

The McAlester City Council met in Regular session on Tuesday, January 8, 2013, at 6:00 P.M. after proper notice and agenda was posted, January 4, 2013, at 2:28 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Rob Daniels, Salvation Army, 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 Sam
Mason & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works
Director; Toni Ervin, Chief Financial Officer; David Medley, Utilities Director;
Jim Lyles, Police Chief; Brett Brewer, Fire Chief; Mel Priddy, Community
Services Director; Pam Kirby, Human Resource Manager/Grant Writer; William
J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Ginny Webb, Executive Director of McAlester Main Street Association informed the Council that Main Street's website was up and running, they had revised the group's membership tiers, fees and qualifications. Ms. Webb then distributed copies of a survey that Main Street was conducting.

Stephanie Giacomo, Executive Director of Pride In McAlester addressed the Council informing them of the "Graffiti Grant" a new program that was available through Pride In McAlester. She explained that this grant would reimburse property owners for paint that was used to cover graffiti. Ms. Giacomo informed the Council that the "At your Leisure Pick Up" was continuing and they had started discussing a "Community Garden". She added that this Saturday the group would be meeting at the McAlester Recycling Center to help with the response to the Holiday Recycling drive and that January was membership month.

Consent Agenda

- A. TABLED - Approval of the Minutes from the December 11, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for December 19, 2012 to January 2, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$61,151.30; Nutrition - \$693.44; Tourism Fund - \$3,666.67; SE Expo Center - \$1,179.56; Economic Development - \$25,491.91; Fleet Maintenance - \$11,659.49 and CIP Fund - \$183,062.69.

Councilman Read moved to approve the Consent Agenda, seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Karr to open a Public Hearing to address three (3) Ordinances. There was no discussion, and the vote was taken.

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:07 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.
- AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT OF LAND IN LOTS 48, 53 AND 54 TOWNSITE ADDITION NO. 4, TO PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-3 (MULTI-FAMILY DWELLING DISTRICT) TO C-4 (RESTRICTED COMMERCIAL DISTRICT).
- AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT IN LOT 93 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 93; THENCE NORTH 88 DEGREES 39' 48"

EAST ALONG THE NORTH LINE OF LOT 93 A DISTANCE OF 179.53 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 56' 44" EAST PARALLEL WITH THE WEST LINE OF LOT 93 A DISTANCE OF 299.23 FEET; THENCE SOUTH 88 DEGREES 39' 48" WEST PARALLEL WITH THE NORTH LINE OF LOT 93 A DISTANCE OF 179.53 FEET TO A POINT ON THE WEST LINE OF LOT 93; THENCE SOUTH ALONG THE WEST LINE OF LOT 93 A DISTANCE OF 1,031.57 FEET TO THE SOUTHWEST CORNER OF LOT 93; THENCE EAST ALONG THE SOUTH LINE OF LOT 93 A DISTANCE OF 660 FEET TO THE SOUTHEAST CORNER OF LOT 93; THENCE NORTH ALONG THE EAST LINE OF LOT 93 A DISTANCE OF 1,329.7 FEET TO THE NORTHEAST CORNER OF LOT 93; THENCE SOUTH 88 DEGREES 39' 48" WEST ALONG THE NORTH LINE OF LOT 93 A DISTANCE OF 480.47 FEET TO THE POINT OF BEGINNING, CONTAINING 18.85 ACRES MORE OR LESS FROM A-1 (AGRICULTURAL DISTRICT) TO C-5 (HIGHWAY COMMERCIAL DISTRICT).

There were no comments from the Public or the Council and Councilman 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, Karr, Garvin, Mason, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:08 P.M.

Scheduled Business

1. Consider and act upon a change in zoning from R-3 (Multi-Family Dwelling District) to C-4 (Restricted Commercial District). *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon changing the existing zoning from R-3 (Multi-Family Dwelling District) to C-4 (Restricted Commercial District) and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2448

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT OF LAND IN LOTS 48, 53 AND 54 TOWNSITE ADDITION NO. 4, TO PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-3 (MULTI-FAMILY DWELLING DISTRICT) TO C-4 (RESTRICTED COMMERCIAL DISTRICT).

A motion was made by Councilman Read and seconded by Councilman Smith approving **ORDINANCE NO. 2448.**

Before the vote, Manager Stasiak addressed the Council informing them that the McAlester Planning and Zoning Commission had met on December 18, 2012 and had voted to recommend this re-zone to the Council.

There was discussion among the Council, Manager Stasiak and Roger Dahlgren regarding a request by the property owners for a buffer between the residential area and the commercial area, the type of buffer, the area of the property that was in a flood plain, the sizes of the residential lots and the proposed building acting as a buffer from the highway.

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

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

NAY: Councilman Garvin & Vice-Mayor Mason

Mayor Harrison declared the motion carried.

2. Consider and act upon a change in zoning from A-1 (Agricultural District) to C-5 (Highway Commercial District). *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon changing the existing zoning from A-1 (Agricultural District) to C-5 (Highway Commercial District) and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2449

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT IN LOT 93 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 93; THENCE NORTH 88 DEGREES 39' 48" EAST ALONG THE NORTH LINE OF LOT 93 A DISTANCE OF 179.53 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 56' 44" EAST PARALLEL WITH THE WEST LINE OF LOT 93 A DISTANCE OF 299.23 FEET; THENCE SOUTH 88 DEGREES 39' 48" WEST PARALLEL WITH THE NORTH LINE OF LOT 93 A DISTANCE OF 179.53 FEET TO A POINT ON THE WEST LINE OF LOT 93; THENCE SOUTH ALONG THE WEST LINE OF LOT 93 A DISTANCE OF 1,031.57 FEET TO THE SOUTHWEST CORNER OF LOT 93; THENCE EAST ALONG THE SOUTH LINE OF LOT 93 A DISTANCE OF 660 FEET TO THE SOUTHEAST CORNER OF LOT 93; THENCE NORTH ALONG THE EAST LINE OF LOT 93 A DISTANCE OF 1,329.7 FEET TO THE NORTHEAST CORNER OF LOT 93; THENCE SOUTH 88 DEGREES 39' 48" WEST ALONG THE NORTH LINE OF LOT 93 A DISTANCE OF 480.47 FEET TO THE POINT OF BEGINNING, CONTAINING 18.85 ACRES MORE OR LESS FROM A-1 (AGRICULTURAL DISTRICT) TO C-5 (HIGHWAY COMMERCIAL DISTRICT)

A motion was made by Councilman Read and seconded by Councilman Smith approving **ORDINANCE NO. 2449.**

Before the vote, Manager Stasiak addressed the Council informing them that the McAlester Planning and Zoning Commission had met on December 18, 2012 and voted unanimously to recommend this re-zone to the Council.

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

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

NAY: Councilman Garvin & Vice-Mayor Mason

Mayor Harrison declared the motion carried.

3. 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. 2450

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 Read and seconded by Councilman Karr to approve **ORDINANCE NO. 2450.**

Before the vote, Ms. Ervin reviewed the exhibits to the amendment with the Council explaining that exhibits “A-1 through A-4” were for the Mid-Year Budget Review, offsetting revenue shortfalls with expense reductions and “A-5” was for the Trails Belmont program grant.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and Act Upon, authorizing the Mayor to sign the McAlester Belmont Trail Project Application and supporting documents for grant assistance from the Oklahoma Recreational Trails Program. *(Pam Kirby, HR Manager/Grant Writer)*

Executive Summary

Motion to approve authorizing the Mayor to sign the McAlester Belmont Trail Project Grant Application and supporting documents.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the Mayor to sign the McAlester Belmont Trail Project Grant Application and supporting documents.

Before the vote, Pam Kirby informed the Council that the grant application had been completed and presented to the Mayor for signature. She explained that this was a request for funds for \$160,000.00 with a cash match of \$34,051.00 and in-kind match of 31,067.00 from the City of McAlester for a total project of \$225,118.00.

There was discussion among the Council regarding the allowed use of the trail by bicycles, rollerblades and skateboards, how that would affect the trail at Mike Deak Field, if the City had the personnel to do the asphalt portion of the trails, how the project was prioritized, how the Grant was based on an estimation of cost, if the City had enough money for the match, committing the City to this project, taking money from someone that does not have the money, could spend money on the streets first, and how the City being under budget on revenues.

Zella Kinkaid, Rudy Hernandez, Cindy Karr, Julie Mascoto, and Representative Condit all addressed the Council expressing their support of this phase of the Trails project.

Mayor Harrison reminded the Council that the City had gotten support from the school to pursue the grant, the program was funded and would be awarded to the community who's application best met the requirements, the money would be spent, Oklahoma had been ranked 43rd in the Nation in health matters, this would be a twenty (20) to thirty (30) year project and this was a quality of life issue.

Councilman Garvin and Read expressed concerns about stretching the employees beyond their capabilities and if this would have a negative impact on the City's street projects. There was no further discussion, and the vote was taken as follows;

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

5. Marketing Alliance Presentation of the City's Marketing Plan and new McAlester Logo/Branding Package. *(John Abbate, Marketing Alliance and Shari Cooper, Executive Director, MPower)*

Executive Summary

Presentation by Marketing Alliance.

Shari cooper addressed the Council explaining the components of the process of rebranding the City. She informed the Council that there would be no vote at this meeting but the Council would be asked to vote at a later date. She then introduced David Goslin and John Abbate.

Mr. Abbate presented the development of the marketing logo and reviewed the steps that had been taken during that process. He explained that they had created over thirty (30) preliminary logo designs and presented the top fifteen (15) designs to the City. He added that those had been narrowed down to the top six (6) designs. He presented the different designs and informed the Council of the top choice. He also demonstrated how the logo could be used for the various activities that occur in the City of McAlester.

Mr. Abbate presented the Council with a proposed Marketing Plan. He explained that Tourism Marketing was the guidance or Management of tourists through the process or techniques of promotion, selling and distribution. He commented that the proposed budget had been based on the historical trends of the Hotel/Motel tax and was approximately \$500.00.00. Mr. Abbate briefly reviewed the planning process stressing that the City needed to know who the City would be marketed to. He then reviewed how the Hotel/Motel tax had been spent over the last few years.

Dave Goslin reviewed the internal perceptions of the City and some of the challenges and advantages that the City currently had to face. He reviewed the geographic locations and types of people that had been looking up McAlester. Mr. Goslin spoke briefly about objectives emphasizing that this process would be a crawl, walk and run process. He reviewed the strategies that could be used in promoting tourism.

There was a brief discussion regarding a workshop to address the efforts of the Expo Center and making it more efficient and possibly having more than one (1) workshop.

Mayor Harrison stated that a workshop would be scheduled and he recommended that the Council forward questions to the City Manager.

There was no vote on this item.

6. Consider, and act upon, approval of bid to Bob Hurley Ford for the purchase of one (1) new and unused 2013 Ford Police SUV. *(Darrell Miller, Asst. Police Chief)*

Executive Summary

Motion to approve the low bid of \$32,680.00 to Bob Hurley Ford for the purchase of one (1) new and unused 2013 Ford Police SUV AWD patrol vehicle.

Councilman Smith moved to approve a bid of \$32,680.00 to Bob Hurley Ford for the purchase of one (1) new and unused 2013 Ford Police SUV. The motion was seconded by Councilman Read.

Manager Stasiak explained that the funding had been appropriated from the Federal Forfeiture Funds.

Before the vote, Chief Lyles explained to the Council that this SUV would replace an older model Crown Victoria that was in the patrol division and of the three (3) bids that had been received, Bob Hurley Ford had been the lowest and best.

There was a brief discussion among the Council regarding who would use the SUV and the year model. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Discussion and Presentation of the Mid-Year Review of Fiscal Year 2012/2013 Budget.

(Toni Ervin, Chief Financial Officer)

Executive Summary

Mid-Year Review of Fiscal Year 2012/2013 Budget.

Manager Stasiak explained that the numbers presented were as of November 30, 2012, the first five (5) months of the year. He stated that the General Fund revenues were down approximately \$224,000.00 and the McAlester Public Works Authority revenues were down approximately \$54,000.00 but the City was expecting a receivable for raw water sales around \$90,000.00. He commented that total revenues were down approximately \$279,000.00. Manager Stasiak reviewed the Personnel Services stating that no positions had been cut from the budget. There had been some unfilled positions and those funds had been moved to help offset the revenue short fall. He then reviewed the Materials and Supplies budgets and the Other Services and Charges. He then summarized the Budget Adjustments and the Capital Budget Priorities and what had been accomplished since the beginning of the Fiscal Year. He also emphasized that many of the expenses that were over budget were only timing issues and would even out over the remainder of the year.

There was no vote on this item.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that the workshop for the Master Drainage Plan Tributary "C" of the Sandy Creek Basin had been rescheduled for Tuesday, January 29, 2013 for 5:30 P.M. at the Kiamichi Vocational Center. He informed the Council that he planned to attend the City Managers Association Winter Conference on January 16th through 18th in Stillwater.

Remarks and Inquiries by City Council

Councilmen Smith, Titsworth, Read and Karr did not have any comments for the evening.

Councilman Garvin inquired about the time that the DuraPatcher would be out of service and commented on the number and size of the potholes all over the City. He asked for a list of streets that had been repaired by the DuraPatcher. He inquired about the status of the Electrical Ordinances and the Electric chair.

City Attorney Ervin commented that confirmation that the Department of Corrections had the Electric Chair in their possession and would not be giving it back to the City.

Vice-Mayor Mason echoed the inquiry on the DuraPatcher. He asked about the status of the codification of the City's Code of Ordinances and the status of the annual audit and asked for updates on both matters at the next Council meeting.

Mayor's Comments and Committee Appointments

Mayor Harrison requested that the Manager Stasiak bring objective measurements on the DuraPatcher to the next Council meeting.

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 Read.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:57 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:58 P.M.

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 Smith, Titsworth, Read, Karr, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:00 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk