smith and seconded by Councilman Karr to approve the Consent Agenda.

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.

A motion was made by Councilman Garvin and seconded by Councilman Karr to open a Public Hearing addressing an Ordinance amending the Fiscal Year 2013/2014 Budget.

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 Public Hearing was opened at 6:05 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 the audience and Councilman Smith moved the close the Public Hearing. The motion was seconded by Councilman Karr and the vote was taken as follows:

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

NAY: None

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

Scheduled Business

1. Presentation of the McAlester Regional Health Center Authority Audit for Fiscal Year 2012-2013. (*Darryl Linnington, CFO*)

Executive Summary

Presentation of the McAlester Regional Health Center Authority Audit for Fiscal Year 2012-2013.

Darryl Linnington, McAlester Regional Health Center's Chief Financial Officer addressed the Council presenting to them the McAlester Regional Health Center Authority's Annual Audit for the fiscal year ending June 30, 2013. During his presentation Mr. Linnington reviewed the various financial statements adding that the Hospital was doing well, but there was always room for improvement.

There was a brief discussion concerning the Hospital's operating margin, how the "Affordable Care Act" was affecting the Hospital's patients and the Hospital's average occupancy in 2013.

There was no vote on this item.

2. Consider, act upon, and adopt a Resolution of the City Council, City of McAlester, Oklahoma, adopting the City of McAlester amended and restated Defined Benefit Retirement Plan and Trust; providing for severability and an effective date as therein stated. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve, adopt and authorize the Mayor to sign the Resolution.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 14-01, which amended and restated the City of McAlester's Defined Benefit Retirement Plan and Trust to incorporate previous amendments required by the Pension Protection Act of 2006, the Heroes Assistance and Relief Act of 2008 and other applicable laws, regulations and administrative authority.

Before the vote, Manager Stasiak explained that these were the IRS filing documents for the frozen Defined Benefit Plan.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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. 2488

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 Garvin and seconded by Councilman Smith to approve **ORDINANCE NO. 2488.**

Before the vote, Toni Ervin addressed the Council to review the Budget amendment. Ms. Ervin reviewed the exhibits to the amendment explaining that any negative account balances for the Mid-Year Adjustment had first been addressed by moving excess funds from accounts within the affected departments. She added that among the adjustments there were appropriations for additional donations for the dog park, funding for three (3) more police vehicles, engineering fees for the 30 inch Pump Header Replacement Project and the 20 inch Water Line Replacement Project and mowers for the Parks Department and the Recreation Department and repairs for the Fire Trucks.

After a brief discussion concerning budgeted overtime, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Discussion and Presentation of the Mid-Year Review of Fiscal Year 2013/2014 Budget. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Mid-Year Review of Fiscal Year 2013/2014 Budget.

Toni Ervin addressed the Council presenting the Fiscal Year 2013/2014 Mid-Year Budget Review. Ms. Ervin reviewed various financial statements and informed the Council that the percentages of the expenditures included all encumbered funds.

There was a brief discussion concerning how the revenue for Garbage collections was figured.

There was no vote on this item.

5. Consider, and act upon, approval of bid to Freedom Ford of McAlester for the purchase of three (3) new and unused 2014 Ford Police SUV'S. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to approve the only bid of \$107,243.01 to Freedom Ford of McAlester for the purchase of three (3) new and unused 2014 Ford Police SUV AWD patrol vehicles.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve a bid of \$107,243.01 to Freedom Ford of McAlester for the purchase of three (3) new and unused 2014 Ford Police SUV AWD patrol vehicles.

Before the vote, Police Chief Wansick addressed the Council requesting their approval of the bid. Chief Wansick commented that the officers were pleased with the previously purchased SUV's.

After a brief discussion concerning the type of vehicles that were being purchased, the difference in the price of the vehicles and where the extra funding was coming from, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Discussion and possible action on a WATER SYSTEM OPERATION AND MAINTENANCE AGREEMENT between The McAlester Public Works Authority (MPWA) and Severn Trent Environmental Services, Inc. for the Operation and Maintenance of the Water Treatment Plant. (*Peter J. Stasiak, City Manager*)

Executive Summary

Discussion, and possible action, on an agreement with Severn Trent Environmental Services, Inc. for the Operation and Maintenance of the Water Treatment Plant.

Mayor Harrison commented that Manager Stasiak had requested that this item be pulled.

Manager Stasiak commented that Attorney Ervin would address this issue.

Attorney Ervin informed the Council that a recent State Auditor's finding that hybrid contracts like these should not be treated for competitive bidding purposes as professional services contracts. He stated that they did involve professional services but they also involved other services and clear guidance from the Attorney General is something that had appeared on other cities' audit findings. He added that there was no prohibition to competitively bidding this type of contract and the City had decided to take a more conservative approach.

There was a brief discussion concerning the approach the City would be taking and what the non-professional services were contained in this contract. There was no vote on this item and it was pulled from the agenda for consideration.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that he had provided his formal City Manager's report along with all of the departments reports for December with the agenda and if they had any questions he would answer them.

Remarks and Inquiries by City Council

Councilmen Barnett, Karr, Titsworth and Smith did not have comments for the meeting.

Councilman Garvin commented that after the election he would like to have the mid-year review for the City Manager that had been previously discussed.

Mayor's Comments and Committee Appointments

Mayor Harrison had not comments for the meeting.

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 Councilman Karr. There was no 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 and the meeting was recessed at 7:06 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:07 P.M.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned, seconded by Councilman Garvin. 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, and the meeting was adjourned at 7:08 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk