

Council Chambers
Municipal Building
April 8

The McAlester City Council met in Regular session on Tuesday, April 8, 2014, at 6:00 P.M. after proper notice and agenda was posted, April 7, 2014, at 10:43 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor 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, 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; Mel Priddy, Community Services Director; Toni Ervin, Chief Financial Officer; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Swearing-in Ceremony

Judge Deborah Hackler administered the Oath of Office to Jason Barnett, Ward Six (6) Councilman.

Selection of Vice-Mayor

Councilman Garvin nominated Councilman Travis Read for Vice-Mayor. The nomination was seconded by Councilman Smith.

There were no other nominations and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Titsworth, Barnett & Mayor Harrison
NAY: None
ABSTAIN: (counted as a nay) Councilman Read

Mayor Harrison declared the motion carried.

Award Presentation

Mayor Harrison presented Stephen Allen, Utility Office/Meter Reader as March 2014 Employee of the month. Mr. Allen received a Certificate and plaque of Appreciation and a watch.

Citizen's Comments on Non-agenda Items

Randy Roden addressed the Council regarding the inmate population and number of jobs at the State Penitentiary.

Ginny Webb addressed the Council updating them on McAlester Main Street's recent activities. She informed them that the representative from the State Historic Preservation Office had been in McAlester and decided to nominate both "Old Town" and "Down Town" free of charge for the National Register. She stated that the Oklahoma Main Street awards were coming and she had represented McAlester two (2) weeks ago at Main Street Day at the Capitol. Ms. Webb commented that the "Junk Hippie Road Show" had also furnished an opportunity to represent the City to visitors. She mentioned the Historic Walk and Gala in "Old Town", her visit to Siloam Springs, Arkansas to visit with the developer of their upstairs housing and the style show that scheduled for Thursday at the Grand Event Center.

Consent Agenda

- A. Approval of the Minutes from the March 25, 2014, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the March 31, 2014, Special Meeting of the McAlester City Council. (*Cora Middleton, city Clerk*)
- C. Approval of Claims for March 19, 2014 through April 1, 2014. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$96,473.44; Nutrition - \$854.47; Police Grant Fund - \$4,003.45; Tourism Fund - \$4,747.09; SE Expo Center - \$1,414.88; E-911 - \$784.90; Economic Development - \$7,942.24; Grants & Contributions - \$1,529.06; Fleet Maintenance - \$23,213.84 and CIP Fund - \$27,150.68.

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

A motion was made by Councilman Garvin and seconded by Councilman Smith 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 Garvin, Smith, Read, Barnett, Titsworth & 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.**

There were no comments from the Council or the citizens. Councilman Smith moved to close the Public Hearing. The motion was seconded by Vice-Mayor Read 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 Public Hearing was closed at 6:14 P.M.

Scheduled Business

1. Consider, and act upon, an Agreement for the Fireworks Display for the 2014 show scheduled July 4th, 2014. (*Mel Priddy, Community Services Director*)

Executive Summary

Approve and sign agreement for the 2014 Firework Display with Rainbow Fireworks, Inc. in the amount of \$12,000.00.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve and authorize the Mayor to sign an agreement for the 2014 Fireworks Display with Rainbow Fireworks, Inc. for an amount of \$12,000.00.

After a brief discussion concerning a rain date and entertainment at the Expo the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

2. Consider, and act upon, a lease with Miller Office Supply for lease on (3) three copiers. (*Sheila Norman, Finance Department*)

Executive Summary

Approve and sign lease with Miller Office Supply for lease on (3) three copiers.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve and authorize the Mayor to sign a lease with Miller Office Supply for three (3) copiers.

After a brief discussion regarding the capabilities of the copy machines, how the recommendation had been decided, the savings, to the City, by choosing Miller Office Supply and reducing the amount of printed material, the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

3. Discussion on Hotel/Motel Tax, to discuss possible increase in rate. (*Travis Read, Vice-Mayor/Councilman Ward 3*)

Executive Summary
For Discussion only.

Vice-Mayor Read stated that he had asked for this item to be on the agenda. He commented that the City of McAlester's Hotel/Motel tax was currently at 4% and brought in about \$550,000.00 a year and he thought the Council should discuss the need to increase the tax to 8%.

There was discussion among the Council including Manager Stasiak and Attorney Ervin concerning how the tax revenue was currently used, the statistics on hotel room occupancy, who actually paid the tax, the language in the current ordinance, if the current ordinance could be amended or if a new ordinance would need to be written, if an increase in the tax would be restricted, what it could be used for, getting input from the City's hotel managers and scheduling a workshop to address this issue in the next month.

There was no vote on this item.

4. 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.

Executive Summary

Approve Budget Amendment for additional Fire Trucks maintenance and Worker's Compensation expenses.

ORDINANCE NO. 2492

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.

Councilman Garvin moved to approve **ORDINANCE NO. 2492**, amending the 2013/2014 fiscal year operating budget. The motion was seconded by Vice-Mayor Read.

Before the vote, Toni Ervin addressed the Council reviewing the exhibits explaining this amendment was to appropriate funds for repairs to the City's fire trucks and worker's compensation expense.

After a brief discussion among the Council and Manager Stasiak concerning remaining amounts in the General and MPWA Fund balance, the maintenance of the fire trucks, if the ambulances were included in the maintenance program with the fire trucks, getting a certified mechanic to work on the fire trucks and if all of the fire trucks would be brought back into shape, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded by Councilman Garvin to approve the EMERGENCY CLAUSE. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Discussion on possible Charter changes by Charter Committee. (*Mayor Steve Harrison & Councilman Weldon Smith*)

Executive Summary

Discussion on possible Charter changes.

Mayor Harrison reminded the Council that he had appointed a committee of himself, Councilman Smith and Councilman Karr to look at the Charter for possible changes to bring to a vote of the people. He commented that tonight was just for discussion, but he had requested the City Attorney furnish wording for four (4) possible changes.

Attorney Ervin reviewed the proposed changes to the following four (4) areas of the Charter. The first proposed change was to Section 2.06 which dealt with filling vacancies on the Council. The second proposed change was to Section 5.11 which dealt with the limitation of debt by a municipal beneficiary trust. Attorney Ervin had two (2) possible options for language for this section. The third proposed change was to Section 5.13 which dealt with the allowed term for an agreement for the City's annual audit. The fourth and final proposed change at this time dealt with Section 6.04 which addressed the redistricting of the Wards and the inclusion of the population of the Penitentiary. Attorney Ervin had two (2) possible options for language for this section.

There was discussion among the Council and Attorney Ervin concerning how State statute affected the various sections of the Charter, why the Hospital should be excluded from the debt limitation requirement, possibly addressing the election of the Mayor, reviewing other sections

of the Charter, submitting other possible changes to the Council and if the proposed Charter changes could be gotten on the June election.

Attorney Ervin explained that it was too late to get the proposed changes on the June election. Mayor Harrison commented that when the proposed changes were placed on a ballot that they be listed separately.

There was no action on this item.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reminded the Council that the month of April was "Pride In McAlester's" Clean up month.

Remarks and Inquiries by City Council

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

Councilman Garvin commented on the DuraPatcher working in Ward 5 and suggested that its' crew patch an entire street before moving on to another site.

Vice-Mayor Read commented on the incident involving a Police officer and his problems calling for backup using his walkie-talkie. He asked Manager Stasiak to look into the problem and work toward correcting any compatibility issues the system might have.

Mayor's Comments and Committee Appointments

Mayor Harrison asked the remaining individuals that had signed up to speak if they still wished to speak. All declined the opportunity.

Mayor Harrison reminded everyone that the filing period for the Ward Four (4) Council seat was next Monday through Wednesday and he encouraged the Fourth Ward citizens to file.

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 7:18 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:20 P.M.

Councilman Smith moved to recess the Regular meeting for an Executive Session in accordance with Title 25, sec. 307.B.1, to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak; 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: Larry Cozad and Title 25, sec. 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP. The motion was seconded by Vice-Mayor Read.

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 meeting was recessed at 7:21 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1; 307.B.2 and 307.B.4 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak
- 2) 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: Larry Cozad
- 3) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:24 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.1, to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak; 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: Larry Cozad and Title 25, sec. 307.B.2, to discuss negotiations concerning employees and representatives of employee

groups: FOP. Only those matters were discussed, no action was taken and the Council returned to open session at 8:24 P.M., and this constituted the Minutes of the Executive Session.

Mayor Harrison moved to authorize the City Manager to settle the Larry Cozad claim. The motion was seconded by Councilman Smith. 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.

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 8:25 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk