

The McAlester City Council met in Regular session on Tuesday, May 14, 2013, at 6:00 P.M. after proper notice and agenda was posted, May 10, 2013, at 11:00 A.M.

**Call to Order**

Mayor Harrison called the meeting to order.

Stephanie Swinnea, Pastor, All Saints Episcopal 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, Buddy Garvin, Sam Mason & Steve Harrison

Absent: Robert Karr

Presiding: Steve Harrison, Mayor

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

Mayor Harrison reminded all citizens to vote in the Special Election.

**Citizen's Comments on Non-agenda Items**

Ginny Webb Executive Director of McAlester Main Street updated the Council on the activities that "Main Street" had undertaken since the last meeting including placing new ash urns in the downtown area. She thanked the Traffic Control department for the repair of the traffic signal at Main and Choctaw and for their help in moving the trash cans to cover the exposed wires where fallen street lights had been. She then informed the Council of "Main Street's" three (3) remaining goals which were; the membership drive, the business retail incubator plan and the street Scape installments. Ms. Webb then distributed samples of two (2) banners for the street lights in both down town and Old Town.

Stephanie Giacomo Executive Director of Pride in McAlester addressed the Council updating them on the projects that "Pride" had been involved with. She informed the Council that "Pride" had painted the Washington Street Bridge the previous Saturday. She then informed them that "Pride" had hauled approximately 472,680 pounds of trash from the Spring Clean Up not

including the electronics that had been brought to the Armory. She added that she would furnish the updated totals when all the information had been gathered.

### **Consent Agenda**

- A. Approval of the Minutes from the April 23, 2013 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for April 16, 2013 to May 7, 2013. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$100,863.80; Nutrition - \$1,108.21; Landfill Res./Sub-Title D - \$3,314.35; Employee Retirement - \$2,070.00; Tourism Fund - \$6,836.67; SE Expo Center - \$16,487.72; E-911 - \$5,117.24; Economic Development - \$29,393.56; Gifts & Contributions - \$7,820.53; Fleet Maintenance - \$17,014.60; Worker's Compensation - 941.68 and CIP Fund - \$6,174.84.
- C. Consider and act upon a request from the Pittsburg County Chapter NAACP to use the Michael J. Hunter Park, 14<sup>th</sup> and Chickasaw, Oklahoma on Saturday, June 15, 2013 from 8:00am until 5:00 p.m. to hold the Juneteenth Celebration. (*Miller Newman, President, Pittsburg County Chapter NAACP*)
- D. Concur with City Manager's recommendation to vote for Mary Ann Karns, City Attorney, City of Shawnee and Rocky Rogers, City Manager, City of Sand Springs, each to fill a three (3) year term as a Trustee of the Oklahoma Municipal Assurance Group Board of Trustees, which commence on June 30, 2013. (*Peter J. Stasiak, City Manager*)
- E. Authorize the Mayor to sign a service agreement between Tyco SimplexGrinnell and the City of McAlester in the amount of \$1,002.00 for services at the Southeast Expo Center effective June 1, 2013 to May 31, 2014 – Proposal #: 258974. (*Mel Priddy, Community Services Director*)
- F. Concur with Mayor's Appointment of Steve Brock, 1411 Country Club Road, McAlester, 74501 to the Pittsburg County Regional Expo Authority for a term to expire June, 2018. (*Steve Harrison, Mayor*)

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read to open a Public Hearing addressing an Ordinance amending Section 50-51 of the City of McAlester Code of Ordinances. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:09 P.M.

### **Public Hearing**

- **AN ORDINANCE AMENDING THE CODE OF ORDINANCE, CITY OF MCALESTER, OKLAHOMA AMENDING SECTION 50-51 AND DECLARING AN EMERGENCY.**

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

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

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:10 P.M.

### **Scheduled Business**

1. Consider and act upon Final Contractor's Pay Estimate No.3- Final for the construction of 2010 CDBG Water Improvements in an amount of \$140,340.00. (*David Medley, PE, Director of Utilities*)

Executive Summary

Motion to approve final payment to C.S. Day & Associates of Tahlequah, Oklahoma for the 2010 CDBG Water Improvements and authorizing the Mayor to sign the Final Application of Payment in the amount of \$140,340.00.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the Final Contractor's Pay Estimate No. 3-Final for the construction of 2010 CDBG Water Improvements in an amount of \$140,340.00.

Before the vote, David Medley addressed the Council explaining that this project had been completed and this would allow the City to proceed with application for the 2013 CDBG grant.

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

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

Mayor Harrison declared the motion carried.

2. Consider and act upon final acceptance of FY-10 CDBG Small Cities Grant Waterline Project as completed and authorizing Mayor to sign Closeout Documents. (*Peter J. Stasiak, City Manager and Millie Vance, Grant Writer*)

Executive Summary

Motion to approve authorizing the Mayor to sign the FY-10 CDBG Small Cities Grant Waterline Project closeout documents.

A motion was made by Councilman Smith and seconded by Councilman Read to accept the FY-10 CDBG Small Cities Grant Waterline Project as completed and authorize the Mayor to sign the Closeout Documents.

Before the vote, David Medley addressed the Council explaining that the Closeout Documents were required by the Department of Commerce to be executed before the City could apply for the 2013 CDBG grant.

There was discussion among the Council concerning the difference in the Contractor's Final Pay Estimate No. 3 and the CDBG Final Expenditure Report, if it included the administrator's contract and the amount that had been appropriated for the project.

City Attorney Ervin advised the Council that they could take action to accept the project and have someone review the closeout documents prior to the Mayor's signature.

Vice-Mayor Mason asked if the motion needed to be amended to reflect verification of the information prior to the Mayor's signature. Mr. Ervin asked if Councilmen Smith and Read were in agreement of the amendment. Both Councilmen concurred.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon Final Plat for "Royal Oaks". *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Final Plat for the proposed subdivision "Royal Oaks" and authorize the Mayor to sign the documents.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Mason to approve the Final Plat for "Royal Oaks" subdivision.

Before the vote, Manager Stasiak informed the Council that all the requirements had been met, the Planning and Zoning Commission had met on April 16, 2013 and voted unanimously to recommend approval of the Final Plat.

There was discussion among the Council, Dave Grantham, Attorney Ervin and Manager Stasiak regarding the width of the street, PSO's wide easement, how the Stormwater runoff would be addressed, having all of the steps met before bringing items to the Council, which Board had the authority to address the difference in the width of the road and tabling this until the Board of Adjustment could meet and address the matter.

Councilman Garvin moved to table Item 3 pending action by the Board of Adjustment. The motion was seconded by Vice-Mayor Mason.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Discussion, and possible action, on approval of an ordinance amending the Code of Ordinance, City of McAlester, Oklahoma, Article III Fire Prevention Code Section 50-51. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve an amendment to Article III Fire Prevention Code, Section 50-51 to adopt the new rules and regulations for fire prevention.

### **ORDINANCE NO. 2463**

#### **AN ORDINANCE AMENDING THE CODE OF ORDINANCE, CITY OF MCALESTER, OKLAHOMA AMENDING SECTION 50-51 AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to approve **ORDINANCE NO. 2463.**

Before the vote, Chief Brewer addressed the Council explaining that this would adopt the 2009 International Fire Safety Code.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE, seconded by Vice-Mayor Mason.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Discussion, and possible action, on renewing our agreement between City of McAlester and Advanced Data Processing, INC (dba Intermedix-ADPI). (*Brett Brewer, Fire Chief*)  
Executive Summary  
Motion to approve the agreement.

A motion was made by Vice-Mayor Mason and seconded by Councilman Garvin to approve renewing the agreement between City of McAlester and Advanced Data Processing, INC (dba Intermedix-ADPI).

Before the vote, City Attorney Ervin explained that he had spoken with Chief Brewer about the agreement and had approximately fifteen (15) to twenty (20) possible changes to the agreement but had not been able to discuss this with Intermedix. He added that the Chief was in agreement to table until the next regularly scheduled meeting, which would give him the opportunity to run those changes by Intermedix to make sure they were appropriate. He commented that the agreement would then be right for consideration. He then recommended that the agreement be tabled until the next meeting.

Mayor Harrison asked for a motion to table until the May 28<sup>th</sup> meeting. Councilman Garvin moved to table the agreement until the next meeting. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

6. Discussion and possible action, to authorize Mayor to sign Quit Claim Deed between KiBois Community Action Foundation, Inc. and the City of McAlester. (*Peter J. Stasiak, City Manager*)  
Executive Summary  
Motion to approve Quit Claim Deed.

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to authorize the Mayor to sign a Quit Claim Deed between KiBois Community Action Foundation, Inc. and the City of McAlester.

Before the vote, Vice-Mayor Mason asked why the Council was authorizing the Mayor to sign a Quit Claim Deed from the party that was deeding something back to the City.

Attorney Ervin commented that KiBois wanted to deed the land back to us; they were advised to reverse the parties and use the same Quit Claim Deed that was used several years ago. He added that the City did not need to sign a deed; it would have to accept it.

Vice-Mayor Mason stated that the motion needed to be re-written for the record, to authorize the Mayor to accept the Quit Claim Deed between KiBois and the City of McAlester.

There was discussion among the Council and Manager Stasiak regarding the condition of the lots when the City accepts them, what had taken place during the original transaction, the amount of property that the City owned and doing something with the property other than maintaining it forever.

Manager Stasiak recommended obtaining the value of the property and proceeding with an auction or a sale. He added that if it pleased the Council he would contact KiBois, tell them they needed to clean the lots up to the condition that they were in four (4) years ago and then bring this item back to the Council with an analysis of the lot size, location, possibilities for the future and recommendations.

Vice-Mayor Mason moved to table the item indefinitely. The motion was seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Presentation and Submittal of the Preliminary Annual Operating Budget for FY 2013/2014. (*Toni Ervin, Chief Financial Officer for Peter J. Stasiak, City Manager*)

Executive Summary

Set a Special Workshop Session for May 28<sup>th</sup> to discuss and review the 2013/2014 Preliminary Budget.

Manager Stasiak presented the preliminary budget for Fiscal Year 2013/2014 to the Council, commenting that it would continue to be a challenge in the future. During his presentation Manager Stasiak highlighted the reductions in revenue in the General Fund and in the Public Works. He stated that this was a brief summary and recommended a workshop to review the budget in detail. Manager Stasiak discussed the consolidation of various departments in order to manage the necessary work load with fewer employees. He added that this was a moving target and the City was going to do more with less in the future.

Mayor Harrison called a Special Meeting for Tuesday, May 21, 2013 at 5:30 P.M. for a work session on the budget and possibly addressing the "Royal Oaks" plat.

Vice-Mayor Mason asked if the City's organizational chart would be updated. Manager Stasiak stated that at the Work shop he would have the over all organizational chart and a department organizational chart.

### **New Business**

There was no new business.

### **City Manager's Report**

Manager Stasiak reported DEQ had started working on the Armory and were doing the asbestos remediation and once that was completed they would move immediately to address the lead paint. He added that the anticipated time was thirty (30) days.

### **Remarks and Inquiries by City Council**

There were no comments from the Council.

### **Mayor's Comments and Committee Appointments**

Mayor Harrison did not have any comments for the evening.

### **Recess Council Meeting**

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman 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, Garvin, Mason, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:25 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:26 P.M.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to recess the Regular Meeting for an Executive Session to discuss the employment, hiring appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter J. Stasiak, in accordance to Title 25, Sec. 307.B.1.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 7:27 P.M.

### **Executive Session**

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

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), discussing the employment, hiring appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter J. Stasiak.

Reconvene into Open Session

*Take any action as a result from Executive Session.*

The Regular Meeting was reconvened at 9:13 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss the employment, hiring appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter J. Stasiak, in accordance to Title 25, Sec. 307.B.1. Only that matter was discussed, no action was taken, and the Council returned to open session at 9:13 P.M., and this constituted the Minutes of the Executive Session.

- Consider, and act upon, the City Manager Contract.

Mayor Harrison moved to offer an employment agreement to Pete Stasiak for the next fiscal year, which the Council will sign subject to Mr. Stasiak’s signing. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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, Mason, Read, Garvin & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:15 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk