

The McAlester City Council met in Regular session on Tuesday, April 22, 2014, at 6:00 P.M. after proper notice and agenda was posted, April 21, 2014, at 9:20 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor Cliff House Lakewood Assembly, 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; Leroy Alsup, Community & Economic Development Director; Brett Brewer, Fire Chief; Gary Wansick, Police Chief; 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 Robert Karr, Ward Four (4) Councilman.

Citizen's Comments on Non-agenda Items

Regina Peoples Executive Director of Pride In McAlester, updated the Council on the April Clean up activities. She informed the Council that the Dedication Ceremony for the Community Garden had been very nice and the nine (9) High School students had planted new flowers in the planters Downtown in honor of "Earth Day". Ms. Peoples stated that Saturday, April 26th would be the last day for the clean up and they would be accepting house hold hazardous waste and prescription drugs on that day.

Consent Agenda

- A. Approval of the Minutes from the April 8, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 2, 2014 through April 15, 2014. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$106,432.76; Parking Authority - \$139.62; Nutrition - \$1,491.59; Landfill Res./Sub-Title D - \$6,818.00; Tourism Fund - \$12,919.35; SE Expo Center - \$17,303.20; E-911 - \$7,987.13; Economic Development - \$404.08; Grants & Contributions - \$9,310.00; Fleet Maintenance - \$4,568.64; Worker's Compensation - \$941.68 and CIP Fund - \$23,662.53.
- C. Consider and act upon, authorization of payment to EST, Invoice No. 31947, in the amount of \$19,755.00 for engineering services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- D. Consider and act upon, authorization of payment to Bank of America Merrill Lynch, Global Custody and Agency Services, Attn: Val Opperman, Escrow Agent for Austin Paving, LLC, in the amount of \$52,237.25 for Pay Estimate No. 2 related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- E. 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)*
- F. 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. 5 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- G. 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. 16 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- H. Concur with City Manager's recommendation to vote for Earl Burson, City Manager of Harrah, Ms. Janice Cain, Deputy City Treasurer of Duncan and Ms. Pam Polk, City Manager of Collinsville, each to fill a three (3) year term as a Trustee of the Oklahoma Municipal Assurance Group Board of Trustees, which commence on July 1, 2014. *(Peter J. Stasiak, City Manager)*
- I. Consider, and act upon, authorizing the Mayor to sign letter from Mehlburger Brawley acknowledging assignment of listed contracts to Infrastructure Solutions Group, LLC dba Mehlburger Brawley. *(Peter J. Stasiak, City Manager)*

Projects: MC-11-02, MC-11-03, MC-11-05, MC-12-01

Vide-Mayor Read requested that items "E, F and G" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve Consent Agenda items "A, B, C, D, H and I". There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- E. 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)*

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve 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.

Before the vote, Vice-Mayor Read commented that he had asked the City Manager to furnish information concerning the cost to produce the water related to the contracts. He stated that he could not see how the cost to produce water could have decreased.

Manager Stasiak explained that the cost of capital expenditures could be recouped per the contracts. There were no capital expenditures factored into the rate that had been calculated in the rates. He added that funds had been appropriated but not expensed.

Vice-Mayor Read stated that if the rates were reduced for the wholesale customers then it should be reduced for all customers.

There was further discussion among the Council including Manager Stasiak and Attorney Ervin, regarding the calculation of the cost to produce water, if the sale of water to the Rural Water Districts was regulated by the government and redrawing the Contracts so they do not straddle two (2) fiscal years.

Vice-Mayor Read moved to postpone indefinitely this item and items “F and G”. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

F. 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. 5 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*

Postponed.

G. 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. 16 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*

Postponed.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to open a Public Hearing to address the proposed Capital Program for FY 2014/2015 through 2018/2019 and six (6) proposed Ordinances.

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

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

NAY: None

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

Public Hearing

- A PUBLIC HEARING ON THE PROPOSED CAPITAL PROGRAM FOR FY 2014/2015 – 2018/2019 FOR THE CITY OF MCALESTER.
- 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, OKLAHOMA, AMENDING CHAPTER 22. ARTICLE II. CREATING SECTION 22. 42.1-7. ESTABLISHING FOR CONSUMER FIREWORKS RETAIL SALES. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2014.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 50. SECTION 50-1. MANUFACTURE, SALE, DISCHARGE, ETC., OF FIREWORKS. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2014.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-47. UNLAWFUL RECONNECTION OF SERVICE AFTER CUTOFF. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-48. DAMAGING, DISTURBING, ETC., SYSTEM PROPERTY GENERALLY. REPEALING ALL CONFLICTING

ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.

- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-75. WHEN DUE AND PAYABLE; DELINQUENCY. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.

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

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:28 P.M.

Scheduled Business

1. Discussion, consideration and action to direct staff to authorize Financial Advisor (Municipal Finance Services, Inc.) to prepare and provide loan bid package to interested financial institution(s) with bids to be received by May 13th and provide result of bid(s) to Authority along with approval of proposed debt by Authority\City at regular meeting later that day for approval. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve staff to prepare and provide loan bid package to financial institutions.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize Financial Advisor (Municipal Finance Services, Inc.) to prepare and provide loan bid package to interested financial institution(s) with bids to be received by May 13th and provide result of bid(s) to Authority along with approval of proposed debt by Authority\City at regular meeting later that day for approval.

Before the vote, Jon Wolff addressed the Council reviewing the funding that had been previously authorized by the vote of the citizens and how the Council had decided not to take the entire approved amount but to take the more conservative amount of \$8.89 million and watch how sales tax performed. He added that with the performance of sales tax it was recommended that the City take advantage of current interest rates and construction costs and issue the balance of \$4.91 million.

There was discussion among the Council including Manager Stasiak and Mr. Wolff concerning the sales tax percent, the restrictions and timeline for spending the funds.

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

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

Mayor Harrison declared the motion carried.

2. Consider and act upon, a Resolution to adopt the Capital Improvement Program 2014/2015-2018/2019. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve the Resolution adopting the Capital Improvement Program for 2014/2015-2018/2019.

Councilman Karr moved to approve RESOLUTION NO. 14-04, adopting the Capital Improvement Program for 2014/2015 through 2018/2019. The motion was seconded by Councilman Smith.

Before the vote, Manager Stasiak addressed the Council explaining that based on the initial discussion of the program the CIP Reconstruction Projects and the Trails Program had been

added to the Program. He added that based on where the City was in the budgeting process there was \$1.5 million available for Capital but the \$200 thousand from the technology fund had not been included.

After a brief discussion concerning whether or not the City would construct a new cell at the landfill the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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. 2493

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. 2493**, amending the 2013/2014 Fiscal Year Budget to appropriate funds for the 30" Pump Header.

After a brief review of the amendment by CFO Ervin, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider, and act upon, authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Garrow Construction, LLC of Sapulpa to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with Garrow Construction, LLC for a Total Bid equal to \$284,316.00, to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant.

A motion was made by Councilman Smith and seconded by Councilman Garvin to authorize the Mayor to sign a contract between the McAlester Public Works Authority and Garrow Construction, LLC of Sapulpa to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant.

Before the vote, there was discussion among the Council including John Modzelewski and Manager Stasiak concerning the location of the header pipe, the necessity of its repair, what was included in the repairs and when the project start once it was awarded.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Severn Trent Environmental Services, Inc. to Manage, Operate and Maintain the Water Treatment Plant. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve a Contract with Severn Trent Environmental Services, Inc. to Manage, Operate and Maintain the Water Treatment Plant. The Fee Schedule for the first year is \$1,356,096.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Severn Trent Environmental Services, Inc. to Manage, Operate and Maintain the Water Treatment Plant.

Before the vote, City Engineer Modzelewski addressed the Council explaining the process that had been taken to advertise and receive bids for this partnership and that from the two (2) bids received on April 9, 2014; Severn Trent had been the lowest, responsible and qualified bidder.

After a lengthy discussion among the Council including Manager Stasiak concerning revenues received from the sale of water, the City's ability to employ qualified people to maintain its water system, the decrease of revenue from the landfill since that service had been privatized, the language in the solid waste contract that controlled the increase in rates, the decisions of the Council to not pass any increase in trash service to the citizens, what would happen to the employees currently working at the Water Treatment Plant if this partnership were approved, the proposed ability of this company to lower operating costs, how the City would pay for improvements to the treatment plant if the contract were approved and continuing maintenance and improvements throughout the City.

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

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

NAY: Councilman Garvin & Barnett

Mayor Harrison declared the motion carried.

6. Consider and act upon a Personal Service Agreement with Quik Gro Erosion Control, LLC for hay baling on the McAlester Watershed, the Steve Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$8,150.00. (*Mel Priddy, Community Services, Director*)

Executive Summary

Motion to approve a Personal Services Agreement with Quik Gro Erosion Control, LLC for hay baling in the amount of \$8,150.00.

Councilman Smith moved to approve a Personal Service Agreement with Quik Gro Erosion Control, LLC for hay baling on the McAlester Watershed, the Steve Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$8,150.00. The motion was seconded by Vice-Mayor Read.

Before the vote, Community Services Director Mel Priddy addressed the Council explaining that the department had received four (4) bids for the hay baling and that two (2) of those bids had been for the same amount. He added that this company had been chosen because the City had previous experience with this company and it was a local business.

After a brief discussion concerning the expiration and renewal of the company's worker's compensation insurance the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. Discussion and update on Financials. *(Toni Ervin, CFO)*
Executive Summary
Discussion only.

CFO Ervin addressed the Council briefly updating them on the financial status of the City as of March 31, 2014. During the update Ms. Ervin informed the Council that in both the General Fund and the Public Works Authority revenue was consistent with the budget and slightly over while the expenditures were below budget.

There was no vote on this item.

8. Consider, and act upon, an Ordinance amending Chapter 22, Article II, adding Section 22-42.1-7, Licensed retail sales of fireworks. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date of May 1, 2014.
(Toni Ervin, CFO)

Executive Summary

Motion to approve the amendment of the ordinance and adding a section 22-42.1-7.

ORDINANCE NO. 2494

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 22. ARTICLE II. CREATING SECTION 22. 42.1-7. ESTABLISHING FOR CONSUMER FIREWORKS RETAIL SALES. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2014.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve **ORDINANCE NO. 2494.**

Before the vote, CFO Ervin addressed the Council requesting to address items 8 and 9 at the same time. She explained the changes to the ordinances would allow the sale of fireworks within City limits by licensed retail businesses but it would not allow the discharge of fireworks in the City.

After a brief discussion concerning the reason for these changes and if the Police and Fire departments saw any problems with these changes, the vote was taken as follows:

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

NAY: Vice-Mayor Read

Mayor Harrison declared the motion carried.

9. Consider, and act upon, an Ordinance amending Chapter 50, Article I, Section 50-1. Manufacture, sale, discharge, etc., of fireworks. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date of May 1, 2014.
(Toni Ervin, CFO)

Executive Summary

Motion to approve the amendment of the ordinance.

ORDINANCE NO. 2495

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 50. SECTION 50-1. MANUFACTURE, SALE, DISCHARGE, ETC., OF FIREWORKS. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2014.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve **ORDINANCE NO. 2495.**

Mayor Harrison stated that this item had been covered. There was no further discussion, and the vote was taken as follows:

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

NAY: Vice-Mayor Read

Mayor Harrison declared the motion carried.

10. Consider, and act upon, an Ordinance amending Chapter 106, Article II, Section 106-47. Unlawful reconnection of service after cutoff. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the amendment of the ordinance.

ORDINANCE NO. 2496

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-47. UNLAWFUL RECONNECTION OF SERVICE AFTER CUTOFF. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.

Councilman Smith moved to approve **ORDINANCE NO. 2496**, seconded by Vice-Mayor Read.

Before the vote, CFO Ervin addressed the Council requesting to address item 10, 11 and 12 at the same time. Ms. Ervin commented that in the current Ordinances there were no fees tied to the various restrictions contained in them. She informed the Council that these fees had been compared to fees that other cities charged.

There was discussion among the Council including Manager Stasiak and CFO Ervin regarding the steps taken when citizens did not pay their utility bill, when their water service was disconnected and what was done if the citizen turned their water meter back on prior to making payment on their account.

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

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider, and act upon, an Ordinance amending Chapter 106, Article II, Section 106-48. Damaging, Disturbing, etc., System property generally, Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the amendment of the ordinance.

ORDINANCE NO. 2497

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-48. DAMAGING, DISTURBING, ETC., SYSTEM PROPERTY GENERALLY. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve **ORDINANCE NO. 2497**. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

12. Consider, and act upon, an Ordinance amending Chapter 106, Article II, Section 106-75. When due and payable: delinquency. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the amendment of the ordinance.

A motion was made by Councilman Smith and seconded by Councilman Karr to amend Chapter 106, Article II, Section 106-75. When due and payable: delinquency.

Before the vote, Vice-Mayor Read commented that he had a problem in increasing the fee for delinquency on water payments.

There was discussion among the Council including CFO Ervin concerning the amount of the increase, and different options that could be considered such as a progressive fee for repeat offenders or a one (1) time pass per year.

Vice-Mayor Read moved to table this item to modify the language in the Ordinance. The motion was seconded by Councilman Titsworth.

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

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

NAY: None

Mayor Harrison declared the motion carried.

13. Consider and act upon, authorizing the Mayor to sign an agreement between the City of McAlester and Advanced Data Processing, Inc., a subsidiary of Intermedix Corp shall perform and carry out Services as specifically described in Exhibit A, Scope of Services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve agreement with Intermedix Corporation and authorize the Mayor to sign.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read authorizing the Mayor to sign an agreement between the City of McAlester and Advanced Data Processing, Inc.; a subsidiary of Intermedix Corp shall perform and carry out Services as specifically described in Exhibit A, Scope of Services.

Before the vote, Chief Brewer addressed the Council commenting that this was the company that processed the billing for the City's ambulance service.

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

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

NAY: None

Mayor Harrison declared the motion carried.

14. Consider, and act upon, approval of bid to Bob Hurley Ford of Oklahoma City for the purchase of three (3) new and unused 2014 Ford Police SUV'S. (*Gary Wansick, Police Chief*)

Motion to approve the lowest and best bid of \$111,978.00 to Bob Hurley Ford for the purchase of three (3) new and unused 2014 equipped Ford Police SUV AWD patrol vehicles.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve the bid to Bob Hurley Ford of Oklahoma City for the purchase of three (3) new and unused 2014 equipped Ford Police SUV'S in the amount of \$111,978.00.

Before the vote, Chief Wansick addressed the Council explaining that these vehicles would be fully outfitted and ready to go when they were picked up. He informed the Council that these were also the remainder of the six (6) that had been planned for in the 2013/2014 fiscal year Capital Plan.

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

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

NAY: None

Mayor Harrison declared the motion carried.

15. Consideration and action to approve and to authorize the execution of a Professional Services Agreement with LandPlan Consultants, Inc. for Grant Administration; Trail Design and Construction Services for the Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to authorize the execution of a Professional Services Agreement with LandPlan Consultants for Grant Administration; Trail Design and Construction Services for the Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve and to authorize the execution of a Professional Services Agreement with LandPlan Consultants, Inc. for Grant Administration; Trail Design and Construction Services for the Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project.

Before the vote, Community & Economic Development Director Leroy Alsup addressed the Council explaining that the Oklahoma Tourism and Recreation Department had awarded the City of McAlester a \$160,000.00 Trails Program Grant for the Belmont Trail Project. He stated that the Belmont Trail would run from McArthur Lane to the existing trail in Will Rogers Park. It would be constructed with asphalt and be 1969' long and 10' wide and would include an ADA accessible bridge. He added that in the amended budget, the City was required to provide \$39,514 in Cash Match and \$31,067. In-Kind Match. Mr. Alsup reminded the Council that LandPlan Consultants, Inc. had been the firm used to develop the Master Trails Plan for the City.

After a brief discussion regarding the ownership of the property, if the City Attorney had reviewed the contract and how the situation with the beavers in the area would be handled the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

16. Consideration and action to grant a \$26,400 grant from the City's Economic Development Fund (30-5652402) to the City's General Fund to pay the Building Permit Fee for the McAlester Foundation on the 82,500 sq. ft. Berry Plastic Warehouse Project. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to grant a \$26,400 grant from the City's Economic Development Fund (30-5652402) to the City's General Fund to pay the Building Permit Fee for the McAlester Foundation on the 82,500 sq. ft. Berry Plastic Warehouse Project.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to grant a \$26,400 grant from the City's Economic Development Fund (30-5652402) to the City's General Fund to pay the Building Permit Fee for the McAlester Foundation on the 82,500 sq. ft. Berry Plastic Warehouse Project.

Before the vote, Community & Economic Development Director Leroy Alsup addressed the Council explaining that the City had received a letter from the McAlester Foundation requesting that the City waive the building permit fee. He then reviewed the Capital Investment that would be made by the Foundation and Berry Plastics and the additional annual payroll.

Mayor Harrison informed the Council that there was a current loan between Berry Plastics and the Foundation and then paid to the City. He added that when this project was completed the settlement of that loan would occur and the City would get around \$400,000.00 to put back into its Economic Development Fund.

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

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

NAY: None

Mayor Harrison declared the motion carried.

17. Consideration and action to approve and to authorize the execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to approve and to authorize the execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve and to authorize the execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions.

Before the vote, Community & Economic Development Director Leroy Alsup addressed the Council explaining that City staff had received two (2) proposals for full service retail/restaurant marketing and recruiting services. He informed the Council that Retail Attractions would provide trade area demographics, retail gap analysis and a one (1) page marketing piece with city market highlights and they would be able to set up meetings with the appropriate representatives of targeted retail/restaurant prospects. He added that they would represent the City of McAlester at retail conventions and meetings where the City did not have a staff presence. Mr. Alsup informed the Council that Mr. Hayes had previously been the Economic Developer for the City of Owasso for several years.

There was discussion among the Council including Manager Stasiak, Attorney Ervin and Mr. Alsup concerning the legal review of the contract, amount that would be paid to Retail Attractions, what type of retail/restaurants the City was looking to bring into McAlester, having a firm that could match McAlester to businesses that would be interested in coming to McAlester, comparing this service to the services that a consulting engineer would furnish the City and trying this for one (1) year to see how well it performed.

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

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

18. Consideration and action on a Resolution to authorize the creation and the FY2013-2014 funding of an Executive Assistant/Planning Tech position in the Community and Economic Development Department. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to approve a Resolution to authorize the creation and the FY2013-2014 funding of an Executive Assistant/Planning Tech position in the Community and Economic Development Department.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve RESOLUTION NO. 14-05, creating and funding an Executive Assistant/Planning Tech position in the Community and Economic Development Department.

Before the vote, Community & Economic Development Director Leroy Alsup addressed the Council explaining that the Community & Economic Development Department had previously had an Administrative Assistant position but funding for that position had not been maintained because of the local economic downturn. He added that this position would be funded 50% from the General Fund and 50% from the Economic Development Fund and that funding had been requested for this position in the Department's fiscal year 2014/2015 budget request.

After a brief discussion among the Council concerning the extremely good job that had been done by Jennifer Santino and having the Code Enforcement Officer separate, the vote was taken as follows:

AYE: Councilman Smith, Read, Barnett, Titsworth, Karr, Garvin & 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 would distribute the report next week.

Remarks and Inquiries by City Council

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

Councilman Karr informed the citizens that if they needed to contact him he could be reached by his cell phone or his contact information was listed on the City's website.

Councilman Garvin commented that there seemed to be a problem on the construction at 17th Street. He stated that there had not been any heavy work done for the last three (3) weeks and it needed to be addressed.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:37 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:39 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; and Title 25, Sec. 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP & IAFF. The motion was seconded by Vice-Mayor Read.

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

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

NAY: None

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

Councilman Garvin asked to be excused at 8:40 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) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP & IAFF

Reconvene Council Meeting

The Regular Meeting was reconvened at 9:36 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; and Title 25, sec. 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP & IAFF. Only those matters were discussed, no action was taken and the Council returned to open session at 9:36 P.M., and this constituted the Minutes of the Executive Session.

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

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:38 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk