

The McAlester City Council met in a Special session on Tuesday, May 23, 2019, at 5:30 P.M. after proper notice and agenda was posted, May 20, 2019 at 11:26 A.M.

Call to Order

Mayor Browne called the meeting to order.

Roll Call

Council Roll Call was as follows:

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

Absent: Cully Stevens

Presiding: John Browne, Mayor

Staff Present: Peter Stasiak, City Manager; Toni Ervin, Assistant City Manager; Kirk Ridenour, Economic Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; An-Chen Lai, CFO; William J. Ervin, City Attorney and Cora Middleton, City Clerk

A motion was made by Councilman Read and seconded by Councilman Smith to open a Public Hearing to address an ordinance amending Fiscal Year 2018/2019 Budget to appropriate funds for the Streetscape Project. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was opened at 5:31 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. 2626 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2018-2019; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Alyssa Latty, Executive Director McAlester Main Street addressed the Council thanking them for making this planned change to the Down Town Business area. She expressed concern that

the construction in the area would affect key shopping days prior to the Christmas Holiday, which included Small Business Saturday, Black Friday and Cyber Monday. She asked that the Council work with the area businesses to lessen any negative effects the construction might have.

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, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 5:33 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance amending Ordinance No. 2626 which established the budget for fiscal year 2018-2019; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*An-Chen Lai, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

Assistant City Manager Ervin addressed the Council reviewing the Exhibits to the Budget Amendment. She explained that Exhibit A-35 was moving funds from the Mullen Park Splash Pad into the Streetscape project. She added that the Puterbaugh Foundation had requested that monies be moved to the Streetscape project and the City re-apply for the Foundation grant for Mullen Park Splash pad. She explained that Exhibit A-36 was moving funds from the Infrastructure Fund, Exhibit A-37 was moving funds from the Stormwater Fund and Exhibit A-38 was moving funds from the Tourism Fund. She added that amounts were moved from the various funds in accordance with the information that had been provided by the engineer with the amount moved from Tourism being the amount left to cover. She then distributed a document for the Council to review.

Councilman Read commented about the two options, with one being all additional funding coming from the Tourism Fund. He asked if this covered that option or if this was the second option.

Ms. Ervin stated that this was the second option that Staff recommended. She added that if the Council wished the funding to be done differently that change could be made during the meeting.

ORDINANCE NO. 2654

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2626 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2018-2019; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion to approve **ORDINANCE NO. 2654**, amending fiscal year 2018/2019 Budget with option two (2) as recommended by staff to fund the Streetscape project was made by Councilman Smith and seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

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

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

Mayor Browne declared the motion carried.

2. Consider and act upon, accepting the bid amount of \$669,583.00 from Built Right Construction, LCC and authorizing the Mayor to sign the Notice of Award for the Choctaw Avenue Streetscape Project. (*Kirk Ridenour, Economic Development Director*)

Executive Summary

Motion to authorize the expenditure.

A motion to accept the bid amount of \$669,583.00 from Built Right Construction, LCC and authorize the Mayor to sign the Notice of Award for the Choctaw Avenue Streetscape Project was made by Councilman Prichard. The motion was seconded by Councilman Brown.

Before the vote, Councilman Prichard inquired about the time line on this project.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council commenting that if this was awarded tonight they would get the required bonds and insurance quickly. It would be two (2) to three (3) weeks before work could start. He added that if the weather became an issue and caused delays the Council could issue a stop. He stated that construction would stop and insure that there would not be any problems during the Holiday shopping season.

Councilwoman Harrison asked for clarity on the severability clause.

Attorney Ervin explained that it was common in contracts and if one provision was invalid it would not affect the other provisions of the contract.

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

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

Mayor Browne declared the motion carried.

A motion to recess the Special Meeting for an Executive Session in accordance with 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, was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the Special Meeting was recessed at 5:41 P.M.

Executive Session

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

- 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.

The Special Meeting was reconvened at 6:39 P.M. Mayor Browne reported that the Council had recessed the Special Meeting for an Executive Session in accordance with 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. Only that matter was discussed, no action was taken, and the Council returned to open session at 6:39 P.M., and this constituted the Minutes of the Executive Session.

Reconvene into Open Session

Take any action as a result from Executive Session.

- Consider and act upon, the evaluation and contract of City Manager, Peter Stasiak.

A motion was made by Councilman Prichard to offer to renew Manager Stasiak's contract at the new rate of \$138,000.00 annually. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Adjournment

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:40 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk