

The McAlester City Council met in Regular session on Tuesday, May 28, 2013, at 6:00 P.M. after proper notice and agenda was posted, May 24, 2013, at 11:55 A.M.

Call to Order

Mayor Harrison called the meeting to order.

William J. Ervin, City of McAlester City Attorney 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; Brett Brewer, Fire Chief; Toni Ervin, Chief Financial Officer; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Councilman Garvin commented on the grant award from Union Pacific in the amount of \$15,000.00.

Consent Agenda

- A. Approval of the Minutes from the May 14, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for May 8, 2013 through May 21, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$94,191.24; Parking Authority - \$160.66; Nutrition - \$1,372.65; Landfill Res./Sub-Title D - \$189.98; Employee Retirement - \$4,648.50; Tourism Fund - \$862.56; SE Expo Center - \$5,449.35, E-911 - \$4,766.55; Economic Development - \$53,220.25; Gifts & Contributions - \$32.00; Fleet Maintenance - \$3,250.17 and Federal Forfeiture Fund - \$35,727.21.
- C. Accept and place on file the Oklahomans for Independent Living Quarterly Report for January, February and March - Fiscal Year 2012-2013. *(Pam Pulchny, Executive Director, O.I.L.)*
- D. Authorize the Mayor to sign an Annual Engagement Letter with Crawford & Associates, P.C., for the period of July 1, 2013 through June 30, 2014. *(Cora Middleton, City Clerk)*
- E. Authorize the Mayor to sign Agreement for Funding of the 2013 Junior Sunbelt Classic. *(Cora Middleton, City Clerk)*
- F. Concur with Mayor's Re-Appointment of Ross Eaton to the Planning Commission for a term to expire May 2016. *(Mayor Steve Harrison)*
- G. Concur with Mayor's Re-Appointment of Denise Lewis to the Planning Commission for a term to expire May 2016. *(Mayor Steve Harrison)*
- H. Concur with Mayor's Re-Appointment of Susan Kanard to the Planning Commission for a term to expire March 2016. *(Mayor Steve Harrison)*

- I. Concur with Mayor's Re-Appointment of Susan Kanard to the Board of Adjustment for a term to expire March 2016. (*Mayor Steve Harrison*)
- J. Concur with Mayor's Re-Appointment of Mark Emmons to the Board of Adjustment for a term to expire March 2016. (*Mayor Steve Harrison*)

Vice-Mayor Mason requested "Item E" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve Consent Agenda items "A through D and F through J". There was no discussion and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

Items removed from Consent Agenda

- E. Authorize the Mayor to sign Agreement for Funding of the 2013 Junior Sunbelt Classic. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Garvin and seconded by Vice-Mayor Mason to authorize the Mayor to sign Agreement for Funding of the 2013 Junior Sunbelt Classic.

Before the vote, Vice-Mayor Mason commented about information regarding how funds were spent last year and how they planned to spend the funds this year. He recommended that the motion be amended to "Authorize the Mayor to sign the Agreement for Funding of the 2013 Junior Sunbelt Classic, contingent upon the receipt of the reconciliation of the 2012 expenses and the analysis of the 2013 expenses.

Mayor Harrison explained that the funding that was being requested tonight was for the Tournament that was scheduled for June 2013 and had been approved in the Fiscal Year 2012-2013 Budget.

There was a brief discussion among the Council regarding reports that had been requested, a detailed analysis of the past tournament and the proposed budget for the tournament scheduled for June 2013.

Mayor Harrison clarified the motion made by Vice-Mayor Mason as contingent to the receipt of the reconciliation of the 2012 expenses and the analysis of the 2013 expenses. Councilman Smith seconded the motion and the vote was taken as follows:

AYE: Councilman Mason, Smith, Titsworth, Read, Mayor, Karr & Garvin
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 two (2) Ordinances. There was no discussion, and the vote was taken as follows:

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

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

Public Hearing

- **AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF MCALESTER, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE**

EMPLOYEES OF THE CITY OF MCALESTER, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS AND LOSS OF BENEFITS FOR CAUSE; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

- **A PUBLIC HEARING ON THE PROPOSED FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES GRANT; PROPOSED WATER PROJECT.**

There no 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 Mason, Smith, Titsworth, Read, Karr, Garvin & Mayor Harrison
NAY: None

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

Scheduled Business

1. TABLED FROM PREVIOUS MEETING. 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 Smith and seconded by Councilman Garvin to approve the Final Plat for the proposed subdivision “Royal Oaks” and authorize the Mayor to sign the documents.

Before the vote, Manager Stasiak explained that this item had been taken back to the Planning and Zoning Commission to address a fifty (50) foot right-of-way variance along with a five (5) foot utility easement on both sides of the proposed street, at the recommendation of the City Attorney. He stated that the Planning and Zoning Commission had met on May 22, 2013 and had voted unanimously by three quarters of the members in favor of the variance. Manager Stasiak commented that it was staff’s recommendation that the “Plat” be approved contingent to Mr. Grantham meeting the requirements for a cul-de-sac.

There was a brief discussion among the Council regarding the current requirement for cul-de-sacs, the problems that were caused by those requirements, the problems with storm water in the area and how that problem would be affected by this subdivision.

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

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

NAY: None

ABSTAIN: Vice-Mayor Mason (counted as no)

Mayor Harrison declared the motion carried.

2. Consider and act upon Adopting Citizen's Participation Plan for FY-2013 CDBG Project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve Citizen's Participation Plan for FY-2013 CDBG Project.

Councilman Smith moved to approve the Citizen's Participation Plan for FY 2013 CDBG Project. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak commented that this was the annual Community Development Block Grant Award. He added that he believed it was about \$74, 000.00 and would require a 50% match from the City which had been budgeted in the coming year. He stated that the City had identified another water infrastructure program. He informed the Council that Millie Vance was again going to help the City with this program.

Ms. Vance explained the process that cities had to go through to obtain funds through the CDBG program. She reviewed the proposed projects that had been identified for the program.

There was a brief discussion among the Council concerning the number of houses that had been built in one of the areas in the proposed project, and which structures would be affected by the new water line.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon Adopting a Resolution to Apply for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve adopting the resolution to Apply for the FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

A motion was made by Councilman Smith and seconded by Councilman Read, to approve a Resolution to apply for FY – 2013 CDBG Small Cities Grant, proposed Water Line Project.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and act upon Adopting a Resolution to Leverage (Matching) funds for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve to Leverage (Matching) funds for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to adopt RESOLUTION NO. 13-05, to leverage (Matching) funds for FY – 2013 CDBG Small Cities Grant, Proposed Water Line Project.

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

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

Mayor Harrison declared the motion carried.

5. Consider and act upon Adopting a Residential Anti-Displacement Plan for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve a Residential Anti-Displacement Plan for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

A motion was made by Councilman Smith and seconded by Councilman Read to approve a Residential Anti-Displacement Plan for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

Councilman Titsworth asked what this Plan was. Ms. Vance explained that this plan stated that no residents would be displaced as a result of the construction of this project but if that did happen the City of McAlester would provide relocation assistance to those residents affected.

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

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

Mayor Harrison declared the motion carried.

6. Consider and act upon Adopting Contract with Millie Vance Incorporated to prepare FY-2013 CDBG grant application and administer project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)

Executive Summary

Motion to approve to Contract with Millie Vance Incorporated to prepare FY-2013 CDBG grant application and administer project.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve a contract with Millie Vance Incorporated to prepare FY – 2013 CDBG grant application and administer project.

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

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

Mayor Harrison declared the motion carried.

7. Consider, and act upon approving an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of all Contributions Under the System to The Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits and Loss of Benefits for Cause; Adopting those Amendments

Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of all Contributions Under the System to The Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits and Loss of Benefits for Cause; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency.

ORDINANCE NO. 2464

AN ORDINANCE ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF MCALESTER, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE EMPLOYEES OF THE CITY OF MCALESTER, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS AND LOSS OF BENEFITS FOR CAUSE; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Titworth to approve **ORDINANCE NO. 2464**, adopting an employee retirement system.

Before the vote, Manager Stasiak explained that this was a project that had been brought to light about three (3) years ago and there had been a lot of discussion regarding the sustainability of the City's Defined Benefit Plan going forward. He added that this was requesting that the Council approve this agreement with the Oklahoma Municipal Retirement Fund for setting up a new Defined Contribution Plan. He informed the Council that this plan had been reviewed and recommended by the Audit and Finance Advisory Committee. He explained that the Plan would set up an up front 2% into all eligible employees accounts for the first year only. He added that with the Plans flexibility contributions could change and it was the City's intent to recommend a 2% for match based on earned wages along with a 50% match up to 6% with a seven (7) year vesting schedule with all employees vested time moved over to the new program.

Chris Whatley with the Oklahoma Municipal Retirement Fund reviewed the history, board make up, staff and services that are provided to Plan participants.

There was discussion regarding investing options, available reporting and employee education concerning their investment choices.

There was a brief discussion concerning the 15% bonus program that a group of employees had joined, if that program would be continued and the drop program.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE, seconded by Councilman Smith.

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

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and act upon approving a Resolution amending the City of McAlester Defined Benefit Retirement Plan and Trust and authorizing the Mayor to sign all required documents. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution amending the City of McAlester Defined Benefit Retirement Plan and Trust and authorize the Mayor to sign all required documents.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 13-06, amending the City of McAlester's Defined Benefit Retirement Plan and Trust and authorize the Mayor to sign all required documents.

Before the vote, Manager Stasiak explained that during previous years the pension program investments had not performed well enough to properly fund program. He commented that it would take approximately twenty eight (28) years to bring the pension to 100% funded for the retirees that were currently receiving pension payments.

Bruce Nordstrom, Senior Consulting Actuary with MHBT, Inc., addressed the Council explaining the changes requiring that the unfunded status of the Pension Plan be reported on the City's Balance Sheet and how this could adversely affect the City's ability to issue bonds and its ability to obtain reasonable interest.

There was discussion among the Council regarding how the proposed pension plan could affect the employees already participating in the bonus and drop programs, if those programs would continue for those employees already participating, how each program was funded, if the current plan could be changed and who had the authority to make those changes, the importance in securing a pension for the employees and how to deal with those employees currently participating with the Bonus and Drop Programs.

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

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

NAY: None

Mayor Harrison declared the motion carried.

9. Consider, and act upon approving a Resolution adopting by reference the Trust Indenture Titled "Oklahoma Municipal Retirement Fund" and authorizing the Mayor and Clerk to execute the Agreement to Pool Funds with other Oklahoma Cities and Towns for the

purposes of Administration, Investment, and Management. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution adopting by reference the Trust Indenture Titled “Oklahoma Municipal Retirement Fund” and authorize the Mayor and Clerk to execute the Agreement to Pool Funds with other Oklahoma Cities and Towns for the purposes of Administration, Investment, and Management.

Councilman Garvin moved to approve RESOLUTION NO. 13-07, adopting by reference the Trust Indenture Titled “Oklahoma Mutual Retirement Fund” and authorizing the Mayor and Clerk to execute the Agreement to Pool Funds with other Oklahoma Cities and Towns for the purposes of Administration, Investment, and Management. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak explained this was just authorizing the City to pool funds with the other cities currently in the plan. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

10. Consider, and act upon, an Agreement for Engineering Services with IMS Infrastructure Management Services to continue the development of a Pavement Management Program for the lump sum fee of \$22,521. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign an Agreement for Engineering Services with IMS Infrastructure Management Services to continue the development of a Pavement Management Program for the lump sum fee of \$22,521.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve authorize the Mayor to sign an Agreement for Engineering Services with IMS Infrastructure Management Services to continue the development of a Pavement Management Program for a lump sum of \$22,521.00.

Before the vote, there was discussion among the Council, Manager Stasiak and John Modzelewski concerning approving the second phase of this program when the first phase streets have not even been scheduled for repair, having more of the streets surveyed to get a better idea of where the most needed repairs were needed, having the funds to actually address the needed repairs, the length of time it could take to complete the initial repairs and helping to furnish non-biased information to the citizens on how the repairs were prioritized.

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

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider and act upon a bid award to KATCON, Inc. to “Construct High Strength Terminal Apron Aircraft Parking Area” at McAlester Regional Airport. (*Mel Priddy, Director Community Services*)

Executive Summary

Motion to approve a \$126,671.70 bid award to KATCON, Inc. for construction of a High Strength Terminal Apron Aircraft Parking Area at the McAlester Regional Airport and authorize the Mayor to sign all the required documents and the construction contract.

A motion was made by Councilman Smith and seconded by Councilman Read to approve a bid award to KATCON, Inc. in the amount of \$126,671.70 to construct a High Strength Terminal Apron Aircraft Parking Area at the McAlester Regional Airport and authorize the Mayor to sign all required documents and construction contract.

Before the vote, Mel Priddy addressed the Council explaining that out of three (3) bids received KATCON was the lowest qualified bidder and it was the recommendation of staff and the Airport consultant that the bid be awarded to KATCON.

There was a brief discussion concerning the initial award of the contract and then having a second item changing the amount of work in the contract and if this company was qualified to complete the project.

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

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

NAY: None

Mayor Harrison declared the motion carried.

12. Consider and act upon a supplemental agreement to change the quantity of work to be done by Katcon, Inc. on High Strength Terminal Apron Aircraft Parking Area at the McAlester Regional Airport. (*Mel Priddy, Director Community Services*)

Executive Summary

Motion to approve supplemental Agreement No. 1 to Katcon, Inc. quantity of work to be done on High Strength Terminal Apron Aircraft Parking Area at McAlester Regional Airport.

A motion was made by Councilman Smith and seconded by Councilman Read to approve a supplemental Agreement No. 1 to Katcon, Inc. changing the quantity of work to be done on the High Strength Terminal Apron Aircraft Paring Area at the McAlester Regional Airport.

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.

13. TABLED FROM PREVIOUS MEETING - 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

Staff recommends motion to Table Agreement to 6/11/13 Council Meeting.

City Attorney Ervin recommended that this item be postponed indefinitely to allow a full discussion between the vendor and the City of McAlester.

A motion was made by Vice-Mayor Mason and seconded by Councilman Garvin to postpone this agreement indefinitely.

Before the vote, there was discussion among the Council regarding the length of time it had taken to bring this item before the Council, when the Contract actually expired, the language in the termination clause and the state laws that govern the agreement. There was non further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

14. Discussion of amendments to Sec 102-98 of the McAlester City Code, or otherwise imposing additional or alternate restrictions on parking on city streets, to reduce traffic obstructions, and insure residential access. Said Discussion to include exceptions for designated business areas and applicable fines. (Councilman John Titsworth and City Attorney, Joe Ervin)

Executive Summary

Discussion only.

There was discussion among the Council regarding recent calls from citizens concerning the problem of vehicles parking along the residential streets near private drives and intersections.

City Attorney Ervin commented that he felt that Councilman Titsworth wanted to address parking in the streets near intersections and private drives.

There was more discussion among the Council concerning adding signage to the streets, individuals parking on the wrong side in the wrong direction on streets, individuals parking on streets that are signed "No Parking" and various solutions to these problems.

Manager Stasiak asked that the Council forward the questions, comments and concerns regarding this subject to him and he would begin working on an Ordinance to address this problem. City Attorney Ervin recommended that comments from the Police Officers be considered also.

There was no vote.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that last weekend he had traveled to Oklahoma City to work with Attorneys Matt Love and Charlie Plumb concerning some items with the IIAF and Local 2284. He explained that a grievance that had been filed on facial hair and a grievance filed on the Self-contained Breathing Apparatus and facial hair. He stated that the IIAF and Union wanted to negotiate those matters. Manager Stasiak commented that he wanted to inform the Council of the time and cost associated with fighting those arguments,

Chief Brewer explained that approximately two (2) years ago the City had received a visit from the Department of Labor informing them that the Federal Government had put new mandates on states that were not OSHA states. These mandates were that all public sector employers had to have a respiratory protection program in place for their employees. He added that these programs could meet, they could write their own but they had to at least meet OSHA requirements. He stated that the state of Oklahoma had just adopted OSHA's requirements. He further informed the Council that McAlester's Fire Department had met with the City of Tulsa's Fire Department and edited their program to fit McAlester. They then submitted that to the Department of Labor. Once this program was approved by the Department of Labor it was implemented in the City of McAlester.

Chief Brewer explained that in the program an annual medical evaluation questionnaire and a fit test of the SCBA mask are required. He then explained how the medical evaluation questionnaire process worked and how the SCBA fit test was accomplished. He commented that OSHA did not allow facial hair between the seal of the mask and the skin of the face. He added that mustaches were allowed but they could not exceed the corners of the mouth. Chief Brewer added that training on the use of the SCBAs, the medical evaluations and the fit tests all had to be done annually. He believed the local Union's stance was that this was a change in working conditions and they needed to be negotiated. The Department of Labor and OSHA feels that this safety steps come first.

There was a brief discussion concerning the grievances, and if the City's program was stricter than OSHA's program.

Manager Stasiak explained that part of the reason this was brought before the Council was to keep them up to date and to inform them of the cost that these matters to the City.

Manager Stasiak then informed the Council of two (2) other grievances that they were going to seek to determine if the Union could pursue the grievances. One was with the IAFF over several of the Fire Fighters realizing that they had not received certain pay since 2006 and they have asked that the City reinstate that pay back through 2006 and another grievance concerning 2011 and 2012 holiday pay. He added that there were approximately four (4) grievances from the FOP.

Remarks and Inquiries by City Council

There were no comments from Councilmen Smith, Titsworth and Read.

Councilman Karr inquired the matter of panhandlers in the City and if the City was still working on the street repair program.

Councilman Garvin commented that he and Councilman Read were going to address the matter concerning panhandlers.

Vice-Mayor Mason requested that at the next meeting a list of the City’s contractors with specifics of each contract regarding the concrete panel replacement be furnished to the Council and then periodically all contract information be furnished to 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 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 Karr, Garvin, Mason, Smith, Titsworth, Read & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:26 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:27 P.M.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned, seconded by Vice-Mayor Mason. 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 8:28 P.M.

ATTEST:

Steve Harrison, Mayor

Karen Boatright, Deputy City Clerk