

The McAlester City Council met in Regular session on Tuesday, September 24, 2013, at 6:00 P.M. after proper notice and agenda was posted, September 20, 2013, at 3:54 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

Pastor Charles Neff, First United Methodist Church gave the invocation and led the Pledge of Allegiance.

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Robert Karr, Sam Mason & Steve Harrison

Absent: Buddy Garvin

Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Gary Wansick, Interim Police Chief; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

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

Stephanie Giacomo, Executive Director Pride In McAlester addressed the Council informing them that Pride In McAlester had been selected as the only representative in the State of Oklahoma in the "Fifty States for Good" competition. She commented if they could make it into the top fifteen (15) of fifty (50), the group would receive \$10,000.00 toward an anti-litter campaign. She encouraged every one to vote through their "Facebook" page. Ms. Giacomo stated that the City Wide Litter Pick Up was scheduled for this coming Saturday, September 28, 2013 and the Fall Clean Up would be next month.

Janelle Brooks addressed the Council requesting an appeal of the Planning Commission's recommendation of their property re-zone application.

Devin Veney addressed the Council regarding the playground equipment at Chadick Park.

Misti Hawkins addressed the Council regarding the ADA accessibility at Chadick Park.

## Consent Agenda

- A. Approval of the Minutes from the September 10, 2013, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for September 4, 2013 through September 17, 2013. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$244,422.50; Parking Authority - \$178.45; Nutrition - \$1,440.13; Employee Retirement - \$7,156.25; Police Grant Fund - \$2,069.41; Tourism Fund - \$550.40; SE Expo Center - \$1,314.93; E-911 - \$3,953.66; Economic Development - \$5,548.00; Gifts & Contributions - \$3,169.27; CDBG Grants Fund - \$6,029.50; Fleet Maintenance - \$10,553.37; Worker's Compensation - \$54,891.68 and CIP Fund - \$7,983.35.
- C. Consider and act upon to authorize the Mayor to execute a City-County Jail Services Agreement. (*Bill Ervin, City Attorney*)
- D. Concur with Mayor's Re-Appointment of Sabra Tate, 601 S. 2<sup>nd</sup>, McAlester 74501 to the McAlester Tree Board for a term to expire September, 2015. (*Steve Harrison, Mayor*)
- E. Concur with Mayor's Appointment of Tedi Graham, 1104 Ono Court, McAlester 74501 to the McAlester Tree Board for a term to expire September, 2015. (*Steve Harrison, Mayor*)
- F. Concur with Mayor's Re-Appointment of David Cantrell, 1030 W. Mitchell Rd, McAlester 74501 to the McAlester Tree Board for a term to expire September, 2015. (*Steve Harrison, Mayor*)
- G. Concur with Mayor's Re-Appointment of Theo Webb, 831 W. Monroe, McAlester 74501 to the McAlester Tree Board for a term to expire September, 2015. (*Steve Harrison, Mayor*)
- H. Concur with Mayor's Re-Appointment of Joyce Carlson, 312 W. Fillmore Ave, McAlester 74501 to the Pittsburg County Regional Expo Authority Board for a term to expire June, 2015. (*Steve Harrison, Mayor*)

Councilman Read requested that Item "C" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the Consent Agenda items "A, B, D, E, F, G and H". There was no discussion and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

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

- C. Consider and act upon to authorize the Mayor to execute a City-County Jail Services Agreement. (*Bill Ervin, City Attorney*)

Councilman Smith moved to authorize the Mayor to execute a City-County Jail Services Agreements. The motion was seconded by Councilman Read.

Before the vote, Councilman Read asked if the changes that had been recommended had been made.

The was discussion among the Council, Manager Stasiak and City Attorney Ervin concerning the previous changes that had been recommended, if the agreement that the Mayor had signed had contained the previously recommended changes, what version of the agreement the County had addressed, if the Interim Police Chief preferred the County to keep control of inmate property, where the bonds should be posted, and having the changes made prior to Council consideration.

A motion was made by Councilman Read and seconded by Vice-Mayor Mason to table this item until the recommended changes had been made to the agreement. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Mason and seconded by Councilman Smith to open a Public Hearing to address an Ordinance amending Fiscal Year 2013-2014 Operating budget. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:26 P.M.

### **Public Hearing**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no other comments, 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, Mason, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:27 P.M.

### **Scheduled Business**

1. Presentation of the Actuarial Report as of July 1, 2013 for the City of McAlester Defined Benefit Retirement Plan and Trust. (*Bruce R. Nordstrom, FSA, EA, MAAA, Senior Consulting Actuary, MHBT Inc.*)

Executive Summary

Actuarial Report as of July 1, 2013 for the City of McAlester Defined Benefit Retirement Plan and Trust.

Bruce R. Nordstrom, FSA, EA, MAAA, Senior Consulting Actuary, MHBT, Inc. addressed the Council reviewing the activity and actuarial report of the City of McAlester's Defined Benefit Retirement Plan and Trust. During his review he highlighted the decrease in the required annual contribution compared to the previous year's required contribution explaining that the decrease could be attributed to the freezing of the Plan and the performance of the investments. He added that this years plan funded percentage was approximately at 70 to 74% using the market value of assets.

There was a brief discussion regarding the effect that the implementation of GASB 67 and 68 on the Plan and the change in the percentages.

There was no vote on this item.

2. Discussion and update on Capital Expenditures and funding. (*Toni Ervin, CFO*)

Executive Summary

Presentation on Capital Expenditures and funding.

Toni Ervin addressed the Council updating them on the City's Capital Expenditures and funding. She informed them that she had been working on a comprehensive plan for future capital funding and the finance and fleet maintenance departments were working on developing estimates for the useful life of the City's equipment. She added that Oklahoma was the only state that municipalities only major source of funding was sales tax. Ms. Ervin commented that the comprehensive plan would designate certain funds for Capital.

There was discussion among the Council including Manager Stasiak, Interim Police Chief Wansick and Ms. Ervin concerning the prioritization of the City's capital needs, input from the community, what areas the City had been focused on, if the projected funding included the money from the cell tower, the purchase of enough police cars to bring the City current on that replacement plan, the importance of proper maintenance on the City's vehicles and equipment, and how long certain items had been on the Capital Plan.

There was no vote on this item.

3. Consider, and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

### **ORDINANCE NO. 2480**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Read and seconded by Councilman Karr to approve **ORDINANCE NO. 2480**.

Before the vote, Ms. Ervin addressed the Council reviewing the budget amendment.

There was discussion among the Council, Manager Stasiak and Mel Priddy concerning the AT&T lease, if the lease had been signed, how long it could take to get the signed lease back, the condition of the playground equipment at Chadick Park, how the need for playground equipment compared to the need to improve the City's streets and water, the amount that had been in the Capital Plan, how long the playground equipment had been on the Capital Plan, the amount of use that Chadick Park received, the needs of the other parks in the City, not obligating any funds before the money was received from the cell tower agreement and the need for some portion of the Capital Plan be funded for quality of life matters and how it would always be a balancing act.

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

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

NAY: Councilman Smith

Mayor Harrison declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Karr.

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

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

NAY: Councilman Smith

Mayor Harrison declared the motion carried.

4. Consider, and act upon, approval of Change Order No. 2, for an extension of twenty-one days to the existing contract with K-Bar Company for Mallard and Flamingo Drainage Improvements. (*John C. Modzelewski, P.E., City Engineer and Public Works*)

Executive Summary

Motion to approve Change Order No. 2 for the extension of time to the construction contract with K- Bar Company for Mallard and Flamingo drainage Improvements.

A motion was made by Councilman Smith and seconded by Councilman Read to approve Change Order No. 2 for the extension of time to the construction contract with K-Bar Company for Mallard and Flamingo drainage improvements.

Before the vote, John Modzelewski addressed the Council explaining the reasons for the Change Order. He explained that the request had been for an extension of time that included sixteen (16) rain days and five (5) days while the company waited for the Council to approve Change Order No. 1 that increased the height of the new canal wall.

There was a brief discussion regarding this being the first time to have a delay in a change order from the contractor, the expected completion and the quality of work that had been done. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, approval of bid to Nix Ford of McAlester for the purchase of four (4) new and unused 2014 Ford Police SUV'S.

Executive Summary

Motion to approve the low bid of \$134,000.72 to Nix Ford of McAlester for the purchase of four (4) new and unused 2014 Ford Police SUV AWD patrol vehicles.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the low bid of \$134,000.72 to Nix Ford of McAlester for the purchase of four (4) new and unused 2014 Ford Police SUV AWD patrol vehicles.

Before the vote, Interim Chief Wansick addressed the Council explaining that these four (4) vehicles had been budgeted last year and after checking the fuel economy on the SUV that patrol currently had they would get better fuel mileage than the previously purchased Crown Victorias.

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

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

NAY: None

Mayor Harrison declared the motion carried.

### **New Business**

There was no new business.

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

Manager Stasiak requested that on Thursday, October 10, 2013 a public meeting be scheduled on the continuation of the Street projects.

Councilman Smith asked about the time and place of the meeting.

Manager Stasiak stated 5:30 P.M. in the Council Chambers.

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

Councilmen Read, Titsworth, Mason and Smith had no comments for the evening.

Councilman Karr asked about the interviews for the Economic Development Director, the Planning and Community Development Director and the Police Chief.

Manager Stasiak commented that he would be wrapping them up by this Friday.

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

Mayor Harrison had no comments for the evening.

### **Recess Council Meeting**

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:46 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:47 P.M.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to recess the Regular meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4 for

confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: Mitchell Weeks.

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

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

NAY: None

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

### **Executive Session**

*Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:*

- 1) Proposed executive session pursuant to Title 25, Sec. 307(B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: Mitchell Weeks

### **Reconvene Into Open Session**

*Take any action as a result from Executive Session*

The Regular meeting was reconvened at 8:38 P.M. Mayor Harrison reported that the Council had recessed the Regular meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4 for confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: Mitchell Weeks. Only that matter was discussed, no action was taken and the Council returned to open session at 8:38 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 Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:40 P.M.

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk