

The McAlester City Council met in Regular session on Tuesday, November 26, 2013, at 6:00 P.M. after proper notice and agenda was posted, November 25, 2013, at 5:10 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Stephanie Swinnea, Pastor, All Saints Episcopal Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, Buddy Garvin & Steve Harrison
Absent: Robert Karr & Sam Mason
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Financial Officer; Brett Brewer, Fire Chief; Leroy Alsup, Community & Economic Development Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Ginny Webb addressed the Council informing them that the Halloween Carnival had been rescheduled because of the weather but there still was a good turnout. She commented that the group was three quarters on there way toward their fund raising goal, the membership drive would start in January and the Holiday Open House was scheduled for this Saturday, which was also "Small Business Saturday". Ms. Webb announced that the Christmas Parade was scheduled for Thursday, December 5th at 7:00 P.M.

Steve Belcher addressed the Council regarding the development of a Storm Shelter Registry. He explained that a registry would aid first responders and rescuers in locating citizens after severe weather.

Councilman Read asked who within the City would maintain and have access to the information on a registry and how would the information be gathered.

Mr. Belcher stated that it would be fire and police personnel. He added that the registry could be set up on the City of McAlester's website or forms could be sent out in the utility statement.

Consent Agenda

- A. Approval of the Minutes from the November 12, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 5, 2013 through November 19, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$169,381.01; Parking Authority - \$157.26; Nutrition - \$1,534.51; Employee Retirement - \$16,015.86; Tourism Fund - \$2,598.20; SE Expo Center - \$8,348.52; E-911 - \$4,143.26; Economic Development - \$18,914.94; Grants & Contributions - \$1,050.00; Fleet Maintenance - \$15,668.51; CIP Fund - \$132,464.64 and Federal Forfeiture Fund - \$2,890.00.
- C. Consider and act upon, to authorize the Mayor to sign a letter as direction to terminate Nationwide Retirement Solution services as the 457 plan provider for the City of McAlester. *(Peter J. Stasiak, City Manager)*

- D. Concur with Mayor's Appointment of Jan Isenberg, 1220 Country Club Rd., to the McAlester Library Board to fill an unexpired term of December 31, 2017. (*Steve Harrison, Mayor*)

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

AYE: Councilman Read, Smith, Titsworth, 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 to address two (2) proposed Ordinances. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:13 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.

AN ORDINANCE OF THE CITY OF McALESTER AMENDING SECTION 1-2 (C) TO PART 2 CHAPTER 1, OF THE CODE BY CHANGING THE DATE OF THE RATIFICATION AND ENACTMENT OF THE McALESTER CITY CHARTER, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

There were no comments from the Council or citizens and Mayor Harrison asked for a motion to close the Public Hearing.

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, Garvin, Titsworth & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:14 P.M.

Scheduled Business

1. **Tabled from Previous Meeting.** Discussion on Long-Term Planning for McAlester City Government and a Request for Proposal (RFP) for Long-Term Planning/Teambuilding Services. (*Peter J. Stasiak, City Manager*)

Executive Summary

Discussion Only.

Manager Stasiak informed the Council that the Planning Committee had met last week and were heading in a direction of setting goals and objections for the departments. He commented that in his City Manager's report there was a lot of raw data that had been compiled from all of the departments. He then asked to have this item postponed indefinitely.

Councilman Smith moved to indefinitely postpone the discussion on Long-Term Planning for McAlester City Government and a Request for Proposal (RFP) for Long-Term Planning/Teambuilding Services. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. 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, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2483

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 Titsworth and seconded by Councilman Smith to approve **ORDINANCE NO. 2483**, amending the Budget for Fiscal Year 2013-2014.

Before the vote, Toni Ervin addressed the Council reviewing the exhibits for the amendment. Ms. Ervin explained that exhibit one (1) was to appropriate funds for the DOJ Drug Enforcement Grant, exhibit two (2) was to purchase a truck with a blade and a salt spreader, exhibit three (3) was regarding an Airport Grant and exhibit four (4) was to match grants, gifts and contributions to their respective expenditures.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion Only.

Toni Ervin addressed the Council reviewing the City's financial status as of October 31, 2013. She commented that the City was experiencing stability in its revenue that it had not seen the previous year. She informed the Council that revenues in both the General Fund and the Public Works were over budget and the expenditures were under budget. She then reviewed the new funding sources that the City had put in place to help with capital purchases in the future.

Manager Stasiak commented that staff was trying to furnish more information with grafts.

There were no comments from the Council and there was no vote on this item.

4. Discussion, and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the purchase of an extrication cutter with service equipment, hose adapters for the fire engines, storage lockers for Central Fire Station, and an air compressor for North Fire Station. Purchases

to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the purchase of an extrication cutter with service equipment, hose adapters for the fire engines, storage lockers for Central Fire Station, and an air compressor for North Fire Station. Purchases to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Chief Brewer addressed the Council regarding the Fire Departments need to purchase the following items:

1. An extrication cutter with service equipment,
2. Hose adapters for the fire engines,
3. Storage lockers for Central Fire Station, and
4. An air compressor for North Fire Station

There was a brief discussion regarding the equipment, and then the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, Final and Contractor's Pay Estimate No. 3 for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve final payment for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport and authorization for the Mayor to sign the Final Application of Payment to Katcon, Inc. resulting in a final contract amount of \$122,373.70.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the final payment for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport and authorize the Mayor to sign the Final Application of Payment to Katcon, Inc. resulting in a final contract amount of \$122,373.70.

Before the vote, Manager Stasiak informed the Council that all work associated with this project had been completed. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider, and act upon, a Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. The total fee to perform these services is a lump sum amount of \$65,850.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve and authorize the Mayor to sign a Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue for a total sum of \$65,850.00.

After a brief discussion regarding the agreement, if EST, Inc. would provide all inspections and the quality of work the company would provide, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Austin Paving, LLC for the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with Austin Paving, LLC for a Total Bid equal to \$584,042.05, for the construction 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 authorize the Mayor to sign a contract between the City of McAlester and Austin Paving, LLC for the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue for a total bid equal to \$584,042.05.

Before the vote, there was discussion among the Council, Manager Stasiak and Jerrod Eddie of EST, Inc. regarding how the project would be funded, why the lowest bid was so low, the thickness of the concrete to be poured, the references for the company and what all was included in this construction project.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Councilman Karr arrived at 6:41 P.M.

8. Consider and act to approve an Ordinance of the City of McAlester amending Section 1-2 (c) to Part 2 Chapter 1, of the Code by changing the date of the Charters ratification and enactment, repealing all conflicting Ordinances, and Declaring an Emergency. (*Councilman Read, Ward 3*)

Executive Summary

Changing the date of the Charters ratification and enactment.

ORDINANCE NO. 2484

AN ORDINANCE OF THE CITY OF MCALESTER AMENDING SECTION 1-2 (C) TO PART 2 CHAPTER 1, OF THE CODE BY CHANGING THE DATE OF THE RATIFICATION AND ENACTMENT OF THE MCALESTER CITY CHARTER, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

A motion was made by Councilman Read and seconded by Councilman Titsworth to approve **ORDINANCE NO. 2484**, changing the date of the ratification and enactment of the McAlester City Charter.

Before the vote, Councilman Read explained that this was just some house cleaning that probably should have been done in 2008 when the new Charter had been adopted. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that the information in the packet in the future would be provided at the second meeting of the month and would contain the activities from the previous month. He stated that this would help in setting future goals and objectives. He informed the Council that the City was moving forward with the ticket writers that would be funded by the Technology fee and the City was working toward a water meter replacement program and mapping of all meters.

Councilman Read commented that the City had once discussed installing water meters that could be read from a car. He asked if these meters would have that capability.

Manager Stasiak commented that the new meters would all be adaptable to electronic reading.

Councilman Smith asked about the number of meters that would be replaced in the first phase and the total cost of the installation.

Manager Stasiak informed the Council that there would be 181 and the meters cost about \$65.00 each.

Manager Stasiak informed the Council that Councilman Karr had been working with the Police Department on a "Crime Watch Program". He explained that this was a pilot program in Ward Four and once the bugs were worked out of the program it would be rolled out to the entire City.

Councilman Smith inquired about the "Crime Tip Line" was doing and how it was advertised.

Manager Stasiak stated that there had been instances where it had been successful. James Stanford stated that it was on the City's website under the Police Department.

Remarks and Inquiries by City Council

Councilman Titsworth did not have any comments for the evening.

Councilman Garvin wished everyone a good Thanksgiving and asked if the City would patch the hole at Wyandotte and Strong at the traffic light.

Councilman Karr stated that the PBR was a great event for the City and that it probably brought in more tourism dollars than any other event. He commented that he heard the wait for the concession line was very long. He expressed appreciation for Manager Stasiak for supporting McAlester Save Neighborhood. He hoped it would improve the relationship of the Police Department and the citizens and that December 14th would be the first meeting. He also wished everyone a Happy Thanksgiving.

Councilman Read commented that he heard the PBR was a huge success and he would put the Storm Shelter Registry on the next meeting.

Councilmen Smith thanked Leroy Alsup for the job he was doing in the Community and Economic Development and he thanked Manager Stasiak for the additional information he was furnishing.

Mayor's Comments and Committee Appointments

Mayor Harrison wished everyone a Happy Thanksgiving and invited everyone to the first Christmas on the Hill.

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 6:57 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:59 P.M.

A motion was made by Councilman Smith and seconded by Councilman Read 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: City of McAlester v. Randy Green; Blevins v. City of McAlester; Fender v. City of McAlester; Burris v. City of McAlester.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:59 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:

- City of McAlester v. Randy Green
- Blevins v. City of McAlester
- Fender v. City of McAlester
- Burris v. City of McAlester

Reconvene Into Open Session

Take any action as a result from Executive Session

The Regular meeting was reconvened at 7:50 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: City of McAlester v. Randy Green; Blevins v. City of McAlester; Fender v. City of McAlester; Burris v. City of McAlester. Only those matters were discussed, no action was taken and the Council returned to open session at 7:50 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 Karr. 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 meeting was adjourned at 7:50 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk