

The McAlester City Council met in a Regular session on Tuesday, November 24, 2015, at 6:00 P.M. after proper notice and agenda was posted, November 23, 2015 at 11:55 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Fifth Ward Councilman Buddy Garvin 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; Toni Ervin, CFO; John Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizens Comments on Non-Agenda Items

There were no citizens' comments.

Consent Agenda

- A. Approval of the Minutes from the November 10, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 4, 2015 through November 17, 2015. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$97,106.21; Parking Authority - \$128.02; Nutrition - \$1,180.50; Landfill Res./Sub-title D - \$8,590.13; Employee Retirement - \$13,642.50; Tourism Fund - \$3,099.54; SE Expo Center - \$10,163.17; E-911 - \$44,075.81; Economic Development - \$28,685.56; Grants & Contributions - \$6,180.12; Fleet Maintenance - \$5,968.30; Worker's Compensation - \$941.68; CIP Fund - \$52,479.31 and Technology Fund - \$581.43.
- C. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #6, in the amount of \$436,892.37, for the

construction of road and infrastructure improvements related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*

- D. Consider and act upon, authorization of payment to Carstensen Construction, Inc., Contractor's Application for Payment #2, in the amount of \$360,467.88, for the construction of road and infrastructure improvements related to CIP#4A and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- E. Consider and act upon, authorization of payment to EST, Inc., Invoice # 35595, in the amount of \$43,719.00 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-02, in the amount of \$ 13,670.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- G. Consider and act upon, authorization of payment to City of McAlester, Invoice # 15-00604, in the amount of \$ 12,890.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- H. Consider and act upon, a resolution allowing the Oklahoma Department of Transportation (ODOT) to select one of ODOT's prequalified engineering firms to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director)*
- I. Consider and act to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities to facilitate the Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma. *(Toni Ervin, Chief Financial Officer)*
- J. Consider and act upon, authorizing the Mayor to sign a proposal from Compton Electric Company, LLC in the amount of \$10,950.00 for the replacement of a 400 amp indoor fused disconnect at City Hall in order to complete the installation of the new E-911 generator. *(Toni Ervin, Chief Financial Officer)*
- K. Consider and act upon, authorizing the Mayor to sign the Fidelity National Title Escrow Account instructions. This is the Lowe's Escrow account for Economic Development. It

has been a 10 year agreement and these funds are in the process of being released back to the City of McAlester. *(Toni Ervin, Chief Financial Officer)*

- L. Consider and act upon, authorizing the Mayor to exercise the 180 day second term on the “Option to Purchase Real Estate” agreement with Jimmie D. Key and Evy Laverne Key, Trustees of the J & L Revocable Trust for the Retail Connection Development at 14th Street and U.S. Highway 69 and approve the issuance of a \$5,000 check to Jimmie D. Key and Evy Laverne Key, Trustees of the J & L Revocable Trust. *(Peter Stasiak, City Manager)*
- M. Consider and act upon, ratification of Change Order #4 to Carstensen Contracting for CIP#4A in the amount of \$4,265.25. *(Peter Stasiak, City Manager)*
- N. Consider and act upon, ratification of Change Order #10 and Change Order #11 to Carstensen Contracting for CIP#4 in the amounts of \$740.00 and \$1,630.00, consecutively. *(Peter Stasiak, City Manager)*
- O. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 201157-KW. *(Cora Middleton, City Clerk)*
- P. Consider and act upon, approval of the 2016 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)*
- Q. Consider and act upon, approval of the 2015 Jr. Sunbelt Classic expenditures and authorize submittal of the request for reimbursement as per the agreement dated September 9, 2014. *(Cora Middleton, City Clerk)*
- R. Consider and act upon, authorizing the Mayor to sign a Memorandum of Understanding between the City of McAlester and the Department of Public Safety, Division XC/Indian Nation Turnpike for the use of office space at the McAlester Expo Center during an unforeseen emergency. *(Jerry Lynn Wilson, Expo Center Manager)*
- S. Consider and act upon, authorizing the Mayor to sign a Memorandum of Understanding between the City of McAlester and the Department of Public Safety, Division D for the use of office space at the McAlester Expo Center during an unforeseen emergency. *(Jerry Lynn Wilson, Expo Center Manager)*

Vice-Mayor Read requested that Consent Agenda items “I and Q” be removed for individual consideration. Manager Stasiak requested that Consent Agenda item “E” be tabled until after item number 9 was considered.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items “A through D, F through H, J through P, R and S”. 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

- I. Consider and act to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities to facilitate the Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma. *(Toni Ervin, Chief Financial Officer)*

A motion was made by Councilman Karr and seconded by Councilman Smith to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities to facilitate the Memorandum of Understanding between the McAlester Public Works Authority and the Board of Education of Independent School District No. 80, Pittsburg County, Oklahoma.

Before the vote, Vice-Mayor Read inquired if this could be considered before the Budget Amendment was considered.

CFO Ervin commented that this was authorization to request the funds and Attorney Ervin stated that as long as funds were not released before the close of the meeting, this item could be considered prior to the Budget Amendment.

Mayor Harrison stated that this item would be held until the Budget Amendment was considered.

- Q. Consider and act upon, approval of the 2015 Jr. Sunbelt Classic expenditures and authorize submittal of the request for reimbursement as per the agreement dated September 9, 2014. *(Cora Middleton, City Clerk)*

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to accept and approve the 2015 Jr. Sunbelt Classic expenditures and authorize submittal of the request for reimbursement as per the agreement dated September 9, 2014.

After a brief discussion concerning the amount of maximum expenditure, this not being a request for payment only information and not releasing any funds until a request had been received and approved the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Karr and seconded by Vice-Mayor Read to open a Public Hearing to address one (1) Ordinance amending the Fiscal Year 2015-2016 Budget. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:12 P.M.

Public Hearing

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from the audience or Council 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 6:12 P.M.

Scheduled Business

1. Presentation and discussion in recognition of Native American Heritage Month, the history and information on the culture of the Choctaw People. (*Robert Karr, Councilman Ward Four*)

Executive Summary
Presentation

Councilman Karr stated that he had requested this item placed on the agenda. He commented that he felt it was appropriate to present the history of the Choctaw people and the City of McAlester, and recognize Native American Heritage Month.

Members the Choctaw Nation addressed the Council reviewing the history of their tribe and how the Choctaw people had influenced the establishment of the City of McAlester, the culture of the people and how members are working to preserve that culture today.

There was no action taken on this item.

2. Consider and take action with respect to a resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma. (*Darryl Linnington, CFO MRHC*)

Executive Summary

For the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of the creation of indebtedness by the McAlester Regional Health Center Authority; and containing other provisions relating thereto.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve RESOLUTION NO. 15-17, authorizing and calling a Special Election regarding the Hospital's creation of indebtedness.

Before the vote, there was discussion among the Council and McAlester Regional Health Center's CEO David Keith concerning the proposed project, not asking for more sales or property taxes, how long the project would take if the proposition was approved and how the project would be funded. There was no further discussion, and the vote was taken as follows:

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

NAY: None

ABSTAIN: Councilman Smith (counted as a no)

Mayor Harrison declared the motion carried.

3. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; 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. 2551

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2551**, amending fiscal year 2015-2016.

Before the vote, CFO Ervin addressed the Council reviewing the exhibits to the amendment. She explained that this amendment would allocate Worker's Compensation expenses to the appropriate department, appropriate funds for EMS contracted services, appropriate funds for electrical upgrade for the E911 generator, appropriate funds for the driveway behind Will Rogers Elementary, appropriate funds for unbudgeted Repairs and Maintenance, appropriate funds for additional liability insurance for the SE Expo and new Expo sign and appropriate funds for the 2016 OSMPC Grant for Defense Development. There was no 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.

Vice-Mayor Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Karr 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.

Mayor Harrison commented that Consent Agenda item "I" could be addressed now that the Budget Amendment had been considered. The motion and second remained as stated previously, there was no further discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

Executive Summary

Discussion.

CFO Ervin addressed the Council reviewing the City's financial status to date. During her review, CFO Ervin commented that revenues were down but the expenses were proportionally under and that she projected that the City would be okay at the end of the fiscal year. She stated that the "At-a-Glance" financial covered the big picture but she continued to look at line items to insure the City was not dipping into the Fund Balances. She reminded the Council that the Audit & Finance Advisory Board also reviewed the line items.

There was no action taken on this item.

5. Consider and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to declare certain vehicles and equipment surplus and authorize the disposal of them.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to declare certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287.

Before the vote, CFO Ervin addressed the Council explaining that there were thirteen (13) vehicles, one (1) dump truck, five (5) mowers, one (1) tractor and one (1) enclosed trailer

included on the list. She added that all of the items were in various conditions and it would not be economically feasible for the City to attempt to repair any of the items.

After a brief discussion concerning the value of the items, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign the update to the Wholesale Water Purchase Contracts. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Staff recommends that the council make a motion to approve the Wholesale Water Purchase Contracts.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve and authorize the Mayor to sign the update to the Wholesale Water Purchase Contracts.

Before the vote, CFO Ervin addressed the Council explaining that this was a continuation from a previous Special Meeting. She added that she had included a cost analysis and this information was from audited numbers.

After a brief discussion concerning how the calculations were made, if charging for water loss, using the CPIU until this calculation was no longer valid, the City Attorney's review of the contracts and establishing the rate for the next fiscal year, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and J.D. Thomas Construction to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#2). (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with J.D. Thomas Construction for a Total Bid equal to \$132,427.70 to Repair Street Cuts; Repair and/or Replace Concrete Panels, Curbs and Gutters and Driveway Approaches (Miscellaneous Contract Project#2).

Manager Stasiak addressed the Council requesting that this item be pulled. He commented that this contract would need to be re-bid because the City had only received three (3) bids and there was quite a difference in the bids.

This item was pulled.

8. Consider and act upon, Change Order No. 12 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 12. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 12 to the contract with Carstensen Contracting, Inc. and authorizing the Mayor to sign Change Order No. 12, in the amount of \$1,915.98, which will increase the Contract Price to \$3,051,219.36 and add one day, making the completion date April 29, 2015.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve Change Order No. 12 to the contract with Carstensen Contracting, Inc. for the construction of CIP#4 Improvements and authorize the Mayor to sign Change Order No. 12.

Before the vote, Director Modzelewski addressed the Council explaining that this Change Order addressed an increase in the number of driveways related to this contract.

After a brief discussion concerning the original number of driveways and why the number increased, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

9. **TABLED FROM NOVEMBER 10, 2015 MEETING:** Consider and act upon, to provide written notice of termination of the Professional Services Agreements with EST, Inc. for Construction Management Services related to CIP #2, CIP#4, and CIP #4A. (*Peter Stasiak, City Manager*)

Executive Summary

Consider and act upon sending written notice of termination to EST, Inc.

A motion was made by Vice-Mayor Read and seconded by Councilman Titsworth to provide written notice of termination of the Professional Services Agreements with EST, Inc. for Construction Management Services related to CIP #2, CIP#4, and CIP #4A.

Before the vote, Manager Stasiak addressed the Council reviewing the material that he had received regarding this matter stating that he had not received all of the requested information. He then reviewed the steps that had been taken to date.

After a lengthy discussion among the Council, Manager Stasiak, Attorney Ervin and Shane Long from EST regarding the responsibilities of each party involved in the construction projects, what had or had not been said during the progress meetings, addressing related personnel matters, what the City would have to do if this item was approved, language in the contracts and used by each party, common procedures used by other communities and the increase in the City Manager's approval limit, the vote was taken as follows:

AYE: Councilman Read, Titsworth, Karr & Mayor Harrison

NAY: Councilman Garvin, Barnett & Smith

Mayor Harrison declared the motion carried.

10. **TABLED FROM NOVEMBER 10, 2015 MEETING:** Consider and act upon, a Resolution establishing a Ward Commission for the City of McAlester. (*Steve Harrison, Mayor*)

Executive Summary

A motion to approve the establishment of a Ward Commission for the City of McAlester per the City Charter. The Charter provides that said Ward Commission shall consist of seven members, with each City Council person appointing one member and those six members, with the affirmative vote of at least four, choosing the seventh member who shall be chairman.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the establishment of a Ward Commission for the City of McAlester per the City Charter.

Before the vote, Mayor Harrison commented that there had not been the majority required to approve this item at the previous meeting, therefore it had to be brought back before the Council. He added that it was the same as presented at the last meeting.

There was no discussion, 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.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak stated that he had submitted his report to the Council tonight, apologized for not getting it included in the packet and asked that the Council review the report and if they had any questions or comments to please get with him. He stated that the City had the 9th and Illinois drainage project in progress and the 7th and Seminole drainage project that had been completed. He updated the Council on the following projects, CIP #1, CIP #2, CIP #3, CIP #4, the Archery Park and the Genealogy Building Roof.

Mayor Harrison commented that he would like to see the effort made to include this in the packet.

Remarks and Inquiries by City Council

Councilmen Smith, Titsworth and Barnett did not have comments or inquiries for the evening.

Councilman Garvin commented that he wanted Manager Stasiak to address the following issues in Ward Five (5): Park Street between 4th and 7th Streets, Coal Avenue, B Street, and 11th Street and Electric Avenue. He also commented that he wanted the “Salvage Yard” on Main Street addressed and he would like to receive an update when these items were taken care of.

Councilman Karr and Vice-Mayor Read wished all a Happy Thanksgiving.

Mayor’s Comments and Committee Appointments

Mayor Harrison clarified for the Council that as a Council they could put items on the agenda and direct the City Manager and as individual Councilmen they could make inquiries but could not direct the City Manager. If there were things that needed to be done then that needs to be placed on the agenda.

Councilman Garvin commented that he was under the impression that as a Councilman they could direct the Manager. But if things needed to be placed on the agenda there would be items on the agenda every week. He apologized for the misunderstanding.

Manager Stasiak commented that he receives inquiries from all of the Council and those inquiries were taken seriously and tried to address all matters.

Mayor Harrison commented that there was one (1) other Consent Agenda item that needed to be addressed and inquired on how it should be handled.

Manager Stasiak stated that it was Item “E”, authorization of payment to EST, Inc., Invoice # 35595, in the amount of \$43,719.00 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account and he would ask for guidance from the City Attorney.

Attorney Ervin recommended that Item “E” be tabled until the next meeting to allow him time to evaluate.

A motion to table Consent Agenda Item “E”, authorization of payment to EST, Inc., Invoice # 35595, in the amount of \$43,719.00 for Construction Management Services and Materials Testing Services related to CIP#4 and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account, until the next meeting was made by Councilman Smith and seconded by Councilman Titsworth.

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

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

Mayor Harrison declared the motion carried.

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 8:01 P.M.

Reconvene Council Meeting

The meeting was reconvened at 8:03 P.M.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to recess the Council Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4, for Confidential communications between a public body and its attorney concerning pending investigations, claim, or actions, more particularly:

- A. City of McAlester vs Randy Green (suit)
- B. Two Way Properties vs city of McAlester (suit)
- C. City of McAlester vs Austin Paving (surety claim)

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 and the Regular Meeting was recessed at 8:03 P.M.

Executive Session

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

- 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:
 - A. City of McAlester vs Randy Green (suit)
 - B. Two Way Properties vs city of McAlester (suit)
 - C. City of McAlester vs Austin Paving (surety claim)

Reconvene into Open Session

The Regular Meeting was reconvened at 8:37 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session in accordance with Title 25, Sec.

307.B.4, for Confidential communications between a public body and its attorney concerning pending investigations, claim, or actions, more particularly:

- A. City of McAlester vs Randy Green (suit)
- B. Two Way Properties vs city of McAlester (suit)
- C. City of McAlester vs Austin Paving (surety claim)

Only those items were discussed, no action was taken, and the Council returned to open session at 8:37 P.M., and this constituted the Minutes of the Executive Session.

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 Vice-Mayor Read.

There was no 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, and the meeting was adjourned at 8:39 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk