

The McAlester City Council met in Regular session on Tuesday, October 23, 2012, at 6:00 P.M. after proper notice and agenda was posted, October 22, 2012, at 12:10 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Glenn Meyer, Trinity Lutheran Church gave the invocation and lead the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Buddy Garvin, Sam Mason & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Karen Boatright, Deputy City Clerk

Citizen's Comments on Non-agenda Items

James Prince addressed the Council formally requesting any information that the Council might have regarding the silhouettes.

Carolyn McNatt addressed the Council regarding the status of the silhouettes.

Stephanie Giacomo addressed the Council updating them of the past weekend's cleanup activities and the Eighth Grade Career Expo was coming on Thursday, October 25, 2012 from 8:00 A.M until 3:00 P.M. She commented that it was a great event where students were able to learn about a variety of careers.

Consent Agenda

- A. Approval of the Minutes from the October 9, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for October 3, 2012 – October 16, 2012. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$143,349.06; Parking Authority - \$77.78; Nutrition - \$1,515.71; Landfill Res./Sub-Title D - \$6,884.50; Fire Improvement Grant - \$74,740.00; Tourism Fund - \$3,072.05; SE Expo Center - \$10,181.29; E-911 - \$6,397.97; Fleet Maintenance - \$8,250.61 and CIP Fund - \$21,732.04.
- C. Concur with Mayor's Appointment of Justin Few, 1423 Timber Lane to the McAlester Planning Commission for a term to expire August 2014. *(Steve Harrison, Mayor)*
- D. To ratify the City of McAlester Code of Conduct and Ethics Governance Information Booklet. No changes proposed. *(Peter J. Stasiak, City Manager)*
- E. Accept and Place on File the McAlester Public Schools Report for October 2012. *(Marsha Gore, McAlester School Superintendent)*

Vice-Mayor Mason requested that item "C" be removed for individual consideration.

A motion was made by Councilman Read and seconded by Councilman Smith to approve Consent Agenda items "A, B, D and E". There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- C. Concur with Mayor's Appointment of Justin Few, 1423 Timber Lane to the McAlester Planning Commission for a term to expire August 2014. *(Steve Harrison, Mayor)*

A motion was made by Councilman Read and seconded by Councilman Smith to concur with the Mayor's appointment of Justin Few, 1423 Timber Lane to the McAlester Planning Commission for a term to expire August 2014.

Before the vote, Vice-Mayor Mason stated that he had pulled this item to comment on the appointment of Justin Few. He stated that he was going to formally ask the City Clerk to review all appointments to the Ethics Board, the Audit & Finance Advisory Committee and the Planning Commission, verifying that they all met the requirements for participation on those boards and that this be placed as an agenda item for the next Council meeting.

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

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Karr and seconded by Vice-Mayor Mason to open a Public Hearing to address an Ordinance amending the FY 2012-2013 Budget.

There was no discussion, and the vote was taken.

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:15 P.M.

Public Hearing

- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from the Public or the Council and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Titsworth and the vote was taken as follows:

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:16 P.M.

Scheduled Business

1. Update and Presentation by Chris Taylor, President, Main Street Organization. Accept report and place on file. *(Chris Taylor, President, Main Street Organization)*

Executive Summary

Motion to accept report and place on file.

A motion was made by Councilman Titsworth and seconded by Councilman Smith to open the floor for an update and presentation by Chris Taylor, President , Main Street Organization and to accept and place on file the report.

Before the vote, Mr. Taylor addressed the Council updating them on the recent activities. He stated that the Board had been conducting interviews of candidates for Main Street Director and they expected to have a Director in place before the first of November. He commented that Main Street had participated in various fund raisers and there had been tremendous turn out for Culture Fest, and The Old Town Wild West Show. He commented about the “Trick or Treat in the Street” that was planned for October 31st. He added that over \$9,000.00 had been raised during the Color Run and Main Street would be spear heading the Christmas Parade. He briefly spoke about the changes that they were looking at making to the Parade. He thanked the Council for their support.

There was a brief discussion among the Council including Mr. Taylor regarding the inclusion of Old Town, the number of board members and getting together to work on Main Street’s goals and objections.

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

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

Mayor Harrison declared the motion carried.

2. Consider, and Act Upon, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; 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. 2441

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve **ORDINANCE NO. 2441.**

Before the vote, Manager Stasiak addressed the Council explaining that Ms. Ervin was traveling and he would be reviewing the amendment. He then reviewed the exhibit to the amendment explaining this was for the Fire Training Trailer that had been appropriated in Fiscal Year 2011-2012 but since the Trailer had not been received until this month the funds needed to be re-appropriated in the current fiscal year.

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

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

Mayor Harrison declared the motion carried.

Councilman Titsworth moved to approve the EMERGENCY CLAUSE, seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

3. Tabled. Consider, and Act Upon, a Resolution **establishing the City of McAlester's Policy on a Bill adjustment for a Customer's water leak.** *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve Resolution to establish a water leak adjustment policy.

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to approve **RESOLUTION NO. 12-13.**

Before the vote, Manager Stasiak addressed the Council informing them that based on the discussion from the previous Council meeting in Section 1, item "e" which stated that "No customer may receive more than two (2) adjustments in any twelve (12) month period;" had been added and "Section 3. The City Manager will report all billing adjustments made under this resolution, in the same manner waivers of fees are reported" had been added. He commented that to his knowledge those were the only changes that had been discussed at the previous meeting.

Vice-Mayor Mason commented that the discussion area of the Agenda Report had left the reader hanging and needed to be finished and in Section 1, item "D" did not address OSP.

Attorney Ervin commented that OSP could be included by inserting the following language in item "e" after "to water resellers", "the Oklahoma State Penitentiary,"

Vice-Mayor Mason moved to include the language addressing the Penitentiary in the motion. This motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider, and Act Upon, a Resolution supporting passage of State Question 764 to address Oklahoma's Water Infrastructure Needs. *(Mayor Steve Harrison)*

Executive Summary

Motion to approve Resolution as presented.

A motion to approve a Resolution supporting the passage of State Questions 764 to address Oklahoma's Water Infrastructure Needs was made by Councilman Read and seconded by Councilman Karr.

Before the vote, Mayor Harrison commented that he had requested this item to be placed on the agenda. He explained that the Water Resources Board helped towns and cities with their water infrastructure needs.

Councilman Titsworth commented that he had an issue with some of the language in the Bill and its' vagueness.

Councilman Smith asked how this program worked.

Mayor Harrison explained the process of the program. He then withdrew the Resolution from consideration as it did not have unanimous support.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that the company that had been engaged to test the 84.5 miles of pavement in the City had completed their tests and would have the report by December. He reminded the Council of the election and distributed the information that had been presented at

the various meetings he had attended over the past weeks. He informed the Council of the various outlets that was dispersing the information. Manager Stasiak reported that the final count of permits waived during the “City Wide Garage Sale” was 183. He also informed the Council that graveside services for J.T. Collier would be at 10:00 A.M., Thursday at Oakhill Cemetery.

Remarks and Inquiries by City Council

Councilman Smith commented that he had lost a good friend when J.T. Collier had passed away. He commented that everyone would need to understand that both propositions had to pass to be of any use. He briefly reviewed the language and explained what the propositions actually said and encouraged everyone to vote.

Councilman Titsworth commented that there were some funds available immediately to the City if the propositions pass.

Councilman Read did not have any comments for the evening.

Councilman Karr asked if the City had put anything in the Newspaper regarding the election.

Manager Stasiak commented that the City could not advocate how citizens should vote but he had participated in various meetings where the election was discussed.

Councilman Garvin commented on the success of the “Wild West Festival”, the “Little Buckaroo Run” and how the “Old Town Association had never asked for or received funds from the City to help with the Festival. He then asked Manager Stasiak to have the street lights installed at Vine and Cole, 3rd Street and Park and in Green Meadows. He commented on the number of people walking the streets in Fifth Ward. He then asked about the status of the Rigid Pipe Ordinance.

Manager Stasiak told Councilman Garvin that he could update him on the Ordinance at the end of the meeting.

Vice-Mayor Mason commented that all agenda items should have all of the supporting material included by the agenda deadline. He expressed his concern over the handouts during the meetings. He also commented on the passing of J.T. Collier.

Mayor’s Comments and Committee Appointments

Mayor Harrison commented about all of the things that J.T. Collier had done for the City of McAlester and he would be very much missed. He then commented on the success of the “Wild West Festival.”

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 Titsworth.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 6:50 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:51 P.M.

A motion was made by Vice-Mayor Mason and seconded by Councilman Garvin to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.2., to discuss

negotiations concerning employees and representatives of employee groups: IAFF. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:52 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (2) et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF

Reconvene into Open Session

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 7:25 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF in accordance with Title 25, Sec. 307.B.2. Only that matter was discussed, no action was taken and the Council returned to open session at 7:25 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, seconded by Councilman Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:26 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk