

The McAlester City Council met in Regular session on Tuesday, March 11, 2014, at 6:00 P.M. after proper notice and agenda was posted, March 7, 2014, at 3:19 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor J.T. Carnell, First Church of the Nazarene, 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, Jason Barnett & Steve Harrison
Absent: None
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Kirk Ridenour, Economic Development Manager; Toni Ervin, CFO; Timmy Don Adams, Public Works Operations Supervisor; Tim Murray, Utility Maintenance Foreman; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Mayor Harrison presented Councilman Karr with plaque of appreciation for his four (4) years of service as Ward 4 Councilman. Mayor Harrison mentioned that there was a plaque for former Councilman Mason but he had been unable to attend the meeting.

Swearing-in Ceremony

Judge Deborah Hackler administered the Oath of Office to John Titsworth as Ward 2 Councilman.

Citizen's Comments on Non-agenda Items

There were none.

Consent Agenda

A. Approval of the Minutes from the February 25, 2014, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- B. Approval of Claims for February 18, 2014 through March 4, 2014. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$68,470.22; Nutrition - \$5,773.29; Employee Retirement - \$112.50; Police Grant Fund - \$8,391.46; Tourism Fund - \$6,507.53; SE Expo Center - \$30,283.40; E-911 - \$4,166.58; Economic Development - \$6,382.50; Fleet Maintenance - \$6,927.71; Dedicated Sales Tax – MPWA - \$2,500.00 and CIP Fund - \$4,899.26.
- C. Concur with Mayor’s Re-Appointment of Mark Emmons, 504 E. Washington, McAlester 74501 to the Planning Commission for a term to expire May 31, 2017. (*Steve Harrison, Mayor*)
- D. Concur with Mayor’s Re-Appointment of Harvey Bollinger, 2702 Hardy Springs, McAlester 74501 to the Planning Commission for a term to expire May 31, 2017. (*Steve Harrison, Mayor*)
- E. Concur with Mayor’s Re-Appointment of Justin Few, 1423 Timber Lane, McAlester, Ok 74501 to the Planning Commission for a term to expire May 31, 2017. (*Steve Harrison, Mayor*)
- F. Concur with Mayor’s Re-Appointment of John McNally, 702 Flamingo, McAlester 74501 to the Planning Commission for a term to expire May 31, 2017. (*Steve Harrison, Mayor*)
- G. Concur with Mayor’s Re-Appointment of John McNally, 702 Flamingo, McAlester 74501 to the Board of Adjustment (BOA) for a term to expire March 31, 2017. (*Steve Harrison, Mayor*)
- H. Consider and act upon, authorizing the Mayor to sign an agreement between the City of McAlester and MegaPath for providing local and long distance calling services. (*James Stanford, IT Computer Specialist*)
- I. Ratify and approve for a one-year term an Agreement between the City of McAlester and the Missouri-Kansas-Texas Railroad Company for a Private Road Crossing License. (*Cora Middleton, City Clerk*)
- J. Ratify and approve for a one-year term Agreement between the City of McAlester ex rel McAlester Public Library Board and the Southeastern Public Library Board System of Oklahoma, a multi-county public library system, relating to the use of that part of the premises for administrative offices and service center. (*Cora Middleton, City Clerk*)
- K. Tabled from Previous Meeting. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 6. (*Cora Middleton, City Clerk*)

- L. Tabled from Previous Meeting. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 6 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*

Mayor Harrison commented that Manager Stasiak had asked that items “K” and “L” be pulled from the Consent agenda. Manager Stasiak confirmed the request and stated that they would be brought back at the next meeting.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve Consent Agenda items “A through J”.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

There were none to consider.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to open a Public Hearing to address an Ordinance amending the fiscal year 2013-2014 Budget. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:11 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 comments from the Council or the audience. Councilman Smith moved to close the Public Hearing, seconded by Councilman Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:11 P.M.

Scheduled Business

1. Take necessary steps to fill Ward 4 Council seat. (*Cora Middleton, City Clerk*)
 - a. Consider, and act upon, declaring a vacancy in Ward 4 Council seat.
 - b. Consider, and act upon, a resolution setting the Special election date for Ward 4.

Executive Summary

- a. Motion to declare Ward 4 Council seat as vacant.
- b. Motion to approve resolution setting the Special election dates for Ward 4.

Vice-Mayor Read moved to declare Ward 4 Council seat as vacant. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 14-03, calling for and setting the date for a Special Election to fill the Ward 4 vacancy.

After a brief discussion concerning the dates for the filing period the vote was taken as follows:

AYE: Councilman Smith, Titsworth, Garvin, Barnett, Read & 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. 2491

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 Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2491**, amending the fiscal year 2013-2014 Operating Budget to appropriate funds for a new ambulance and for the changes in the bond payments.

Before the vote, Toni Ervin addressed the Council reviewing the exhibits for the amendment. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Vice-Mayor 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, Barnett & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

3. 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 Firefighting Bunker Gear, approx. cost not to exceed \$6,000.00, with funds to be used 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 Vice-Mayor Read to approve the purchase of Firefighting Bunker Gear, approx. cost not to exceed \$6,000.00, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, there was a brief discussion concerning why the Bunker gear was needed, the number of Fire recruits and who the gear would go to. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Discussion, and possible action, on approval of expenditures related to the Fire Department. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the replacement of our 2001 ford E-350 ambulance. Approx. cost to the city, \$150,000.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve the replacement of a 2001 Ford E-350 ambulance with approximate cost of \$150,000.00.

Before the vote, there was a brief discussion concerning the cost to repair the ambulance, and what would be done with the old ambulance. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon a recommendation from the McAlester Cemetery Board to expend Cemetery Perpetual Care Funds for the purchase of (2) zero turn mowers, roof replacement at office building, trees for Cemetery grounds and funeral set-up supplies.
(Mel Priddy, Community Services Director)

Executive Summary

Motion to approve Cemetery Board recommendation to purchase (2) zero turn mowers, roof replacement for office, trees for grounds and funeral set-up supplies.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve a recommendation from the McAlester Cemetery Board to expend Cemetery Perpetual Care Funds for the purchase of (2) zero turn mowers, roof replacement at office building, trees for Cemetery grounds and funeral set-up supplies in the amount of \$50,130.00.

Before the vote, there was a brief discussion regarding the purchases, having documentation from the Cemetery Board, a letter or copy of their minutes, how long the roof had needed to be repaired and possibly using some trees from the Highway project. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider and act upon to approve agreement with Tyler Technologies to provide products and services and authorize the Mayor to sign subject to the City Attorney recommended change.

Executive Summary

Motion to approve agreement and authorize the Mayor to sign.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve agreement with Tyler Technologies to provide products and services and authorize the Mayor to sign subject to the City Attorney recommended change.

Before the vote, Attorney Ervin explained that he had recommended removing the indemnity language in the contract. He added that the rest of the language was okay. There was no other discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak stated that he had provided his report in the agenda packet and if there were any questions he would be ready to answer them. He also informed the Council that he would be off the following Friday but he would be available if needed.

Remarks and Inquiries by City Council

Councilmen Barnett, Read and Smith did not have any comments for the evening.

Councilman Garvin commented about the train whistles and the trains blocking the tracks in North Town. He asked Manager Stasiak to look into those matters. Councilman Garvin then inquired about who responded to calls in North Town when the firemen that manned that station were out of the station and what was the response time from the fire station on Village Boulevard to North Town.

Manager Stasiak commented that the main station at City Hall, the south station and the station on Village Boulevard would respond to calls in North Town. Chief Brewer informed the Council that it would be approximately six (6) or seven (7) minutes at least.

Councilman Garvin asked how the calls were handled in rotation by the stations.

Chief Brewer commented that each station had a specific district it responded to and he had a map that he could furnish that showed the various districts.

Councilman Garvin then commented on concerns expressed by some of the Ward 4 residents regarding the retention pond at the corner of Electric Avenue and north "D" Street. He added that there was no fencing around the pond and this could be a safety problem.

Councilman Titsworth commented that he had received calls from members of the Cemetery Advisory Board concerning the Perpetual Care Fund. He asked if Attorney Ervin could update the Council on the status of that matter.

Attorney Ervin explained that the Council had authorized him to file an action to terminate the Trust. He stated that since it was a stand alone Trust it had to dissolve itself. He reviewed the history of the Trust and informed the Council that there now was an individual at the Bank of

Oklahoma that was assisting the City in dissolving the Trust. He added that it was possible to see the dissolution of the Trust and return of funds to the City before the end of this fiscal year.

Mayor's Comments and Committee Appointments

Mayor Harrison commented that he has also received complaints regarding the train whistles and he would like to see a public meeting for the citizens to ask questions and get information regarding the trains.

Mayor Harrison announced that there was still an opening on the Audit & Finance Advisory Board for a citizen member. He asked any interested individual to contact either himself or the City Clerk or on the City's website there was an area where they could go to express their interest.

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 Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:34 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:35 P.M.

Councilman Smith moved to recess the Regular meeting for an Executive Session in accordance with Title 25, sec. 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: IAFF and FOP. The motion was seconded by Vice-Mayor Read.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 6:36 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), to discuss negotiations concerning employees and representatives of employee groups: IAFF & FOP

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:26 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.2, to discuss negotiations concerning employees and representatives of employee groups: IAFF & FOP. Only that matter was discussed, no action was taken and the Council returned to open session at 8:26 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 Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

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

NAY: None

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

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk