

The McAlester City Council met in Regular session on Tuesday, March 12, 2013, at 6:00 P.M. after proper notice and agenda was posted, March 8, 2013, at 4:10 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Lisa Anderson of Grace United Methodist Church 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, Sam Mason & Steve Harrison
Absent: Buddy Garvin
Presiding: Steve Harrison, Mayor

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

Citizen's Comments on Non-agenda Items

Stephanie Giacomo, Executive Director of Pride In McAlester addressed the Council informing them that Pride's Spring Cleanup would begin April 6th and continue the following dates 7, 13, 14, 20, 21 and 27, 2013. She then distributed the first round of flyers.

Dr. Larry Morgan with KEDDO informed the Council that the City of McAlester had moved from a class 4 ISO rating to a class 3 rating. He explained that he had been contacted by the State Insurance Offices last Friday. He added that this had been a lengthy process and would benefit the City's image, the businesses and schools. He commented that there would be an approximate 3% drop in insurance.

There was a brief discussion among the Council, Dr. Morgan and Chief Brewer concerning the number of class 3 fire departments in the state of Oklahoma, when this would go into effect, what this rating was based on, if the 911 Service had been updated, what it would take to improve the rating and the reception that had been scheduled for Wednesday, March 13, 2013.

Ginny Webb, Executive Director of McAlester Main Street Association addressed the Council informing them of the Chili's Fund Raiser, their work with Pride painting the lights and benches downtown and their plans to implement the downtown Streetscape funds with a grant from Modern Woodman in early April. Ms. Webb thanked the Parks Department for their advice and assistance in the planning process.

Consent Agenda

- A. Approval of the Minutes from the February 26, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 20, 2013 to March 5, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$59,567.13; Nutrition - \$2,149.89; Landfill Res./Sub-Title D - \$1,700.00; Employee Retirement - \$9,228.75; Tourism Fund - \$3,666.67; SE Expo Center - \$4,706.88; E-911 - \$1,696.36; Economic Development - \$27,799.91; Gifts & Contributions - \$6,801.30; CDBG Grant Funds - \$4,540.00; Fleet Maintenance - \$6,412.40; Worker's Compensation - \$941.68 and CIP Fund - \$5091.84.
- C. Authorize the Mayor to sign a Contract for Services between the City of McAlester and the McAlester Area Chamber of Commerce and Agriculture to pay for the Printing Services of the McAlester Tourism Guide at a cost not to exceed \$10,397.00. *(Peter J. Stasiak, City Manager)*
- D. Concur with Mayor's Appointment of Carl Gullick, 1400 Timber Lane to the McAlester Audit & Finance Advisory Committee for a term to expire March, 2015. *(Steve Harrison, Mayor)*
- E. Consider and Act Upon, to release the Appraisal Report on the South Side Business Park dated September 18, 2012 and prepared by H.D. Barnhouse to the public. *(William J. Ervin, City Attorney)*

Councilman Smith requested that item "C" be removed for individual consideration.

Vice-Mayor Mason moved to approve the Consent Agenda items "A, B, D and E". The motion was seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- C. Authorize the Mayor to sign a Contract for Services between the City of McAlester and the McAlester Area Chamber of Commerce and Agriculture to pay for the Printing

Services of the McAlester Tourism Guide at a cost not to exceed \$10,397.00. (*Peter J. Stasiak, City Manager*)

A motion was made by Councilman Smith and seconded by Councilman Titsworth to authorize the Mayor to sign a contract for Services between the City of McAlester and the McAlester Area Chamber of Commerce and Agriculture to pay for the printing services of the McAlester Tourism Guide at a cost not to exceed \$10,397.00.

Before the vote, Councilman Smith asked David Keith, President of the Chamber Board to address the Council on this matter.

Mr. Keith addressed the Council commenting that the Board understood the challenges of the City and the Chamber would also have to make changes on how it operated. He informed the Council that the Chamber Board had agreed that their main concern was to support business in the City and that they should support tourism and not necessarily be in the fore front of tourism. He added that they would follow the Council's lead.

There was discussion among the Council, Manager Stasiak and Mr. Keith regarding the funding of the brochure, the quality of the brochure and the map in the past, the current level of the Hotel/Motel tax and the apparent duplication of some activities in the City.

Mr. Keith stated that if the City did direct the Chamber to produce the brochure, it would be of much higher quality.

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

AYE: None

NAY: Councilman Smith, Titsworth, Read, Karr, Mason & Mayor Harrison

Mayor Harrison declared the motion failed

Councilman Smith moved to open a Public Hearing to address six (6) Ordinances. The motion was seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:30 P.M.

Public Hearing

- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO

ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

- 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 CHAPTER 34, COURT, OF THE McALESTER MUNICIPAL CODE; BY AMENDING ARTICLE 11, MUNICIPAL COURT NOT OF RECORD, SECTION 34-35, COSTS UPON JUDGEMENT OF CONVICTION; PROVIDING FOR REPEALER AND SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.
- AN ORDINANCE AMENDING ORDINANCE 2265, SECTION 102-36(a) OF McALESTER CODES REGULATING THE TRAFFIC VIOLATIONS BUREAU SCHEDULE OF FINES; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING CHAPTER 42, EMERGENCY SERVICES, OF THE McALESTER MUNICIPAL CODE; BY AMENDING ARTICLE I, IN GENERAL, SECTION 42-1, AMBULANCE SERVICES MUST COMPLY WITH STATUTES; TO PROVIDE FOR AN EMS FEE SCHEDULE FOR THE PURPOSE OF ESTABLISHING A BASE RATE PLUS; REPEALING ALL CONFLICTING ORDINANCES.
- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, ADDING SECTION 46.56 TO CODE OF ORDINANCES, CHAPTER 46, ENVIRONMENT, ARTICLE III. LOT CLEANING, RELATING TO THE CUTTING OF WEEDS AND VEGETATION, PROVIDING FOR NOTICE, PROVIDING FOR CUTTING BY THE CITY OF McALESTER, AND PROVIDING FOR CHARGES THEREFORE;

There were no comments from the audience 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 Smith, Titsworth, Karr, Mason, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:31 P.M.

Scheduled Business

3. Consider and act upon, accepting the annual Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2012. *(Mike Gibson, CPA Assurance Services Partner, Cole & Reed, P.C. and Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to accept the annual Audit for Fiscal Year ending June 30, 2012 for the City of McAlester.

A motion was made by Councilman Smith and seconded by Councilman Read to accept the annual Audited Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2012.

Before the vote, Mayor Harrison commented that this had been discussed during the joint Special Meeting with the Audit & Finance Advisory Committee. He then asked if there were any questions or comments regarding the Audit. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

1. CONSIDER AND TAKE ACTION WITH RESPECT TO AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT

THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO. (*Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC*)

Executive Summary

Motion to approve Ordinance of the City of McAlester, Oklahoma, relating to the imposition of a City Excise Tax (sales tax) of one percent (1%) which shall replace and supercede a one percent (1%) excise tax presently being levied.

ORDINANCE NO. 2453

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilman Smith moved to approve **ORDINANCE NO. 2453**. The motion was seconded by Councilman Read.

Before the vote, there was discussion among the Council and Mr. Wolff concerning the language of the Ordinance, reinforcing that this would not increase or extend any tax, the amount of funds that could be expected to be raised and how this would also allow a way for repayment of debt.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE RELATING TO A CHANGE OF PURPOSE OF A ONE PERCENT (1%) EXCISE TAX (SALES TAX) PRESENTLY BEING LEVIED BY THE CITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO. *(Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)*

Executive Summary

Motion to approve a Resolution authorizing the calling and holding of an Election in the City of McAlester, State of Oklahoma.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 13-02, authorizing and calling for a Special Election on May 14, 2013.

Before the vote, Mr. Wolff commented that the proposition was self explanatory. Mayor Harrison remarked that it read a lot clearer.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. 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. 2454

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 Karr to approve **ORDINANCE NO. 2454.**

Before the vote, Ms. Ervin reviewed the amendment with the Council explaining that this would reverse the previous appropriation of funds for the ODEQ Grant/Matching contribution and would appropriate funds for the CDBG EDIF grant portion of the 8" water main project at Steven Taylor Industrial Park.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, an Ordinance amending Chapter 34, Court, of the McAlester Municipal Code; by amending Article II, Municipal Court not of record, Section 34-35, Costs upon Judgment of Conviction; providing for repealer and severability clause; and establishing an effective date. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the amendment of the ordinance.

ORDINANCE NO. 2455

AN ORDINANCE AMENDING CHAPTER 34, COURT, OF THE McALESTER MUNICIPAL CODE; BY AMENDING ARTICLE 11, MUNICIPAL COURT NOT OF RECORD, SECTION 34-35, COSTS UPON JUDGEMENT OF CONVICTION; PROVIDING FOR REPEALER AND SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2455.**

Before the vote, Ms. Ervin addressed the Council explaining this would establish a Technology fund that could address some of the capital needs that were tied to technology. She added that this fee would set aside money for future needs and would be tied to all fines that were not dismissed or acquitted. She commented that she, James Stanford and Karen Boatright had met to discuss this matter and it would impact all departments.

There was a brief discussion among the Council, Ms. Ervin and City Attorney Ervin concerning an estimated amount of funds that could be expected annually, the age of the City's current computer servers, the challenge of compatibility among the various servers and this fee covering upgrades for the areas not covered by the E-911 fees.

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

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

NAY: Councilman Karr

Mayor Harrison declared the motion carried.

6. Consider, and act upon, an Ordinance 2265, Section 102-36a of McAlester Codes regulating the traffic violations bureau schedule of fines; repealing all conflicting ordinances; and declaring an emergency. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the amendment of the ordinance to update the Traffic Fines.

ORDINANCE NO. 2456

AN ORDINANCE AMENDING ORDINANCE 2265, SECTION 102-36(a) OF McALESTER CODES REGULATING THE TRAFFIC VIOLATIONS BUREAU SCHEDULE OF FINES; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2456.**

Before the vote, Ms. Ervin addressed the Council explaining that this was to update the fine schedule but would not change the current fine for speeding.

There was discussion among the Council, Ms. Ervin, Karen Boatright and City Attorney Ervin regarding the cost of fines, when the schedule had been previously updated, how a fine was addressed when the individual had a suspended license, how fines over \$500.00 required a jury trial and the article in the local newspaper that indicated all eighteen (18) fines would be increase.

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Titsworth to approve the EMERGENCY CLAUSE.

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

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider, and act upon, an Ordinance amending Chapter 42, Emergency Services, of the McAlester Municipal Code; by amending Article I, In General, Section 42-1, Ambulance Services must comply with statutes; providing for an EMS Fee schedule for the purpose of establishing a base rate plus; repealing all conflicting ordinances. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the amendment of the ordinance.

ORDINANCE NO. 2457

AN ORDINANCE AMENDING CHAPTER 42, EMERGENCY SERVICES, OF THE McALESTER MUNICIPAL CODE; BY AMENDING ARTICLE I, IN GENERAL, SECTION 42-1, AMBULANCE SERVICES MUST COMPLY WITH STATUTES; TO PROVIDE FOR AN EMS FEE SCHEDULE FOR THE PURPOSE OF ESTABLISHING A BASE RATE PLUS; REPEALING ALL CONFLICTING ORDINANCES.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2457.**

Before the vote, Ms. Ervin addressed the Council explaining that in the past the Ambulance fees had been updated by Resolution and had not been changed since 2005. She added that the current per mile rate was less than that was covered by Medicare.

After a brief discussion regarding the current fee, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, adding Section 46.56 to the Code of Ordinances, Chapter 46, Environment, Article III, Lot Cleaning in relating to cutting of weeds and vegetation, providing for notice, providing for cutting by the City of McAlester and providing for charges. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve Ordinance by adding Section 46.56 to the Code of Ordinances, Chapter 46 Environment, Article III, Lot Cleaning.

Manager Stasiak requested that this item be pulled and brought back at the March 26th meeting. He commented that staff would like to do a better update of the Ordinance.

There was no discussion, and the item was pulled.

9. Consider and act upon, a lease and contract between the Board of Education of McAlester Public Schools, District No. 80 and the City of McAlester. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve a lease and contract between the Board of Education of McAlester Public Schools, District No. 80 and the City of McAlester.

Councilman Read moved to approve a lease and contract between the Board of Education of McAlester Public Schools, District No. 80 and the City of McAlester.

Before the vote, Mel Priddy addressed the Council explaining that he had received inquiries and support for development of a dog park. He commented that this was approved it would be funded by grant money and donations. He added that the major expense would be the fencing around the perimeter of the property.

There was a brief discussion among the Council and Mr. Priddy concerning the use of the property, the fencing, the two (2) entrances, the fund raising and possible committees if there was enough community interest.

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

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

NAY: None

Mayor Harrison declared the motion carried.

10. Consider and act upon, Amendment to Airport Consultant LBR's contract with the City of McAlester. (*Mel Priddy, Director Community Services*)

Executive Summary

Motion to approve an Amendment to LBR's contract with the City of McAlester.

A motion to approve an Amendment to LBR's contract with the City was made by Councilman Smith and seconded by Councilman Read.

Before the vote, Mr. Priddy commented that this was another amendment to LBR's current contract with the City to provide grant administration for the Improvement projects at the airport.

Vice-Mayor Mason commented that this amendment was for the project that had recently been approved for re-bid by the Council and he asked for clarification of what the "Object Free Area East of Runway.

Mr. Priddy explained that any time LBR came to the City or contacted the FAA there was an amendment to the Contract and the area in question was a large mound of dirt that would be leveled and some of the dirt would be used area that needed to be filled in.

Vice-Mayor Mason requested that the minutes reflect that "LBR should be notified and asked to keep all expenses completely separated, so they can report to the City any additional cost for this project from this point. So the City would have some recourse if we could foreclose on the original Bid Bond."

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

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

NAY: None

Mayor Harrison declared the motion carried.

11. Discussion, and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of 12 new twin size mattresses for the dorms of the fire departments. The cost of the mattresses not to exceed \$4,788.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the purchase of twelve (12) new twin size mattresses for the Fire Department's dorms at a cost not to exceed \$4,788.00 and the purchase to be made with the Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Chief Brewer addressed the Council stating that the Fire Department would like to purchase twelve (12) new twin size mattresses for the fire department dorms.

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

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

NAY: None

Mayor Harrison declared the motion carried.

12. Consider, and act upon, Change Order No. 1 for the 14th Street / US 69 Sewer Extension with C.S. Day & Associates of Tahlequah, Oklahoma. (*David Medley, P.E., Director of Public Utilities*)

Executive Summary

Motion to approve Change Order No. 1 to the 14th Street / US 69 Sewer Extension to add 75 days to the Original Contract Time. Substantial Completion with this Change Order would be April 19, 2013. This is a zero cost change order and the Contract Price of \$410,488.00 shall remain the same.

Vice-Mayor Mason moved to approve Change Order No. 1 for the 14th Street/U.S. 69 Sewer Extension to add seventy-five (75) days at no additional cost to the original contract time.

Before the vote, David Medley addressed the Council explaining that this would not add any cost to the Contract and the Change Order was because of the inclement weather, problems encountered with the rock in the area and the highway boring difficulties. He then distributed a revised Change Order that increased the number of days to one hundred (100).

There was a brief discussion among the Council, Mr. Medley and Robert Vaughan regarding the number of days the extension asked for, why the engineer was requesting more time than what the contractor had requested and the deadline passing before an extension was requested.

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

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

NAY: None

Mayor Harrison declared the motion carried.

13. Discussion and possible action to implement the Marketing Alliance, Inc., Marketing Communication Plan for Tourism. (*Peter J. Stasiak, City Manager*)

Executive Summary

Discussion and/or possible action to implement the Marketing Alliance Communication Plan for Tourism.

Mayor Harrison stated that he had asked that this item be placed on the agenda because he did not feel that the Council had had enough discussion of the Plan. He added that the City would begin the budget process for fiscal year 2013-2014 very soon and this needed to be addressed.

There was discussion among the Council and Manager Stasiak regarding the implementation of the plan, if the Tourism Department had looked at the plan, and how the plan would be funded.

Councilman Smith moved to accept the plan without tying the City Manager's hands.

Councilman Titsworth commented that the plan was more boiler plate, there was not enough information from the surveys and out of forty-six (46) surveys that had been sent out there had only been fourteen (14) responses.

There was more discussion regarding looking at the whole picture and not line by line addressing the plan, tabling the plan for an indefinite period of time, which group would take the lead, and if the plan was adopted would the City be tied to everything in the plan.

City Attorney Ervin commented that by accepting the plan indicated that the contractor had fulfilled the contract and that was probably an appropriate motion. He added that the Council could implement the plan in stages or how they deemed appropriate.

Mayor Harrison asked for a second to Councilman Smith's motion. Councilman Read seconded the motion to accept the plan.

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

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak thanked the Street Department and the Oklahoma Department of Transportation for the repairs that had been completed to the Washington Street Bridge. He reported that the ISO rating had been one of the first things that Chief Stewart had brought to him four (4) years ago. He commented on the amount of work that had gone into this matter and every citizen in the City would benefit from the rating. He reported that the Utilities Department had mobilized for the Residual Handling at the Water Plant. He then updated the Council on the City's financial status. He explained that currently the focus was to maintain services and Public safety. He informed the Council that he planned to bring them details at the March 26th Council meeting and in the next couple of days he would be realigning the personnel structure of some of the departments in the City.

Councilman Read asked what Manager Stasiak attributed the fall in water sales to. He also stated that he did not support furloughs or layoffs in critical positions, anyone that had to report in emergency situations.

Councilman Titsworth asked if the number of water accounts was down and if the water sales for fracking were down.

Councilman Karr inquired about the number of apartments that had been built recently.

Manager Stasiak commented that the number was not down but there was no usage in many of the accounts, Rural Water District #5 had previously had a leak for about ten (10) months and those figures had been used for budgeting and there had been a reduction in oil and gas related water sales. Manager Stasiak commented that ninety-five (95) new units had been built on West Street.

Remarks and Inquiries by City Council

Councilman Smith congratulated the people that had worked on the ISO rating and that it was a move in the right direction.

Councilmen Titsworth, Read, Karr and Vice-Mayor Mason did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Harrison had no comments for the evening.

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:48 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:49 P.M.

Adjournment

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:50 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk