

The McAlester City Council met in Regular session on Tuesday, June 11, 2013, at 6:00 P.M. after proper notice and agenda was posted, June 7, 2013, at 9:15 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, Robert Karr, Buddy Garvin & Steve Harrison  
Absent: Sam Mason  
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; David Medley, Utilities Director; Toni Ervin, Chief Financial Officer; Mel Priddy, Community Services Director; 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 informed the Council that the Old Town and Down Town Street banners were in and would be up soon.

Stephanie Giacomo Executive Director of Pride in McAlester announced that the June community volunteer day was coming up this Saturday and Pride In McAlester had received four (4) recycling bins from Keep America Beautiful and Coca-Cola. She added that the bins had been placed in Chadick Park, Rotary Park and Komar Park.

**Consent Agenda**

- A. Approval of the Minutes from the May 21, 2013 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for May 22, 2013 to June 4, 2013. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$87,474.54; Nutrition - \$824.58; Landfill Res./Sub-title D - \$22,699.76; Tourism Fund - \$3,666.67; SE Expo Center -

\$4,418.06; E-911 - \$514.38; Economic Development - \$29,513.93; CDBG Grant Fund - \$7,017.00; Fleet Maintenance - \$7,028.25; Workers' Compensation - \$941.68; CIP Fund - \$8,727.84 and Federal Forfeiture Fund - \$1,193.46.

- C. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.33460-TW. *(Cora Middleton, City Clerk)*
- D. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living. *(Peter J. Stasiak, City Manager)*
- E. Consider and act upon, a request from the Pittsburg County Regional Expo Authority for funding in the amount of \$9,000. *(Peter J. Stasiak, City Manager)*
- F. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Main Street Association. *(Peter J. Stasiak, City Manager)*
- G. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Pride-in-McAlester. *(Peter J. Stasiak, City Manager)*
- H. Discussion and possible action, a funding request of \$18,000 for the Old Town Association 17<sup>th</sup> Wild West Festival, October 5, 2013. *(Old Town Association, Eddie Gray/Councilman Buddy Garvin)*
- I. Consider and act upon, authorizing the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- J. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester Public Works Project and the Oklahoma Department of Corrections (Prisoners Public Works). *(Peter J. Stasiak, City Manager)*
- K. Consider and act upon, authorizing the Mayor to sign an Equipment Maintenance Agreement between the City of McAlester and BizTel Business Telephone Systems for July 1, 2013 through June 30, 2014. (No increase in service rates – same as last year.) *(James Stanford, IT Computer Specialist and Peter J. Stasiak, City Manager)*
- L. Consider and act upon, a one year agreement between the Public Finance Law Group and the City of McAlester, Oklahoma to engage as bond counsel for the purposes of consultation on any contemplated financing which the City or the Authority may undertake. *(Peter J. Stasiak, City Manager)*
- M. Ratify and approve an agreement between Municipal Finance Services, Inc. and the City of McAlester to render financial consulting services to the Mayor, City Council and Staff on certain financial matters. *(Peter J. Stasiak, City Manager)*

- N. Consider and act upon, authorizing the Mayor to sign a Resolution extending Healthcare Coverage with Oklahoma Public Employees Health & Wellness in the amount of \$469.10/per full time regular employee for a period of July 1, 2013 through June 30, 2014, and appointing a member of the City Council to the OPEH&W Plan Board. *(Pamela Kirby, Human Resources Manager & Peter J. Stasiak, City Manager)*
- O. Ratify and approve application with for a dental insurance plan for all full time regular employees with **Guardian** for the period of July 1, 2013 through June 30, 2014. *(Pamela Kirby, Human Resources Manager)*
- P. Ratify and approve application with **Superior Vision Services, Inc.** for vision care for full time regular employee for a period of July 1, 2013 through June 30, 2014. *(Pamela Kirby, Human Resources Manager)*
- Q. Ratify and approve application and participation agreement with **Lincoln National Life Insurance Company** for Life Insurance and Long Term Disability Insurance for full time regular employee for a period of July 1, 2013 through June 30, 2014. *(Pamela Kirby, Human Resources Manager)*
- R. Consider and act upon, authorizing the Mayor to sign a Letter of Agreement between the Oklahoma Tobacco Settlement Endowment Trust and City of McAlester for grant funds received from the Oklahoma Tobacco Settlement Endowment Trust Fund (TSET), through the Healthy Communities Incentive Grant Program. *(Pamela Kirby, Human Resources Manager)*
- S. Consider, and act upon, a one (1) year Agreement between the City of McAlester and McAlester Regional Health Center Authority (MRHC) for services of MRHC's Wellness Center Facility for City Employees *(Pamela Kirby, Human Resources Manager)*

Councilman Read requested that items "D, E, F, G, and I" be removed for discussion.

Councilman Karr requested that item "C" be removed for discussion and Councilman Titsworth requested that item "H" be removed for discussion.

Manager Stasiak asked that item "R" be pulled for discussion and Mayor Harrison requested that item "B" be removed for individual consideration.

A motion was made by Councilman Read and seconded by Councilman Titsworth to approve the Consent Agenda items "A, J, K, L, M, N, O, P, Q and S". There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

## **Items Removed from the Consent Agenda**

- B. Approval of Claims for May 22, 2013 to June 4, 2013. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$87,474.54; Nutrition - \$824.58; Landfill Res./Sub-title D - \$22,699.76; Tourism Fund - \$3,666.67; SE Expo Center - \$4,418.06; E-911 - \$514.38; Economic Development - \$29,513.93; CDBG Grant Fund - \$7,017.00; Fleet Maintenance - \$7,028.25; Workers' Compensation - \$941.68; CIP Fund - \$8,727.84 and Federal Forfeiture Fund - \$1,193.46.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the Claims for May 22, 2013 to June 4, 2013.

Before the vote, Councilman Titsworth inquired about the payment to MPower and commented that the copy of the invoice he had received had been dated June 1, 2011.

Manager Stasiak informed the Council that he would contact the entity and request a corrected invoice. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Titsworth, Karr & Garvin

NAY: None

ABSTAIN: (counted as no) Mayor Harrison

Mayor Harrison declared the motion carried.

- C. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.33460-TW. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Karr and seconded by Councilman Smith to concur with Oklahoma Municipal Assurance Group to deny Claim No. 33460-TW.

Before the vote, there was a brief discussion concerning when the pot hole had been reported and if it had been reported prior to the claim if that would have helped the claimant. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Garvin

Mayor Harrison declared the motion carried.

- D. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living. (*Peter J. Stasiak, City Manager*)

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living.

Before the vote, Councilman Read commented on the absence of a contract.

Manager Stasiak asked that this item be pulled until the next meeting and bring that agreement before the Council then.

There was no vote.

- E. Consider and act upon, a request from the Pittsburg County Regional Expo Authority for funding in the amount of \$9,000. *(Peter J. Stasiak, City Manager)*

A motion was made by Councilman Read and seconded by Councilman Karr to approve a request from the Pittsburg County Regional Expo Authority for funding in the amount of \$9,000.00.

Before the vote, Councilman Read commented that there had never been information supplied by the Expo Authority regarding their expenses and he would like to see how much the County contributed to the Authority.

Mayor Harrison stated that he believed that the City needed an agreement also.

Manager Stasiak commented that he had been prepared to pull this item and that he had spoken with Mr. Derichsweiler, who was supposed to gather the requested information. He added that he would present the requested information at the next meeting including an agreement.

There was no vote.

- F. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Main Street Association. *(Peter J. Stasiak, City Manager)*

Councilman Read moved to authorize the Mayor to sign a contract between the City of McAlester and Main Street Association. The motion was seconded by Councilman Titsworth.

Before the vote, there was discussion concerning the different amounts connected to this item, their contract not appearing to be approved by their Board, pulling this item and bringing it back before the Council at a later date and if the Council was comfortable with the amounts that had been budgeted for all of the entities that the City funded.

There was no vote on this item.

Mayor Harrison commented that item "F" would be pulled.

There was a brief discussion regarding bringing all of the Contracts, including item "G" back to the Council in more completed forms.

- H. Discussion and possible action, a funding request of \$18,000 for the Old Town Association 17<sup>th</sup> Wild West Festival, October 5, 2013. (*Old Town Association, Eddie Gray/Councilman Buddy Garvin*)

A motion was made by Councilman Titsworth and seconded by Councilman Read to approve a funding request of \$18,000.00 for the Old Town Association 17<sup>th</sup> Wild West Festival, on October 5, 2013.

Before the vote, there was discussion among the Council, Manager Stasiak and Eddie Gray regarding the growth of the Festival over the years, the amount of tourism that this Festival brings into the City, what the money would be used for, the Old Town Association's first request for funding and Manager Stasiak working out the details of this item with Councilman Garvin and Mr. Gray then bringing it back before the Council.

There was no vote on this item.

- I. Consider and act upon, authorizing the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester. (*Peter J. Stasiak, City Manager*)

Councilman Read moved to authorize the Mayor to sign a City-County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester.

Before the vote, Councilman Read commented that he had the same concern about this item as he had on the previous items.

Manager Stasiak stated that this would be fixed and brought back before the Council with the other items.

There was no vote on this item.

- R. Consider and act upon, authorizing the Mayor to sign a Letter of Agreement between the Oklahoma Tobacco Settlement Endowment Trust and City of McAlester for grant funds received from the Oklahoma Tobacco Settlement Endowment Trust Fund (TSET), through the Healthy Communities Incentive Grant Program. (*Pamela Kirby, Human Resources Manager*)

A motion was made by Councilman Karr and seconded by Councilman Smith to authorize the Mayor to sign a Letter of Agreement between the Oklahoma Tobacco Settlement Endowment Trust and City of McAlester for grant funds received from the Oklahoma Tobacco Settlement Endowment Trust Fund (TSET), through the Healthy Communities Incentive Grant Program.

Before the vote, Manager Stasiak commented that he would like to add “and attached documents” to the motion. He explained that there were several documents behind the agreement that would need to be signed if this item was approved.

Mayor Harrison asked Councilman Karr and Councilman Smith if they agreed to the additional language. Both indicated that they would agree to the addition. The motion was restated as “authorize the Mayor to sign a Letter of Agreement and attached documents between the Oklahoma Tobacco Settlement Endowment Trust and City of McAlester for grant funds received from the Oklahoma Tobacco Settlement Endowment Trust Fund (TSET), through the Healthy Communities Incentive Grant Program.” There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Titsworth, Read, Garvin & 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 three (3) Ordinances. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:35 P.M.

### **Public Hearing**

- **TO RECEIVE PUBLIC COMMENT ON CITY OF MCALESTER PROPOSED FISCAL YEAR 2013-2014 ANNUAL OPERATING BUDGET.**
- **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 CITY OF MCALESTER CODE OF ORDINANCES, CHAPTER 62, LAND DEVELOPMENT CODE, ARTICLE VI, SUBDIVISION REGULATIONS, DIVISION 3. DESIGN STANDARDS, GENERALLY, SECTION 62-397, SUBDIVISION DESIGN STANDARDS (A) STREETS (11). REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.**

Bill Murdock addressed the Council regarding his concerns about MPower being funded in the next fiscal year. There no other comments from the public or the Council and Councilman Smith

moved to close the Public Hearing. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:39 P.M.

### **Scheduled Business**

1. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION AUTHORIZING THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") TO ISSUE ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2013 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8,890,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; RATIFYING AND CONFIRMING A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF AN INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE PERTAINING TO THE CITY'S WATER, SANITARY SEWER, AND GARBAGE SYSTEMS; ESTABLISHING THE AUTHORITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE AUTHORITY IN CALENDAR YEAR 2013, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO. (*Jon Wolff Municipal Finance Services, Inc. and Alan Brooks, Public Finance Law Group PLLC*)

#### Executive Summary

Motion to approve Resolution Authorizing the McAlester Public Works Authority (The "Authority") to issue its Utility System and Sales Tax Revenue Series 2013.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 13-09, authorizing the McAlester Public Works Authority to issue its Utility System and Sales Tax Revenue Series 2013.

Before the vote, Jon Wolff informed the Council that nine (9) banks had been provided financing packages and only one (1) bank had submitted a bid. Mr. Wolff reviewed the interest rate that had been bid and explained that as the economy improved interest rates would increase.

There was discussion among the Council, Mr. Wolff and Manager Stasiak regarding the interest rate, possibly taking a smaller amount now then later if the City's situation improved borrowing

the balance, the length of this issue, the structure of the repayment schedule, the City budgeting contingency funds for unexpected items and the Council's comfort level in borrowing the full \$8.89 Million.

Mayor Harrison commented that Mr. Wolff had mentioned that this would require three-fourths (3/4) votes of the Council, all six (6) votes to be approved. He then explained that the full amount of \$8.89 million was what was being voted on. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2013 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUES; RATIFYING AND CONFIRMING A LEASE PERTAINING TO THE CITY'S WATER, SANITARY SEWER, AND GARBAGE SYSTEMS; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2013, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO. (*Jon Wolff Municipal Finance Services, Inc. and Alan Brooks, Public Finance Law Group PLLC*)

Executive Summary

MOTION TO APPROVE RESOLUTION WITH RESPECT TO A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2013 (THE "NOTE")

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 13-10, approving the incurrence of indebtedness by the McAlester Public Works Authority issuing its Utility System and Sales Tax Revenue note Series 2013.

Before the vote, Mr. Wolff explained that this was the actual approval by the City as required by Title 60. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

3. Discussion and act upon, a Resolution confirming the City of McAlester has the resources or can obtain the resources necessary to provide Economic Development service to the Citizens of McAlester. (*Councilman Travis Read*)

Executive Summary

Motion to approve Resolution to conduct economic development activities internally within the City of McAlester organizational structure.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 13-11, to conduct economic development activities internally within the City of McAlester's organizational structure.

Before the vote, Councilman Read stated that he had prepared and asked that this Resolution be placed on the agenda. He commented that he believed that it was time that the City stopped outsourcing economic development and that the City Manager had economic development experience.

There was discussion among the Council, the City Attorney and Manager Stasiak concerning better information, having economic development answer to the Council, requiring a Charter change for economic development to answer to the Council, the confidentiality of various economic development matters, how other cities handled economic development, how economic development was one of the most controversial items faced by municipalities, the City's available work force, the cost of an Economic Development Director and that there was no perfect way to handle economic development.

Councilman Read briefly reviewed his thoughts on this matter and commented that he would like to see this Resolution pass unanimously and show support for the City Manager. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

4. Discussion and act upon, a contract requesting funding for economic development services between MPower Economic Development Corporation and the City of McAlester. (*MPower Board of Directors*)

Executive Summary

Motion to approve the contract with MPower E.E. for FY 13/14.

Mayor Harrison commented that this item had been pulled at the request of the submitter.

Councilman Read commented that he would like to read the Committee's report to the Council to review the work that had been done to negotiate a contract with MPower. After Councilman Read had read the report, Councilman Garvin thanked him for informing the Council of what had transpired during the negotiations.

5. 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. 2465**

**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. 2465**.

Before the vote, Ms. Ervin reviewed the amendment with the Council informing them of the interest rates that the City was paying on the lease purchase agreements. She added that at the end of the fiscal year any funds that were not used would roll into fund balance.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider, and act upon, approval of special claims list attached hereto for pay-off of capital leases. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the special claims list.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve the special claims list as follows: General Fund - \$92,455.04, to pay off the lease on a 2008 Ford

Ambulance, nine (9) 2009 Ford Crown Victoria Police Cars and one (1) 2009 Ford Ranger pickup; McAlester Public Works - \$18,040.38, to pay off the lease for one (1) John Deere 410J Backhoe.

Before the vote, Ms. Ervin commented that this was the actual payoff of the lease purchases. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and act upon, authorizing the Mayor to sign a Master Agreement for Internet Services between the City of McAlester and AT&T. (*James Stanford, IT Computer Specialist*)

Executive Summary

Motion to approve Master Agreement for Internet Services.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the Mayor to sign a Master Agreement for Internet Services between the City of McAlester and AT&T.

Before the vote, Manager Stasiak informed the Council that Joe Breeden and James Stanford were available to answer any questions the Council may have.

Joe Breeden explained that this was the beginning of a five (5) step process that would save the City approximately \$3,000.00 a month, increase efficiency in City Hall and the speed of the internet. He stated that this new technology for McAlester was fiber optic access to the internet.

City Attorney Ervin reviewed the recommended changes to the Master Agreement. There was discussion among the Council regarding how this would be routed into City Hall, the reliability of the fiber optic lines, the improvements in the technology, the cost of using AT&T, how long it would take to complete this change and making this authorization contingent upon the acceptance of the City Attorney's recommended changes. There was no further information, and the vote was taken as follows:

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

8. Consider and act upon, authorizing the Mayor to sign a Service Agreement with MegaPath for local and long distance phone calling for the City of McAlester. (*James Stanford, IT Computer Specialist*)

Executive Summary

Motion to approve agreement with MegaPath.

A motion was made by Councilman Smith and seconded by Councilman Read to approve an agreement with MegaPath for local and long distance calling for the City of McAlester.

Before the vote, City Attorney Ervin reviewed the recommended changes to the Service Order and the agreement. He commented that with the recommended changes the document was in legal proper form.

Mayor Harrison clarified that this item and the previous item were approved contingent upon the recommended changes. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

9. Consider and act upon a Resolution of Support for the Southwinds Aldridge Apartments, LP for Development for the Aldridge Apartments, LP Development and authorizing a monetary contribution from Economic Development funds in minimum amount of \$14,001.

Executive Summary

Motion to approve a Resolution of support for Economic Development and promoting affordable housing, and authorizing a monetary contribution from Economic Development funds in minimum amount of \$14,001 or combination of in-kind services with a monetary contribution to offset the remaining obligation up to \$14,001.

A motion was made by Councilman Read and seconded by Councilman Smith to approve RESOLUTION NO. 13-12, supporting the Southwinds Aldridge Apartments, LP for Development for the Aldridge Apartments, LP Development and authorizing a monetary contribution from Economic Development funds in minimum amount of \$14,001.00.

Before the vote, Manager Stasiak explained that six (6) months ago the City of McAlester was approached by Southwinds Aldridge Apartments, LP for the rehabilitation of the Aldridge Apartments to include mostly A.D.A. improvements. He commented that they had not been successful in their grant application at that time. He added that they had another opportunity to apply and had addressed their deficiencies in their application. He stated that they had requested that some of the wording in the previous Resolution be changed from “not to exceed \$14,001.” to “at a minimum total \$14,001.”

There was discussion among the Council and Manager Stasiak regarding the wording, if this was the same project as before, if other organizations would have the same opportunities, where the funds would come from, changing the wording by removing “at a minimum” and if this was the same amount that was contributed to Hickory Ridge. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

10. Consider and act upon, authorizing the Mayor to sign a Mutual Aid Interlocal Agreement between the City of Savanna and the City of McAlester to combine and coordinate resources for responses to calls for services.

Executive Summary

Motion to approve the Mutual Aid Interlocal Agreement with the City of Savanna.

Councilman Smith moved to approve and authorize the Mayor to sign a Mutual Aid Interlocal Agreement between the City of Savanna and the City of McAlester to combine and coordinate resources for response to calls for service. The motion was seconded by Councilman Karr.

After a brief discussion concerning who would dispatch for Savanna and that this agreement was similar to the agreement with the City of Krebs, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider and act upon, an Ordinance amending the City of McAlester Code of Ordinances, Chapter 62, Land Development Code, Article VI, Subdivision Regulations, Division 3, Design Standards, Generally, Section 62-397, and Subdivision Design Standards (A) Streets (11). Repealing all conflicting Ordinances; and Declaring an Emergency. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve amending Ordinance of the City of McAlester Code of Ordinances, Chapter 62, Section 397. Subdivision Design Standards (A) Streets (11).

### **ORDINANCE NO. 2466**

**AN ORDINANCE AMENDING THE CITY OF MCALESTER CODE OF ORDINANCES, CHAPTER 62, LAND DEVELOPMENT CODE, ARTICLE VI, SUBDIVISION REGULATIONS, DIVISION 3. DESIGN STANDARDS, GENERALLY, SECTION 62-397, SUBDIVISION DESIGN STANDARDS (A) STREETS (11). REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Karr and seconded by Councilman Read to approve **ORDINANCE NO. 2466**, removing the requirement requiring an unpaved island in a cul-de-sac.

Before the vote, Manager Stasiak explained that in the past these islands had become garbage collectors and no one took responsibility for them. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Read, 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 & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

12. Ratify and approve, an Agreement for the Fireworks Display for the 2013 show scheduled July 4<sup>th</sup>, 2013. (*Jerry Lynn Wilson, Expo Center Manager*)

Executive Summary

Motion to approve agreement for the 2013 Firework Display with Liberty Pyrotechnics, LLC in the amount of \$13,495.00.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve and Agreement for the Fireworks Display for the 2013 show scheduled for July 14<sup>th</sup>, 2013, with Liberty Pyrotechnics.

Before the vote, Mel Priddy informed the Council that Liberty Pyrotechnics, LLC had been the low bidder of the three (3) companies that had submitted bids. He added that this company had put on the fireworks display last year and that First National Bank was once again donating 10 million dollars again for the display this year.

City Attorney Ervin commented that he had found two (2) changes that he recommended be made. He then reviewed those changes with the Council. There was no further discussion and the vote was taken as follows

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

NAY: None

Mayor Harrison declared the motion carried.

13. Consider, and act upon, a Professional Services Agreement with a consultant to be named for the design of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with a consultant, to be named on June 11, 2013, for the design of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

A motion was made by Councilman Smith and seconded by Councilman Read to approve and authorize the Mayor to sign a Professional Services Agreement with a consultant to be named on

June 11, 2013, for the design of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

Before the vote, John Modzelewski distributed a “Proposal for Construction Plans and Bid Documents” from EST, Inc for the 17<sup>th</sup> Street from Comanche Avenue to South Avenue Project to the Council. He explained that this item was to get a contract with a consultant and the time constraints associated with this item created urgency in selecting the consultant. He then reviewed the steps that had been taken to meet all of the requirements and the deadlines.

There was discussion among the Council, Manager Stasiak and Mr. Modzelewski concerning the funding, how the streets in the project had been selected, informing the public of the progress of the projects, developing an objective procedure on selecting the streets to be worked on , when construction may begin, and having a standardized engineering agreement for all future projects.

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

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

NAY: None

Mayor Harrison declared the motion carried.

### **New Business**

There was no new business.

### **City Manager’s Report**

Manager Stasiak reported DEQ had approached the City about the East Waste Water Plant and how the chemicals were currently being stored. He stated that the City would need to start developing a new system to separate specific chemicals. He commented that City crews were currently replacing a sewer main in the area of Lost and Brick all the way to Main. The Mullin House has been used for practice by the Firefighters, but is expected to be taken down sometime in the Fall. Manager Stasiak reported that the Hospital had approved a request by Mel Priddy for an eighteen (18) hole disc golf course on the Hospital grounds. The Asbestos Remediation at the Armory has been completed and bids to remediate the lead based paint would be going out soon. He informed the Council that the Parks department had begun fogging for mosquitoes. He stated that the Aeronautics Commission had met with John Modzelewski and Butch Mellor this week and he anticipated the completion of work on 10<sup>th</sup> Street this week.

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

Councilman Garvin commented that he had recommended “Safe Rooms” for all of the schools several years ago but nothing had been done as of yet. He commented on the individuals at stop signs distracting the public and the City Attorney would be presenting something at the next Council meeting to address this. He commended the Mayor for his welcome at the Sunbelt

Classic. He commented on the dance recital given by the students and staff of Angie's Dance Studio. He then inquired on the annexation at the Turnpike.

Manager Stasiak stated that the Turnpike had not finalized the land deal and when that is finalized the City would move forward with the annexation.

Councilman Karr expressed his condolences for Robert Tate.

Councilman Read informed the Council of a fund raiser that had occurred at Legends Salon to raise funds for the dog park. He then asked the City Attorney to look into protecting the City's interests pertaining to MPower.

Councilman Titsworth commented that he was still receiving letters regarding individuals parking in the streets and the problems that caused.

Councilman Smith inquired about the "Bass Masters and the Charity bicycle ride.

Manager Stasiak explained that both of those events were scheduled for 2014.

### **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 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, Garvin, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:37 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 8:38 P.M.

A motion was made by Councilman Smith and seconded by Councilman Karr to recess the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF & FOP, in accordance with Title 25, Sec. 307.B.2.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 8:39 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), discussing negotiations concerning employees and representatives of employee groups: IAFF & FOP

**Reconvene into Open Session**

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

The Regular Meeting was reconvened at 9:12 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 & FOP, 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 9:13 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 Garvin. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:13 P.M.

ATTEST:

\_\_\_\_\_  
Steve Harrison, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk