

The McAlester City Council met in Rescheduled Regular session on Tuesday, December 19 2013, at 6:00 P.M. after proper notice and agenda was posted, December 16, 2013, at 4:35 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Glenn Meyer, Trinity Lutheran 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: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Leroy Alsup, Community & Economic Development Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

There were no Citizen's comments.

Consent Agenda

- A. Approval of the Minutes from the November 26, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for December 4, 2013 through December 12, 2013. *(Toni Ervin, Chief Financial Officer)* General Fund - \$113,191.28; Parking Authority - \$152.86; Nutrition - \$2,446.84; Police Grant Fund - \$1,687.94; Tourism Fund - \$2,125.00; SE Expo Center - \$14,132.03; E-911 - \$8,382.67; Economic Development - \$645.00; Fleet Maintenance - \$8,760.06; Worker's Compensation - \$941.68 and CIP Fund - \$5,590.00.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the Consent Agenda. 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.

A motion was made by Councilman Karr 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 Karr, Read, Titsworth, Garvin, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:02 P.M.

Public Hearing

AN ORDINANCE TO AMEND SECTIONS 54-45 AND 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA BY PROHIBITING POSSESSION OF ~~LIGHTED~~ ANY TOBACCO PRODUCT; AND PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES OR OPERATED AND PROPERTIES; ADDING SUBSECTION E AND CREATING SECTION 54-52; DEFINITIONS.

AN ORDINANCE TO AMEND ARTICLE 1, IN GENERAL; CHAPTER 6, ALCOHOLIC BEVERAGES AND NON-INTOXICATING BEVERAGES; SECTION 6-1, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA.

Mayor Harrison commented that the first Ordinance would be removed at the request of the City Manager therefore there was only one (1) Ordinance for the Public Hearing.

There were no comments from the Council or the audience and Councilman Read moved the close the Public Hearing. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:03 P.M.

Scheduled Business

1. Discussion and possible action to appoint a new Ward 6 Councilman and appointment of a Vice Mayor. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to appoint a new Ward 6 Councilman and appointment of a Vice Mayor.

Mayor Harrison commented on the number of applicants and asked if there were any comments from the Council.

There was a brief discussion concerning the number of applicants, having more time to review the information, allowing the residents in Ward 6 the chance to comment, having all of the requested information and encouraging all of the applicants to file for the seat.

Councilman Read moved to table the selection of the Ward 6 applicant until the next Council meeting. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

Mayor Harrison informed the Council that the selection of the Vice-Mayor would only be for the time left until the election in March or April.

Councilman Smith nominated Councilman Read for Vice-Mayor. The nomination was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Titsworth, Karr & Mayor Harrison
NAY: None
ABSTAIN: Councilman Read (counted as a no vote)

Mayor Harrison declared the motion carried.

2. Consider and act upon an ordinance to amend Sections 54-45 and 54-48 to Article III, Chapter 54, of the code of the City of McAlester, Oklahoma, prohibiting possession of any tobacco product; and prohibiting tobacco use on City-owned premises or operated properties; adding subsection E and creating Section 54-52 Definitions. (*Peter J. Stasiak, City Manager*)

Executive Summary
Motion to approve Ordinance.

Mayor Harrison stated that this was the item that the City Manager had requested be pulled to work on some of the language.

3. Consider and act upon an Ordinance to amend Article 1, in General; Chapter 6, Alcoholic Beverages and non-intoxicating beverages; Section 6-1, of the Code of the City of McAlester, Oklahoma. (*Peter J. Stasiak, City Manager*)

Executive Summary
Motion to approve Ordinance.

ORDINANCE NO. 2485

AN ORDINANCE TO AMEND ARTICLE 1, IN GENERAL; CHAPTER 6, ALCOHOLIC BEVERAGES AND NON-INTOXICATING BEVERAGES; SECTION 6-1, OF THE CODE OF THE CITY OF McALESTER, OKLAHOMA.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2485**, amending section 6-1 of the City of McAlester's Code of Ordinances.

Before the vote, Manager Stasiak reviewed the proposed ordinance explaining that the City was working toward some grant applications for the future for the City.

Vice-Mayor Read expressed his concern commenting that the ordinance that allowed the sale and consumption of alcohol at the Expo was to help attract more events to the facility and he felt that in that manner the City was promoting the sale and consumption of alcohol at the facility.

After a brief discussion concerning the language in the proposed ordinance Councilman Smith moved to amend the motion to remove the word promote from the proposed ordinance. The amending motion was seconded by Vice-Mayor 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.

4. Consider and act upon two Resolutions of Support for the Southwinds Aldridge Apartments, LP Development and authorizing direct contribution, expense reimbursement, provision of in-kind service, fee waiver or any combination thereof in the amount of \$14,001 in support of the Development from Economic Development funds. (*Leroy Alsup, Community and Economic Development Director*)

Executive Summary

Motion to approve a Resolution of support of Economic Development and promoting affordable housing, and a second Resolution authorizing direct contribution, expense reimbursement, provision of in-kind service, fee waiver or any combination thereof in the amount of \$14,001 in support of the Development from Economic Development funds .

Councilman Smith moved to approve RESOLUTION NO. 13-18, supporting Southwinds Aldridge Apartments, LP Economic Development and promoting affordable housing. The motion was seconded by Vice-Mayor Read.

Before the vote, Leroy Alsup addressed the Council explained that the applicant proposed to purchase and substantially rehabilitate the Aldridge Apartments. He stated that the Aldridge Apartments had been renovated in 1997 but only six (6) of the sixty-six (66) apartments were fully ADA-accessible.

There was discussion among the Council, Manager Stasiak and Mr. Alsup concerning why this renovation had not been completed after the Resolution approved by the Council in 2012, the ownership of the property, the amount of funding or in kind support requested by the applicant, having Mr. Alsup conduct a study on the number of subsidized housing in the City, and if the Council could prevent subsidized housing.

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.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve RESOLUTION NO. 13-19, in support and authorizing direct contribution, expense reimbursement, provision of in-kind service, fee waiver or any combination thereof in the amount of \$14,001 from Economic Development funds.

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

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

Mayor Harrison declared the motion carried.

5. Consider and act upon authorizing the Mayor to sign a Disaster Emergency Proclamation for the City of McAlester. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve the Disaster Emergency Proclamation for the City of McAlester.

A motion was made by Councilman Karr and seconded by Councilman Garvin to authorize the Mayor to sign a Disaster Emergency Proclamation.

Before the vote, Manager Stasiak informed the Council that the State of Oklahoma had declared a state of emergency for all Oklahoma counties because of the winter storm that had crossed the state recently. This action had been recommended by the Emergency Management authorities prior to the storms onset and had allowed state agencies to make emergency purchases related to disaster relief and preparedness and was the first step toward seeking federal assistance had it been necessary. He informed the council that Lois Lupardus with Pittsburg County Emergency Management was available to answer any questions they might have.

Ms. Lupardus explained that by doing the declaration, this would allow the City to file for \$100,000.00 in State Declaration funds even if the State did not get any of the FEMA.

After a brief discussion among the Council, Ms. Lupardus and Manager Stasiak regarding possible expenses incurred by the City and the correct language and date for the proclamation the vote was taken as follows;

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

Mayor Harrison declared the motion carried.

6. Consider and act upon Change Order No. 1 to the contract 2013 Concrete Panel Replacement Project 4 with Katcon, Inc. adding \$26,272.44 to their contract for a total amount of \$288,472.44. (*Robert Karr, City Councilman, Ward 4*)

Executive Summary

Motion to approve Change Order No. 1 (Final) to Katcon, Inc. of McAlester and authorizing the Mayor to sign the Change Order changing the Contract amount to \$288,472.44.

A motion was made by Councilman Karr and seconded by Councilman Titsworth to approve Change Order No. 1 (Final) to Katcon, Inc. of McAlester and authorizing the Mayor to sign the Change Order changing the Contract amount to \$288,472.44.

Before the vote, Councilman Karr stated that he had asked that this item be brought back to clarify the City's options. He commented that he had spoken with the City Attorney and his concerns had been that the City follow the procedures that had been set out.

After a brief discussion among the Council concerning the timing of the Change Order, the Council's responsibility and following procedures, the vote was taken as follows:

AYE: Councilman Karr, Titsworth & Mayor Harrison

NAY: Councilman Read, Garvin & Smith

Mayor Harrison declared the motion failed.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that the City's revenues continued to be stable and he wished everyone a Merry Christmas and a Happy New Year.

Remarks and Inquiries by City Council

Councilmen Smith and Titsworth wished everyone a Merry Christmas.

Councilman Read did not have any comments for the evening.

Councilman Karr commented on how well the Christmas Parade had been conducted. He mentioned the Christmas Concert this Friday and the neighborhood meeting had gone well and another meeting had been scheduled for January 11, 2014 at North Gate Baptist Church. He then also wished everyone a Merry Christmas.

Councilman Garvin wished everyone a Merry Christmas and encouraged the City Manager to turn his cell phone off during his vacation.

Mayor's Comments and Committee Appointments

Mayor Harrison announced a citizen member vacancy on the Audit & Finance Advisory Board and he reminded everyone that there was an opening on the Council for Ward 6. He all citizens to get involved with the City's government by either applying for the council seat, if they qualified or in one of the many Boards and Committees.

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, Garvin, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:44 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:45 P.M.

Adjournment

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

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 6:46 P.M.

ATTEST:

Steve Harrison, Mayor

Karen Boatright, Deputy City Clerk