

The McAlester City Council met in a Regular session on Tuesday, May 14, 2019, at 6:00 P.M. after proper notice and agenda was posted, May 10, 2019 at 11:01 A.M.

Call to Order

Mayor Browne called the meeting to order.

Teran Anderson, Pastor Life Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, James Brown, Maureen Harrison, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Asst. City Manager; An-Chen Lai, CFO; Kirk Ridenour, Economic Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; Mel Priddy, Community Services Director; Billy Sumner, Tourism/Expo Manager; David Horinek, Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne read a proclamation proclaiming May 14, 2019 as “Apraxia Awareness Day”.

Mayor Browne recognized J. Michael Miller for his community support and service. he then presented Mr. Miller with a plaque of appreciation.

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.

Brian Foris, 1007 Sunnybrook addressed the Council updating them on Leadership McAlester’s class community project for this year. he explained that the plan was to revitalize the park at “B” and Jefferson by replacing the dilapidated pool with a splashpad, paint the playground equipment and redo the baseball field. He added that the project was estimated at around \$50,000.00 and with their fundraising they were about a quarter of the way.

Mayor Browne thanked Mr. Foris and his class for their project.

Councilman Brown thanked Mr. Foris and his class for helping Fourth Ward and for choosing that park to work on.

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 April 9, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the April 11, 2019 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the April 18, 2019 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of the Minutes from the April 23, 2019 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- E. Approval of Claims for April 17, 2019 through May 7, 2019. *(An-Chen Lai, Chief Finance Officer)* In the following amounts: General Fund - \$157,438.81; Nutrition - \$1,152.03; Landfill Res./Sub-Title D - \$6,854.37; Tourism Fund - \$6,557.44; SE Expo Center - \$9,928.80; E-911 - \$43,899.20; Economic Development - \$24,602.67; Grants & Contributions - \$37.90; CDBG Grants Fund - \$799.00; Fleet Maintenance - \$13,821.17; Worker's Compensation - \$1,750.00; CIP Fund - \$43,693.95; Technology Fund - \$26.17; Stormwater fund - \$10,509.13 and Infrastructure Fund - \$32,446.76.
- F. Consider and act upon, ratification of Change Order #1 (One) to Sunrise Construction, LLC for 4 (four) additional concrete junction boxes on the Indiana Avenue Drainage Improvement Project in the amount of \$17,600. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, authorizing the Mayor to sign an agreement with Precision Fireworks, LLC for the July 4th, 2019 fireworks display, to be held at the McAlester Expo Center on Thursday, July 4th, 2019 in the amount of \$24,950.00. *(Billy Sumner, Expo Manager)*
- H. **TABLED FROM THE APRIL 23RD, 2019 REGULAR MEETING;** Consider and act upon, a request for funding from Pittsburg County Child Advocacy Center in the amount of \$4,500. *(Joe Brawley, Pittsburg Co. Child Advocacy Center)*
- I. Consider and act upon, approving a contribution to the Pittsburg County Regional Expo Authority Board in the amount of \$5,000.00 along with in-kind services amounting to \$7,000.00. *(Stephanie Wilson, Pittsburg County Regional Expo Authority)*

- J. Consider and act upon, authorizing the Mayor to sign the update to the Wholesale Water Purchase Contracts. *(An-chen Lai, Chief Financial Officer)*
- K. Consider and act upon, authorizing the Mayor to sign an Engagement Letter with Finley & Cook, PLLC for audit services for the fiscal year ending June 30, 2019. *(An-chen Lai, Chief Financial Officer)*
- L. Consider and act upon, authorizing the Mayor to sign an agreement with “Feed the Need Foundation for Rural Oklahoma” (KEDDO) for funding of the City of McAlester’s Title III Nutrition Centers. *(Mel Priddy, Community Services Director)*
- M. Consider and act upon, indefinitely postponing the Tort Claim filed by Mariano Acuña on behalf of Karissa Folger. *(Cora Middleton, City Clerk)*
- N. Consider and act upon, a Personal Services Agreement with Jim Grego for hay baling on the Steven Taylor Industrial Park and Hwy. 31 west of Indian Nation Turnpike in the amount of \$925.00. *(Mel Priddy, Community Services Director)*
- O. Consider and act upon, a request from McAlester Main Street for support in the amount of \$30,000.00 for fiscal year 2019/2020. *(Christi John, President, McAlester Main Street)*
- P. Concur with the Mayor’s appointment of Judge James Bland to replace Justice Steven Taylor on the McAlester Regional Health Center Authority Board for a term to expire on February 28, 2025. *(John Browne, Mayor)*
- Q. Accept and place on file the Pride in McAlester Quarterly Performance Report for January through March, 2019. *(Megan Waters, Executive Director)*
- R. Accept and place on file the Oklahomans for Independent Living Quarterly Reports for the months of July through September, and October through December, 2018. *(Pam Pulchny, Executive Director)*
- S. Consider and act upon, authorizing the Mayor to sign an Agreement between the City of McAlester and Ronald W. Polk to lease City owned lot at McAlester Lake. *(Cora Middleton, City Clerk)*

Councilman Read requested that Items “H and I” be removed for individual consideration and Councilman Prichard requested that Items “J, M and S” be removed for individual consideration.

A motion to approve the Consent Agenda items “A through G, K, L and N through R” was made by Councilman Brown. The motion was seconded by Councilman Smith.

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

AYE: Councilmembers Brown, Smith, Stevens, Read, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried. Endeavor

Items Removed From Consent Agenda

- H. **TABLED FROM THE APRIL 23RD, 2019 REGULAR MEETING;** Consider and act upon, a request for funding from Pittsburg County Child Advocacy Center in the amount of \$4,500. (*Joe Brawley, Pittsburg Co. Child Advocacy Center*)

Councilman Read commented that he would like to hear from the organization about their request.

Joe Brawley, Board President Pittsburg County Child Abuse Response Effort addressed the Council apologizing for not attending the previous Council Meeting. He explained that Federal Grants had become unavailable and the organization was facing a budget shortage. Mr. Brawley explained the process and why their services were necessary. He added that last year 129 children had went through the Center and it looked like that number would increase for this year.

Councilman Read inquired about the request asking for two different purposes and amounts.

Mr. Brawley explained that the \$10,000.00 grant had been used for training and the \$4,500.00 was needed to replace their recording equipment. He added that the organization had contacted the Pittsburg County Commissioners and several communities in Pittsburg County.

There was discussion concerning the organization's budget, where funding came from, the annual audit that is required, the age of the children that are seen by the Center, the number of employees of the organization, the City not being the only community to help fund the organization, the number of law enforcement agencies that could use the services and what would happen if the City did not fund the organization.

Mayor Browne moved to approve the funding of \$4,500.00 for recording equipment. The motion was seconded by Councilman Brown. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Stevens, Harrison, Prichard & Mayor Browne

NAY: Councilman Read & Smith

Mayor Browne declared the motion carried.

- I. Consider and act upon, approving a contribution to the Pittsburg County Regional Expo Authority Board in the amount of \$5,000.00 along with in-kind services amounting to \$7,000.00. (*Stephanie Wilson, Pittsburg County Regional Expo Authority*)

Councilman Read asked if anyone was here from the Expo Authority to address the Council. He then asked if the barns belonged to the City or if the City leased them.

Manager Stasiak stated that the barns belonged to the County and were not leased by the City.

Councilman Read then read from an article in the McAlester News Capitol that addressed a Commissioner commenting that the City should take care of its' property. Councilman Read commented that he agreed with those comments and the County should take care of their property.

There was discussion concerning the County taking care of their property and what the Counties plans were for the property at the Fairgrounds.

Mayor Browne asked if there was a motion from the Council. There being none, the item died for lack of a motion.

J. Consider and act upon, authorizing the Mayor to sign the update to the Wholesale Water Purchase Contracts. (*An-chen Lai, Chief Financial Officer*)

Councilman Prichard asked if there were other agreements with non-water districts like Pliant.

Manager Stasiak commented that there were not. Assistant Manager Ervin stated that at some point that company had crossed the level of consumption into the wholesale level.

There was a brief discussion concerning the Prison being a wholesale customer and the Oil and Gas companies purchasing raw water.

A motion to authorize the Mayor to sign the update to the Wholesale Water Purchase Contracts was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Brown, Harrison, Prichard, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

M. Consider and act upon, indefinitely postponing the Tort Claim filed by Mariano Acuña on behalf of Karissa Folger. (*Cora Middleton, City Clerk*)

Councilman Prichard asked what the language in this item meant.

City Attorney Ervin explained that this item was put on the agenda at his advice and this would give the City's insurance carrier time to investigate the claim.

A motion was made by Councilman Prichard indefinitely postponing the Tort Claim filed by Mariano Acuña on behalf of Karissa Folger. The motion was seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Prichard, Read, Brown, Harrison, Smith, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

S. Consider and act upon, authorizing the Mayor to sign an Agreement between the City of McAlester and Ronald W. Polk to lease City owned lot at McAlester Lake. (*Cora Middleton, City Clerk*)

Councilman Prichard asked if this lease was for \$15.00 a year. Manager Stasiak commented that was correct. He added that the property was land locked and Mr. Polk maintained the property.

There was no further discussion, and a motion to authorize the Mayor to sign an Agreement between the City of McAlester and Ronald W. Polk to lease City owned lot at McAlester Lake was made by Councilman Prichard. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilman Prichard, Stevens, Harrison, Smith, Read, Brown & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Smith to open a Public Hearing for the proposed Budget for fiscal year 2019/2020 and an ordinance related to the creation of a second Tax Increment Financing District.

Before the vote Councilwoman Harrison asked for clarification and Mayor Browne commented that the Council would vote to open a Public Hearing then the items could be discussed.

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

AYE: Councilmembers Read, Smith, Prichard, Stevens, Brown, Harrison & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:51 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.

A PUBLIC HEARING ON THE PROPOSED BUDGET FOR FY 2019/2020 FOR THE CITY OF MCALESTER.

AN ORDINANCE RELATING TO THE EXERCISE OF CERTAIN CONSTITUTIONAL POWERS, APPROVING AND ADOPTING THE MCALESTER DOWNTOWN ECONOMIC DEVELOPMENT PROJECT PLAN; IDENTIFYING AND

ESTABLISHING A NEW INCREMENT DISTRICT IDENTIFIED AS INCREMENT DISTRICT NUMBER TWO (2), CITY OF MCALESTER; DESIGNATING AND ADOPTING THE PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; DESIGNATING AND AUTHORIZING THE CITY OF MCALESTER, THE MCALESTER ECONOMIC DEVELOPMENT AUTHORITY THE ENTITIES TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; DECLARING APPORTIONED FUNDS TO BE FUNDS OF THE MCALESTER ECONOMIC DEVELOPMENT AUTHORITY OR ALTERNATE PUBLIC ENTITY; AUTHORIZING THE MCALESTER ECONOMIC DEVELOPMENT AUTHORITY TO UTILIZE THE APPORTIONED INCREMENTS FOR REPAYMENT OF PROJECT COSTS; ESTABLISHING PLAN OBJECTIVES AND REVIEW AND IMPLEMENTATION PROCEDURES; AUTHORIZING THE USE OF SALES, USE, AND AD VALOREM TAX INCREMENT REVENUES, AND OTHER AVAILABLE RESOURCES FOR THE PAYMENT OF PROJECT COSTS; PROVIDING THAT ADJUSTMENTS TO CERTAIN PROJECT COSTS DO NOT REQUIRE A PLAN AMENDMENT; PROVIDING FOR THE ESTABLISHMENT OF A TAX INCREMENT FOR THE INCREMENT DISTRICT; ESTABLISHING A PROJECT BUDGET FOR THE INCREMENT DISTRICT; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE MCALESTER DOWNTOWN AREA REINVESTMENT REVIEW COMMITTEE AND THE MCALESTER PLANNING COMMISSION; AND PROVIDING FOR SEVERABILITY.

Mayor Browne explained that each of the items were agenda items also.

There were no other comments, and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilmembers Smith, Read, Stevens, Brown, Harrison, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:52 P.M.

Scheduled Business

1. Presentation of the McAlester Regional Health Center 3rd Quarter Update. (*David Keith, McAlester Regional Health Center*)

Executive Summary
Presentation.

David Keith, CEO McAlester Regional Health Center addressed the Council updating them on the financial status of the Hospital. During his update, Mr. Keith reviewed the Hospital's quality measures, the certified primary stroke center and customer service. He commented that the Hospital continues to be financially strong. Mr. Keith reviewed customer service surveys and how they affect the hospital.

There was a brief discussion concerning problems with customer service.

Mr. Keith reviewed how the hospital was planning on making improvements in customer service. he stated that Oklahoma Heart Hospital was back in MRHC. He discussed new services and future projects.

There was discussion concerning the Emergency Room, the EMS system for southeastern Oklahoma, the Hospital's self-funded health care plan for its employees, the Veteran's Administration Clinic, Belfare, the new parking area and the raises that the employees received.

There was no action taken on this item.

2. AN ORDINANCE RELATING TO THE EXERCISE OF CERTAIN CONSTITUTIONAL POWERS, APPROVING AND ADOPTING THE MCALESTER DOWNTOWN ECONOMIC DEVELOPMENT PROJECT PLAN; IDENTIFYING AND ESTABLISHING A NEW INCREMENT DISTRICT IDENTIFIED AS INCREMENT DISTRICT NUMBER TWO (2), CITY OF MCALESTER; DESIGNATING AND ADOPTING THE PROJECT AREA AND INCREMENT DISTRICT BOUNDARIES; DESIGNATING AND AUTHORIZING THE CITY OF MCALESTER, THE MCALESTER ECONOMIC DEVELOPMENT AUTHORITY THE ENTITIES TO CARRY OUT AND ADMINISTER THE PROJECT PLAN; ESTABLISHING A TAX APPORTIONMENT FUND; DECLARING APPORTIONED FUNDS TO BE FUNDS OF THE MCALESTER ECONOMIC DEVELOPMENT AUTHORITY OR ALTERNATE PUBLIC ENTITY; AUTHORIZING THE MCALESTER ECONOMIC DEVELOPMENT AUTHORITY TO UTILIZE THE APPORTIONED INCREMENTS FOR REPAYMENT OF PROJECT COSTS; ESTABLISHING PLAN OBJECTIVES AND REVIEW AND IMPLEMENTATION PROCEDURES; AUTHORIZING THE USE OF SALES, USE, AND AD VALOREM TAX INCREMENT REVENUES, AND OTHER AVAILABLE RESOURCES FOR THE PAYMENT OF PROJECT COSTS; PROVIDING THAT ADJUSTMENTS TO CERTAIN PROJECT COSTS DO NOT REQUIRE A PLAN AMENDMENT; PROVIDING FOR THE ESTABLISHMENT OF A TAX INCREMENT FOR THE INCREMENT DISTRICT; ESTABLISHING A PROJECT BUDGET FOR THE INCREMENT DISTRICT; RATIFYING AND CONFIRMING THE ACTIONS, RECOMMENDATIONS AND FINDINGS OF THE MCALESTER DOWNTOWN AREA REINVESTMENT REVIEW COMMITTEE AND THE MCALESTER PLANNING COMMISSION; AND PROVIDING FOR SEVERABILITY. (*William Ervin, City Attorney*)

Executive Summary

The attached ordinance has been reviewed by counsel and found to be in a proper legal form and ready for council consideration. Approval of an ordinance is necessary to adopt and begin implantation of the proposed Downtown TIF District for the City of McAlester, OK.

Joe Ervin addressed the Council explaining that all requirements for the proposed ordinance that is before the Council. He briefly reviewed the process. He added that the disclosures that were required had been furnished to the Clerk and would be included in the minutes of the meeting as follows:

“Cora Middleton

From: cully_stevens@yahoo.com
Sent: Tuesday, April 23, 2019 12:00 PM
To: Cora Middleton
Cc: Peter Stasiak; Toni Ervin; ervinlaw@sbcglobal.net
Subject: Disclosure

Cora,

Pursuant to the Oklahoma land development act, Find below the property I own in the proposed tif district, as well as, my wife's business name, along with the knowledge that my family owns, I believe, one property in the proposed area . did not realize I needed to disclose this until I read the state statute a little more closely.

16 E Choctaw

24 E Choctaw

110 and 112 E Choctaw (one building that has been split }

220 and 222 e Choctaw (one building that has been split} 345 E Choctaw

514/516 E Cherokee(duplex)

517 E Cherokee

519 E Cherokee

My wife's business is Harper and Grey located in 110 E Choctaw.

If you should need anything else from me, please let me know .

Cully

Sent from my iPhone”

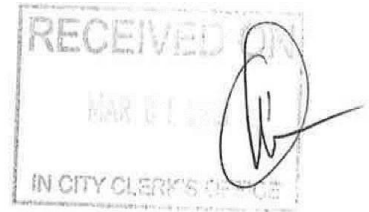
“Cora Middleton

From: Weldon Smith <weldon69@swbell.net>
Sent: Tuesday, April 23, 2019 3:51 PM
To: Cora Middleton
Subject: DT TIF

I own and live in residential property at 537 East Adam Avenue in McAlester. This is within the currently proposed Downtown TIF, although there is no valid reason that I can think of to include this block on Adams between 5th and 6th Streets in this TIF. I and I suspect all of my neighbors would prefer that this residential block (non-blighted) not be included in the TIF.

Weldon Smith”

STATE OF OKLAHOMA
MUNICIPALITY OF McAlester
(Name of Municipality)



**FINANCIAL DISCLOSURE STATEMENT
FOR ELECTED OFFICERS**

Amended:

Full Name of Elected Officer <i>Zachary Prichard</i>	Filing Year <i>2018</i>	Name of Elective Office <i>Ward 6 City Council</i>	Term of Office <i>Expires 2022</i>
Electronic Mail Address <i>Zachformae@gmail.com</i>	Work Phone Number <i>918-521-3893</i>	Mailing Address, City, State, Zip Code <i>520 S. 2nd McAlester, OK 74501</i>	

“Elected officer” shall mean a municipal officer who is subject to election or retention.

- I understand that as an elected officer, as defined above, I am required to comply with the Rules of the Oklahoma Ethics Commission applicable to non-state officers concerning filing and contents of Financial Disclosure Statements, and that, according to the Oklahoma Supreme Court, those Rules have the “weight of statutes.”
- I understand the purpose of Financial Disclosure is to assist elected officers in identifying and disclosing potential conflicts of interest between their public duties and private economic interests.
- I understand the Ethics Commission rules are available in the Oklahoma Statutes at Title 74, Chapter 62, Appendix I, and on the Ethics Commission website at www.ethics.ok.gov.
- I understand the Ethics Commission provides the forms that are required to be filed on the Ethics Commission website at www.ethics.ok.gov and is available to answer questions concerning financial disclosure.
- I understand an initial Financial Disclosure Statement is required to be filed with the Municipal Clerk within thirty (30) days of assuming office for a full or partial term covering the *prior* calendar year if a Financial Disclosure Statement covering the prior year has not already been filed.
- I understand that an annual Financial Disclosure Statement is required to be filed with the Municipal Clerk annually between January 1 and May 15 covering the *prior* calendar year if a Financial Disclosure Statement covering the prior year has not already been filed.
- I understand that, pursuant to Title 19 O.S. § 215.5, I may seek advice from the district attorney or his or her assistants concerning my duties as an elected officer.

Material Financial Interest.

- I understand I must disclose, on this form, any material financial interest as defined below, that I, my spouse or my dependent(s) had in the preceding calendar year covering January 1, 20xx through December 31, 20xx.

A material financial interest shall mean one or more of the interests identified below:

- an ownership interest in a private business, including but not limited to, a closely held corporation, limited liability company, Subchapter S corporation or partnership for which I, my spouse or my dependent(s) is a director, officer, owner, manager, employee, or agent or any private business, closely held corporation or limited liability company in which I, my spouse or my dependent(s) owns or has

owned stock, another form of equity interest, stock options, debt instruments, or has received dividends or income worth \$20,000.00 or more;

- an ownership interest of 5% or more in a publicly traded corporation or other business entity;
- an ownership interest in a publicly traded corporation or other business entity from which dividends or income, not to include salary, of \$50,000.00 or more were derived during the preceding calendar year;
- an interest that arises as a result of service as a director or officer of a publicly traded corporation or other business entity;
- income derived from employment, other than compensation pertaining to the office subject to election or retention, in the amount of \$20,000.00 or more.

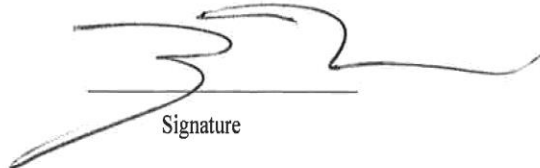
Disclose in the table below the name and address of all entities in which you, your spouse or your dependents had a material financial interest in the preceding calendar year, and who has the interest.

Name and Address of Entity Krebs Brewing Co., Inc	Description (optional)	Filer / Spouse / Dependent Filer
Name and Address of Entity PO Box 86 Krebs, OK 74561	Description (optional)	Filer / Spouse / Dependent
Name and Address of Entity Henry George Coffee	Description (optional)	Filer / Spouse / Dependent
Name and Address of Entity Company LLC. 312 E. Choctaw Ave	Description (optional)	Filer / Spouse / Dependent Filer
Name and Address of Entity McAlister, OK 74501	Description (optional)	Filer / Spouse / Dependent

Amended Financial Disclosure Statement Certification. I certify this amendment is not made for the purpose of reporting information that was intentionally omitted or misstated on the original or previously filed Financial Disclosure Statement.

Acknowledgement: By signing, electronic or otherwise, my name below, I, acknowledge that the information submitted is complete, true and accurate as of the date submitted. I understand the failure to provide such information is a violation of the laws of Oklahoma. I understand that I can update the information above at any time by filing an amended Financial Disclosure Statement.

1/21/19
Date


Signature

Attorney Ervin commented that in the process leading up to the ordinance the City Attorney had received questions from several Councilmembers regarding their ability to act on the ordinance. He stated that three sitting Councilmembers should not take any action on this item, including voting or abstaining or participate in the discussion.

Councilman Prichard commented on the process that had been followed and the potential revenue that could be received by the City.

Councilman Brown moved to approve the ordinance creating the Down Town TIF District. The motion was seconded by Councilman Prichard.

Before the vote, Councilman Read inquired about language on the second page of the ordinance that referred to “39.6 surface acres between U.S. Highway 69 Bypass (South George Nigh Expressway) and South 14th Street.”

Mr. Ervin commented that language was a typographical error.

Councilman Read commented that TIFs were typically formed to stimulate blighted areas and this area was not blighted. He added that there was no particular project, the plan included the schools and they had other ways to raise money, and this plan barely made it out of Committee.

There was discussion concerning monies to benefit the children, how the TIF worked, the length of the TIF, the area in the proposed district, how the Plan could affect future revenue, the needs in the proposed area, how the schools would benefit, the opportunity created by the proposed Plan, alternative plans if this one did not pass, and what vote it would take to approve the plan.

Christi John, 705 S. 10th Street addressed the Council expressing support for the proposed TIF plan.

There was another brief discussion concerning the Planning Committees recommendation.

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

AYE: Councilman Brown & Prichard

NAY: Councilmembers Harrison, Read & Mayor Browne

Mayor Browne declared the motion failed.

Councilmen Smith and Stevens were present but did not join in the discussion or take any action during the vote on this item.

3. Consider and act upon, accepting the bid amount of \$499,839.00 from Built Right Construction, LCC and authorizing the Mayor to sign the Notice of Award for the Choctaw Avenue Streetscape Project. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the expenditure.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this project was advertised and bids were open on Tuesday, April 16, 2019 at 2:00 P.M. He stated that out of the four (4) contractors that received the bid package only one (1) elected to submit a bid. The bid received was from Built Right Construction, LLC in the amount of \$669,583.00. he added that the budget for this project had been set at \$507,000.00. Mr. Vaughan stated that after review of the project for items that could be omitted and consideration that the bid schedule was a unit price bid the revised site plan showing the area that could be omitted was included in the agenda packet. He added that a tabulation of the line item quantities that could be deducted was also included. He commented that to insure that this project remained within its budget, it was recommended that the scope of the construction was reduced as recommended with the exclusion of the south side to Choctaw Avenue from Main Street to 1st Street.

There was discussion concerning what City funds were used, what other funds could be used or increased to get to the bid amount, why the recommended exclusion area had been chosen, how that area would be addressed, if the Council had the legal ability to change the bid project, the time limit on some of the grant funding, and how long it would take to rebid the project.

Mayor Browne moved to fund the original bid and leave up to the City Manager to choose which funds and the amounts to use. The motion was seconded by Councilman Brown.

Before the vote, Councilman Read commented that it would be unfair to City staff and there were projects already planned for some of the funds.

There was discussion concerning funds available, needing a budget amendment, approving the revised project amount, addressing a budget amendment for the balance of the bid at the next meeting, verifying that the this is not over the fifteen percent (15%) change order limit, what funds to use for the difference, how this bid was being accepted, and the Council deciding where the funds come from.

Mayor Browne withdrew his original motion and called a Special Meeting for May 23, 2019. Councilman Brown withdrew his second.

Mayor Browne moved to table this item until the Special Meeting on May 23, 2019. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilmembers Smith, Stevens, Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, approval and authorization for the Mayor to sign the Third Amendment to the Water System Operation and Maintenance Agreement with

INFRAMARK, LLC (previously Severn Trent Environmental Services, Inc.) for implementation of the Second Five Year Term for operation and maintenance of the City of McAlester's water facilities. (*James Brown, Councilman Ward Four*)

Executive Summary

Staff recommends the approval and authorization for the Mayor to sign the Third Amendment to the Water System Operation and Maintenance Agreement with INFRAMARK, LLC (previously Severn Trent Environmental Services, Inc.).

Councilman Brown commented that all of his questions had been answered and he moved to approve and authorize the Mayor to sign the Third Amendment to the Water System Operation and Maintenance Agreement with INFRAMARK, LLC (previously Severn Trent Environmental Services, Inc.). The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Smith, Read, Harrison & Mayor Browne

NAY: Councilman Prichard & Stevens

Mayor Browne declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign the attached "Supplemental Agreement #2 and Explanation Memo" for additional labor and materials for the "Rehabilitate Runway 2-20 and Connecting Taxiways", FAA AIP 3-40-0057-016-2018 and OAC MLC-19-FS construction contract with Interstate Highway Construction. (*Tyler McDonald, LBR Inc.*)

Executive Summary

Motion to approve and authorize the Mayor to sign the attached "Supplemental Agreement #2 and Explanation Memo" for additional labor and materials for the "Rehabilitate Runway 2-20 and Connecting Taxiways", FAA AIP 3-40-0057-016-2018 and OAC MLC-19-FS construction contract with Interstate Highway Construction.

Tyler McDonald, Engineer LBR Inc. addressed the Council explaining that construction was complete on the project. He commented that there had been some small overages but the FAA would pay ninety percent (90%) with the OAC and the City paying the remaining ten percent (10%).

A motion was made by Councilman Smith to approve and authorize the Mayor to sign the attached "Supplemental Agreement #2 and Explanation Memo" for additional labor and materials for the "Rehabilitate Runway 2-20 and Connecting Taxiways", FAA AIP 3-40-0057-016-2018 and OAC MLC-19-FS construction contract with Interstate Highway Construction. The motion was seconded by Councilman Read.

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

AYE: Councilmembers Smith, Read, Brown, Harrison, Prichard, Stevens & Mayor Browne

NAY: None

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 stated that he had included his monthly report in the agenda packet. He reported that it contained updates on the Parks and Recreation division, the Carl Albert Federal Building, the Public Works Department, the Streets Department, Stormwater projects and that Cliff Pitner had resigned again from the City, this time due to medical reasons. He added that Life Church had been doing a lot of projects in the Community and this month's project was to paint the bottom half of the Stipe Center Gymnasium and grating. He stated that had been a joint effort between Life Church and City employees. He commented that after the bottom half had been painted it was evident that the top portion needed painting also. He informed the Council that the City had went out for quotes.

Remarks and Inquiries by City Council

Councilman Smith inquired about the air conditioning in the Council Chambers.

Manager Stasiak stated that he would have Facilities Maintenance check the unit out.

Councilman Read thanked Councilman Prichard for putting the proposed TIF together and that with some fine tuning the plan could be viable.

Councilwoman Harrison expressed her appreciation on the effort on the proposed TIF and commented on the donation of Disc Golf equipment at Mullin Park.

Councilman Prichard commented on a Pickleball tournament at the Stipe Center this past Saturday. He stated that it was a great sport and was a great example of how to put an underused asset to use.

Mayor's Comments and Committee Appointments

Mayor Browne expressed his appreciation for the work that had been done on the proposed TIF plan. He informed the Council of the concert by the Air National Guard "Band of the Southwest" at S. Arch Thompson on Saturday, May 18th at 7:00 P.M. and the "Family Fun Fest" was scheduled for Saturday, May 18th from noon to 8:00 P.M. at Chadick Park, with food, games and the first "Movie in the Park".

Manager Stasiak commented that this was the fifth (5th) year that this event had been put on by the City employees for the citizens.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Brown. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Harrison, Prichard, Stevens, Read & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 8:30 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:32 P.M.

A motion to recess the Regular Session for an Executive Session in accordance with Title 25, Section 307.B.4; to discuss negotiations concerning employees and representatives for employee groups: IAFF and in accordance with Title 25, Section B.4; for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: the workers compensation Claim MCA-14998603 and in accordance with Title 25, Section 307.B.1; for confidential communications between a public body and its attorney to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: more particularly City Manager, Peter Stasiak, was made by Councilman Smith. The motion was seconded by Councilman Read, there was no discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Read, Harrison, Brown & Mayor Browne
NAY: Councilman Prichard & Stevens

Mayor Browne declared the motion carried and the meeting was recessed at 8:33 P.M.

Councilman Prichard left the meeting at 8:33 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2; 307.B.4 and 307.B.1 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: IAFF
- Proposed executive session pursuant to Title 25, Sec. 307(B)(4) for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: the workers compensation Claim MCA-14998603.

- Consider and Act to convene in executive session pursuant to Title 25 O.S. § 307(B)(1) for confidential communications between a public body and its attorney to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee, more particularly City Manager, Peter Stasiak.

Reconvene into Open Session

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 9:25 P.M. Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25, Section 307.B.4; to discuss negotiations concerning employees and representatives for employee groups: IAFF and in accordance with Title 25, Section B.4; for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: the workers compensation Claim MCA-14998603 and in accordance with Title 25, Section 307.B.1; for confidential communications between a public body and its attorney to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: more particularly City Manager, Peter Stasiak. Only those matters were discussed, no action was taken, and the Council returned to open session at 9:25 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon the proposed IAFF Contract.

A motion to approve the IAFF Fiscal Year 2019/2020 Contract was made by Councilman Read and seconded by Councilman Brown.

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

AYE: Councilmembers Read, Brown, Smith, Stevens, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- Consider and act regarding Workers Compensation Claim MCA-14998603.

A motion to task Manager Stasiak with negotiating a settlement on Workers Compensation Claim MCA-14998603 was made by Councilman Read. The motion was seconded by Councilman Smith.

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

AYE: Councilmembers Smith, Read, Stevens, Brown, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Adjournment

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

AYE: Councilmembers Smith, Brown, Harrison, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 9:27 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk