

The McAlester City Council met in a Regular session on Tuesday, February 27, 2018, at 6:00 P.M. after proper notice and agenda was posted, February 26, 2018 at 11:12 A.M.

### **Call to Order**

Mayor Browne called the meeting to order.

William J. Ervin gave the invocation and led the Pledge of Allegiance.

### **Roll Call**

Council Roll Call was as follows:

Present: Cully Stevens, Travis Read, Robert Karr, Jason Barnett & John Browne  
Absent: Weldon Smith & Buddy Garvin  
Presiding: John Browne, Mayor

Staff Present: Peter Stasiak, City Manager; Toni Ervin, CFO; Mel Priddy, Community Services Director; David Horinek, Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Citizens Comments on Non-Agenda Items**

*Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.*

There were no citizens' comments.

### **Consent Agenda**

*All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.*

- A. Approval of the Minutes from the January 23, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 7, 2018 through February 20, 2018. *(Toni Ervin, Chief Financial Officer)* General Fund - \$120,552.08; Parking Authority - \$198.21; Nutrition - \$2,544.92; Tourism Fund - \$4,786.71; SE Expo Center - \$15,342.19; E-911 - \$7,805.57; Economic Development - \$651.00; Fleet Maintenance - \$18,829.10; Worker's Compensation - \$941.68; CIP Fund - \$968.00; Technology Fund - \$1,026.95 and Stormwater Fund - \$7,762.39.
- C. Consider and act upon, a request by the Pittsburg County Pow Wow Committee to partner with them for the rental fee for the use of the McAlester Expo Center, formally known as the Southeast Expo Center, for the 2018 Pittsburg County Pow Wow set for March 31<sup>st</sup>, 2018 in the amount of \$875.00. *(Billy Sumner, Expo Manager)*

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

AYE: Councilman Read, Stevens, Karr, Barnett & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

### **Scheduled Business**

1. Consider and act upon, a Funding Agreement between the Oklahoma Department of Environmental Quality (DEQ) and the City of McAlester. DEQ desires to grant funding for

partial reimbursement of expenses to support the relocation of the recycling center. (*David Horinek, Public Works Director, Stephanie Giacomo, Pride in McAlester*)

Executive Summary

Motion to approve and authorize the Mayor to sign a Funding Agreement between DEQ and the City of McAlester for the purpose of DEQ to grant funding for partial reimbursement of expenses to support the relocation of the recycling center.

Director Horinek addressed the Council explaining that this was a funding agreement in the amount of \$2,750.00 to help with the expense of moving the Recycling Center and refrigerant removal during the Great American Cleanup event that the City participates in each year. He stated that the funding was divided with \$2,000.00 for the Recycling Center move and \$750.00 was to help hire a heat and air company for the refrigerant removal. He added that he believed that this would be the first time that the City had done refrigerant reclamation.

A motion to approve and authorize the Mayor to sign a funding agreement between the Oklahoma Department of Environmental Quality (DEQ) and the City of McAlester to partially reimburse the expenses to support the relocation of the recycling center was made by Vice-Mayor Karr. The motion was seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Read, Stevens, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, authorizing the purchase of one new and unused 2018 Ford F-550 Chassis XL with Trash Packer Upfitting Option on State of Oklahoma Vehicle Contract SW35 pursuant to Section 2-382 of the McAlester City Code. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the purchase of one new and unused 2018 F-550 Chassis XL with Trash Packer Upfitting Option.

Director Priddy addressed the Council explaining that this vehicle would replace the previous packer that had been totaled in an accident.

There was a brief discussion concerning the possibility of donating the old packer to Pride In McAlester.

A motion was made by Vice-Mayor Karr and seconded by Councilman Read to approve the purchase of one new and unused 2018 F-550 Chassis XL with Trash Packer Upfitting Option on State of Oklahoma Vehicle Contract SW35 pursuant to Section 2-382 of the McAlester City Code. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Read, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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

Executive Summary

Discussion.

CFO Ervin addressed the Council reviewing the City's financial status as of January 31, 2018. During the review CFO Ervin informed the Council that the City was 58.33% through the year with the General Fund revenues slightly over budget at 58.67% and expenses below budget at 57.27%. She went on to explain that the MPWA revenue was at 58.15% and expenses were at 54.35%. She added that this was the tightest budget since she was with the City. CFO Ervin then reviewed the City's sales tax, use tax and water sales revenues.

There was a brief discussion concerning how the Public Service of Oklahoma project had affected the City's use tax.

There was no vote on this item.

4. Consider and act upon, to terminate the Inter-Local Cooperation Agreement for 911 Communications Center between the City of McAlester and the County of Pittsburg dated July 16, 2007, to provide notice of termination, and to approve and submit a proposed Inter-Local Cooperation Agreement for 911 Communications for consideration by Pittsburg, County. (*Joe Ervin, City Attorney*)

Executive Summary

Staff recommends termination of current Inter-Local Cooperation Agreement for 911 Communications Center; Providing written notice of termination to the Pittsburg County Clerk, prior to March 1, 2018; and approval of the attached Proposed Inter-Local Cooperation Agreement for 911 Communications Center between the City of McAlester and the County of Pittsburg.

City Attorney Ervin addressed the Council stating that this had been one of the items on Manager Stasiak's list when he had taken leave. He explained that the City of McAlester provided 911 services for all of Pittsburg County and in November of 2016 the Statute had changed to allow the entity that provided the service to directly receive the revenue. He commented that there had been some issues with receiving the funds from the County. Attorney Ervin added that in complying with the current agreement the City had to notify the County of their intent to cancel that agreement by March 1<sup>st</sup>. He explained that with the new Inter-Local Agreement the City would continue to provide 911 services for Pittsburg County but would receive the funds directly.

Mayor Browne clarified that the City provided the service with the County receiving the revenue and they would forward it to the City irregularly. Attorney Ervin commented that the transfer was only late a few times and he did not think that it had been intentional. He stated that this would take an unnecessary step out of the process.

Vice-Mayor Karr moved to terminate the Inter-Local Cooperation Agreement for 911 Communications Center between the City of McAlester and the County of Pittsburg dated July 16, 2007, to provide notice of termination, and to approve a proposed Inter-Local Cooperation Agreement for 911 Communications Center between the City of McAlester and Pittsburg County. The motion was seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Read, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Discussion and possible action regarding proposed Energy Services Agreement submitted by AMERESCO, Inc. and/or Request for Proposals prepared by AMERESCO, Inc. (*Joe Ervin, City Attorney*)

Executive Summary

Staff recommends that the City notify AMERESCO, Inc. that it will not proceed with either the Request for Proposals or the proposed Energy Service Agreement, and to request AMERESCO, Inc. to submit a bill for \$45,000.00 pursuant to paragraph 1.3(b) of the Energy Audit Agreement dated March 14, 2017.

City Attorney Ervin addressed the Council stating that this was another item from Manager Stasiak's list and explained that the agreement signed in March of 2017 was for AMERESCO, Inc. to perform an energy audit. The City had agreed to pay \$45,000.00 or proceed with the audit recommendations. He stated that he had been asked to review the contract and it was deemed to be non-compliant with Oklahoma law. Attorney Ervin explained that when AMERESCO, Inc. was informed of the issue they prepared a Request for Proposal. He added that after consultation with City staff, it was recommended that the City not proceed with either the Proposed Energy Services Agreement or the Request of Proposals, and to compensate AMERESCO, Inc., for the completed energy audit, in the amount of \$45,000.00.

There was discussion among the Council including Attorney Ervin concerning AMERESCO using local contractors, where the materials might have been purchased, how the proposed savings would have been guaranteed, asking for a discount on the \$45,000.00 since the proposed Energy Services Agreement could not be used, and the City's ability to use the information from the Energy Audit and make the proposed changes on the City's schedule.

A motion was made by Councilman Barnett and seconded by Councilman Stevens to table the proposals and the proposed Energy Services Agreement.

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

AYE: Councilman Barnett & Stevens

NAY: Councilman Read, Karr & Mayor Browne

Mayor Browne declared the motion failed.

A motion not to proceed with the either the proposals or the proposed Energy Services Agreement was made by Mayor Browne. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Read, Karr & Mayor Browne

NAY: Councilman Barnett & Stevens

Mayor Browne declared the motion failed.

After further discussion, a motion was made by Councilman Stevens to notify AMERESCO, Inc. that the City was not going forward with the Energy Services Agreement or the Requests for Proposals and direct City staff to request a discount on the \$45,000.00. The motion was seconded by Councilman Barnett, and the vote was taken as follows:

AYE: Councilman Stevens, Barnett, Karr & Mayor Browne

NAY: Councilman Read

Mayor Browne declared the motion carried.

### **New Business**

*Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.*

There was no new business.

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

- Report on activities for the past two weeks.

Manager Stasiak commented that he was glad to be back and he thanked CFO Ervin, the staff and all City employees for keeping the City moving forward during his absence.

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

Councilmen Stevens, Karr and Barnett welcomed Manager Stasiak back.

Councilman Read recognized and thanked the Mayor for all of the work he had done for the sales tax election. He commented on how important the election had been.

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

Mayor Browne welcomed Manager Stasiak back and thanked CFO Ervin for the job she had done during Manager Stasiak's absence.

### **Recess Council Meeting**

Councilman Stevens moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read.

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

AYE: Councilman Stevens, Read, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:45 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:46 P.M.

Adjournment

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

AYE: Councilman Read, Karr, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:46 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk