

The McAlester City Council met in Regular session on Tuesday, June 24, 2014, at 6:00 P.M. after proper notice and agenda was posted, June 19, 2014, at 4:00 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Capt. Daniels of the Salvation Army, 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, Jason Barnett & Steve Harrison

Absent: None

Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Toni Ervin, Chief Financial Officer; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; Kirk Ridenour, Economic Development Manager; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Brian Renegar addressed the Council expressing concerns about the problem with the water main on South Main Street and asked that the Council to expeditiously address the matter.

Iva Due addressed the Council expressing concerns about the problem with the water main on South Main Street and asked that the City to get at least one entrance into the T.H. Rogers Lumber Yard paved.

Consent Agenda

A. Approval of the Minutes from the May 27, 2014, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

B. Approval of Claims for June 4, 2014 through June 16, 2014. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$125,572.07; Parking Authority - \$183.12; Nutrition - \$1,517.07; Employee Retirement - \$16,832.43; Tourism Fund - \$1,038.24; SE Expo Center - \$6,801.25; E-911 - \$11,488.26; Economic Development - \$2,153.60; Grants & Contributions - \$16,616.24; CDBG Grants Fund - \$43,304.00; Fleet Maintenance - \$9,501.97; Worker's Compensation - \$941.68 and CIP Fund - \$5,250.00.

- C. Tabled from Previous Meeting. Consider, and act upon, authorizing the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester for funding in the amount of \$42,500. *(Peter J. Stasiak, City Manager)*
- D. Tabled from Previous Meeting. Consider, and act upon, authorizing the Mayor to sign an agreement between City of McAlester and the Blackboard Connect, Inc. to provide a fully hosted alert notification system for emergency notifications, by way of a Master Agreement dated June 17, 2014. *(Peter J. Stasiak, City Manager)*
- E. Tabled from Previous Meeting. Concur with Mayor's Appointment of Heather Para, 1102 S. 2nd Street, McAlester, 74501 to the McAlester Library Advisory Board for an unexpired term ending December, 2015. *(Steve Harrison, Mayor)*
- F. Concur with Mayor's Re-Appointment of Steve Brock, 1411 Country Club Rd, McAlester, 74501 to the McAlester Personnel Board for an unexpired term ending July, 2020. *(Steve Harrison, Mayor)*
- G. Consider, and act upon, authorizing the Mayor to sign a Public Works Project (PPWA) Contract between the Oklahoma Department of Corrections and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- H. Consider, and act upon, authorizing the Mayor to sign an agreement between Robison International, Inc. and the McAlester Defense Support Association (MDSA) and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- I. Consider, and act upon, authorizing the Mayor to sign an agreement for one year between the City of McAlester and McAlester Regional Health Center Authority for the full use of the MRHC's Wellness Center. *(Peter J. Stasiak, City Manager)*
- J. Consider and act upon two revised 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, Director of Community and Economic Development)*

Vice-Mayor Read requested that item "C 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, D, E, F, G, H, I, and J". 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

- C. Tabled from Previous Meeting. Consider, and act upon, authorizing the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester for funding in the amount of \$42,500. (*Peter J. Stasiak, City Manager*)

A motion was made by Councilman Smith and seconded by Councilman Karr to authorize the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester for funding in the amount of \$42,500.

Before the vote, Vice-Mayor Read stated that he had the same concerns about this item that he had had at the last meeting. He commented that the contract amount was the same and the budgeted amount was less and there was still no explanation of how funds were paid to the Emergency Management.

After a lengthy discussion among the Council including CFO Ervin, Manager Stasiak, City Attorney Ervin and Kevin Enloe, Director of Emergency Management concerning the previous years budget, when the County actually submitted its' budget to the State, what the County's contribution was to the program, if any other cities contributed, having quarterly reports to the Council to show how funds were spent, pulling this item, having the City Attorney draft a revised agreement and sending it to Mr. Enloe to submit to the District Attorney.

Mayor Harrison stated that this item would be pulled until all of the information was received.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to open a Public Hearing to address five (5) Ordinances. 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 Public Hearing was opened at 6:27 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 AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR LOTS 1, 2, 3, 4, AND 5, IN BLOCK 660; AND SHAWNEE AVENUE ADJACENT TO LOTS 1, 2, 3, 4, AND 5, IN BLOCK 660 AND LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654; AND LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654; AND THE ALLEY ADJACENT TO LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654 AND LOTS 1, 2, 3, 4 AND 5 IN BLOCK 654; AND THE SOUTHERLY 55.0 FEET OF LOTS 1, 2, 3, 4 AND 5, IN BLOCK 654; ALL IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT).

Steve Perry with KWL Properties addressed the Council explaining that he was the developer of the project and proceeded to describe the project. Mr. Perry then stated that he would answer questions the Council might have.

Mayor Harrison explained that the Council normally waited until the agenda item before there was any discussion.

- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY.
- A NEW ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 46, ENVIRONMENT, ARTICLE II, NUISANCES, ADDING DEFINITIONS, TO THE CITY OF MCALESTER CODE OF ORDINANCES; ADDING SECTION 46-33, DECLARATION OF SYNTHETIC CANNABINOIDS AND INCENSE AS A PUBLIC NUISANCE; ADDING SECTION 46-32, POSSESSION, USE, SALE OR DISPLAY OF SYNTHETIC CANNABINOIDS AND INCENSE; BY ADDING SECTION 46-34, ENFORCEMENT; ADDING SECTION 46-35, PENALTY FOR VIOLATION BY ADDING SECTION 46-36; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND FURTHER DECLARING AN EMERGENCY.

This final ordinance was pulled from the agenda and therefore was not included in the Public Hearing.

There were no further comments from the Council or 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, Karr, Garvin, Barnett, Titsworth & Mayor Harrison
 NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:30 P.M.

Scheduled Business

1. Consider, and act upon, a request from Allied Waste/Republic Services increasing the solid waste collection rate for Residential and Commercial customers by 1.98% based on the increase in the CPI for Urban Wage Earners and Clerical Workers “All Items Index” Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve the new service residential and commercial rate increase of 1.98% based on the CPI for Urban Wage Earners and Clerical Workers “All Items Index” Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013. The staff recommends no increase to residents at this time, but to raise the Commercial rates.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve a new service residential and commercial rate increase of 1.98% based on the CPI for Urban Wage Earners and Clerical Workers “All Items Index” Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013.

Before the vote, Manager Stasiak commented that staff recommended no increase to the residential rates at this time.

There was a lengthy discussion among the Council including Manager Stasiak and Joey Dunlap with Republic/Allied Waste concerning if the calculation had been confirmed, how the calculation was derived, how much the Commercial customers rate would increase, if it was fair not to increase the residential customers, furnishing the correct calculation, bringing the Ordinance before the Council at the next meeting with the increases as directed by the Council, charging the Residential customers more than what Allied charged the City, if Allied raised its rates every year and that this was to approve the agreement only. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Garvin & Barnett

Mayor Harrison declared the motion carried.

Vice-Mayor Read suggested that the Council consider the Ordinance in item 3 before considering item 2. Attorney Ervin informed the Mayor that the Council could consider items out of order.

3. Consider and act upon an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classifications of the zoning district for Lots 1, 2, 3, 4, and 5, in Block 660; and Shawnee Avenue adjacent to Lots 1, 2, 3, 4, and 5, in block 660 and Lots 6, 7, 8, 9 and 10 in Block 654; and Lots 6, 7, 8, 9 and 10 in Block 654; and the Alley adjacent to

Lots 6, 7, 8, 9 and 10 in Block 654 and Lots 1, 2, 3, 4 and 5 in Block 654; and the Southerly 55.0 feet of Lots 1, 2, 3, 4 and 5, in Block 654; all in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B (single-family residential district) to R-3 (multi-family dwelling district). (*Leroy Alsup, Director of Community and Economic Development*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classifications of the zoning district for the property identified in the Ordinance from R1-B (single-family residential district) to R-3 (multi-family dwelling district) and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2504

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR LOTS 1, 2, 3, 4, AND 5, IN BLOCK 660; AND SHAWNEE AVENUE ADJACENT TO LOTS 1, 2, 3, 4, AND 5, IN BLOCK 660 AND LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654; AND LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654; AND THE ALLEY ADJACENT TO LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654 AND LOTS 1, 2, 3, 4 AND 5 IN BLOCK 654; AND THE SOUTHERLY 55.0 FEET OF LOTS 1, 2, 3, 4 AND 5, IN BLOCK 654; ALL IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT).

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2504**, rezoning various lots in Blocks 654 and 660 from R1-B (Single-Family Residential District) to R-3 (Multi-Family Dwelling District).

Before the vote, Manager Stasiak commented that this was a request from KWL Properties, LLC and property owners Michael and Sheila Duff for the rezone.

There was discussion among the Council, Manager Stasiak, Economic Development Manager Ridenour and Steve Perry with KWL Properties, LLC regarding drainage in the proposed development, the number of low income housing located in 3rd Ward, if the City needed any more low income housing, that the housing study had actually shown the need for additional affordable housing, the number of single family homes in the area of the proposed development, the development not becoming an eye sore over time, the manager having the ability to control the property and ensuring that it remained rentable and how tax credits drive where these housing developments are built.

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

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

2. Consider and act upon a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); adopting a site specific Affordable Housing Revitalization Plan; and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001. (*Leroy Alsup, Director of Community and Economic Development*)

Executive Summary

Motion to approve a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); adopting a site specific Affordable Housing Revitalization Plan; and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to approve RESOLUTION NO. 14-14, supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); adopting a site specific Affordable Housing Revitalization Plan; and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001.

Before the vote, Manager Stasiak explained that the Council had seen this type of documents previously. He stated that this would document that the City was in support and endorsed the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the OHFA, it authorized and directed City Staff to negotiate and execute an agreement with the Development for a direct contribution expense reimbursement, provision of in-kind service, fee waiver or combination thereof, in support of the Development, in the amount of \$14,001., it authorized and directed the City Staff to execute a letter or such other further agreements as necessary of desirable to achieve the purpose stated within the Resolution and it adopted the site specific Affordable Housing Revitalization Plan for the Development to be eligible for the qualified census tract 130% boost.

There was discussion, among the Council and Mr. Perry concerning the value of the project and the meaning of 130% boost.

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

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

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. (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2505

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 Councilman Karr to approve **ORDINANCE NO. 2505**.

Before the vote, CFO Ervin reviewed the amendment with the Council and Manager Stasiak commented that the low bid for the ambulance had come in over the original budgeted amount and that in new business the Council would be considering an item addressing the South Main water main issue. He added that Mehlburger Brawley had stepped up to help the City with the water main issue and the design on the water line was \$48,500 and the City was asking for that amendment as well as the amendment for the ambulance.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign agreement with Jordan Carris Insurance for Renewal of Excess Worker's Compensation Insurance coverage. (*Toni Ervin, CFO*)

Executive Summary

Motion to authorize the Mayor to sign agreements with Jordan Carris Insurance for Excess Worker's Compensation Insurance coverage choosing the Option #3 at \$52,305 Premium option with a \$600,000 retention.

A motion was made by Councilman Garvin and seconded by Councilman Smith to authorize the Mayor to sign agreement with Jordan Carris Insurance for Renewal of Excess Worker's Compensation Insurance coverage.

Before the vote, CFO Ervin informed the Council that she was changing her recommendation of choosing option #3 to choosing option #2. She stated that after re-evaluating the possible claims that the City might be faced with she felt this would save the City money in the long run.

Councilman asked for an explanation of the difference in the options.

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider, and act upon, request that 25 parcels of land belonging to the City of McAlester and located within the City limits be offered for sale with a lower reserve amount than the original bid package. *(Sheila Norman, Purchasing Fixed Assets and Toni Ervin, CFO)*

Executive Summary

Motion to approve request for 25 parcels of land to be offered for sale with a lower reserve amount than the original bid package.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve the request that 25 parcels of land belonging to the City of McAlester and located within the City limits be offered for sale with a lower reserve amount than the original bid package.

Before the vote, CFO Ervin explained that the original attempt to sell these parcels of land had not been successful and only two (2) parcels had been sold. She informed the Council that staff had consulted with a local Real Estate Agent regarding the property values and considering the current economy and location of most of the parcels had lowered the reserve amounts hoping to attract more bidders.

There was discussion among the Council, Manager Stasiak, Attorney Ervin and CFO Ervin concerning the market values, how much lower had the reserves been placed, if a 50 foot lot was big enough to build a house on, if the City would furnish clear deeds to the properties and that the City would be selling with all of its' right, title and interest to the property.

There was no further 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.

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

Executive Summary

Discussion only.

CFO Ervin addressed the Council informing them that included in their agenda packets were summaries of the revenues and expenses as of May 31, 2014. She commented that revenues in

both the General Fund and the Public Works Authority were over budget and the expenses were below budget.

Manager Stasiak commented that the City had had a good year and the Staff needed to be commended for their control of their budgets.

There was no action taken on this item.

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

Executive Summary

Motion to approve the acceptance of a bid from Wheeled Coach, for a new commercially built emergency medical ambulance.

A motion was made by Vice-Mayor and seconded by Councilman Smith to accept the bid from Wheeled Coach, for a new commercially built emergency medical ambulance.

Before the vote, Chief Brewer addressed the Council explaining that the City had received three (3) bids for the new ambulance and after review of all bid information he recommended the award of the bid to Wheeled Coach.

After a brief discussion among the Council and Chief Brewer regarding the difference in the bid amounts and that Wheeled Coach came closest to meeting all of the specifications, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

9. CONSIDER AND ACT TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY. (*Councilman Travis Read, Ward 3*)

Executive Summary

Ordinance Amending Section 2-69, Board of Ethics.

ORDINANCE NO. 2506

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2506.**

Before the vote, Vice-Mayor Read stated that he had asked the City Attorney to review the Ethics Ordinance to ensure that the Hospital Board was included in the Ordinance.

Mayor Harrison commented that he thought all boards were included. Attorney Ervin explained that there were two (2) sections where authorities were mentioned but not expanded.

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.

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

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

NAY: None

Mayor Harrison declared the motion carried.

10. CONSIDER AND ACT TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY. (*Councilman Travis Read, Ward 3*)

Executive Summary

Ordinance amending Section 2-68, Conflict of Interest.

ORDINANCE NO. 2507

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2507.**

Before the vote, Vice-Mayor Read stated that his reason was the same as with the previous Ordinance, he wanted to ensure that all boards and authorities were covered.

Mayor Harrison commented that the date of passage would need to be changed. There was no further discussion, 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.

Vice-Mayor Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Smith, 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.

11. CONSIDER AND ACT TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 46, ENVIRONMENT, ARTICLE II, NUISANCES, ADDING DEFINITIONS, TO THE CITY OF MCALESTER CODE OF ORDINANCES; ADDING SECTION 46-33, DECLARATION OF SYNTHETIC CANNABINOIDS AND INCENSE AS A PUBLIC NUISANCE; ADDING SECTION 46-32, POSSESSION, USE, SALE OR DISPLAY OF SYNTHETIC CANNABINOIDS AND INCENSE; BY ADDING SECTION 46-34, ENFORCEMENT; ADDING SECTION 46-35, PENALTY FOR VIOLATION BY ADDING SECTION 46-36; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND FURTHER DECLARING AN EMERGENCY. (*Councilman Travis Read, Ward 3*)

Executive Summary

Staff Recommends adoption of the Ordinance prohibiting the sale of herbal incense, and declaring an emergency.

Mayor Harrison stated that Vice-Mayor Read had asked that this item be pulled and brought back at a later date.

New Business

Manager Stasiak informed the Council that he had learned over the weekend the City had experienced ten (10) major breaks in a 12 inch water main on South Main between T.H. Rogers and Renegar Animal Hospital. He stated that Mehlburger Brawley had been asked to assist with the problem. He added that the City was attempting to address the immediate needs with the funds that were available. He commented that they had furnished a proposal to design and replace the line with the design costing \$48,500. He then asked Robert Vaughan how soon Mehlburger Brawley could have the design ready.

Robert Vaughan stated that they should have it by mid July.

Manager Stasiak informed the Council that the cost estimate that had been furnished was \$514,710.65 but the City would not know the cost until the bidding process was taken care of and these funds would be coming out of beginning fund balance. He then thanked Mehlburger Brawley for helping the City come up with rapid response to this matter.

Attorney Ervin recommended that first the Council vote on the existence of an emergency then vote to authorize the expenditure of funds and that it would require a two-thirds (2/3) affirmative vote to approve it..

Councilman Smith inquired about the situation of the sewer line.

Robert Vaughan stated that the sewer line was located in a different area.

Manager Stasiak commented that this was going to be a big project.

Mr. Vaughan informed the Council that there was about 2900 feet of water line that would need to be replaced.

Councilman Titsworth commented that this was another reason to start working on ways to replace the City's infrastructure.

Manager Stasiak stated that the City would be bringing ideas on that matter to the Council.

Vice-Mayor Read moved to declare that an emergency exists to replace the 12 inch main water line on South Main from T.H. Rogers north of the canal to the south side of Oklahoma Avenue. The motion was seconded by Councilman Smith. There was no discussion, 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.

Robert Vaughan asked if the Council would consider waiving the standard bidding process. He stated that he would solicit several bids from available contractors and go through the whole process.

Attorney Ervin stated that with the action they just took, it would take them outside of the normal process of soliciting bids.

Vice-Mayor Read moved to award a contract to Mehlburger Brawley in the amount of \$48,500.00 for engineering services for the 12 inch water line on South Main from T.H. Rogers north of the canal to the south side of Oklahoma Avenue. The motion was seconded by Councilman Smith. There was no discussion, 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.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that he had furnished his monthly report to the Council and they could see that there had been a lot accomplished. He stated that he had met with Vice-Mayor Read and Kibois at the Recycling Center to discuss the problems that the City was experiencing there. He stated that during this meeting they decided that with the immense growth of the project there needed to be a change in the management of the Center. He then presented the Council with the

proposed solution, to the problem, that had been worked out during that meeting. He also reported to the Council of the very promising curb side recycling program between Allied Waste, the City of McAlester, and the Choctaw Nation and a grant application with the Economic Development Administration out of Seattle looked very good.

Councilman Karr asked about putting a fence around the Recycling Center. Manager Stasiak stated that Union Pacific used that area as a transfer area and it could not be locked down.

Remarks and Inquiries by City Council

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

Councilman Garvin commented that he would like to see the Recycling Center moved if possible.

Mayor's Comments and Committee Appointments

Mayor Harrison did not have any 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 Councilman Garvin.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 7:52 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:54 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 employee and representatives of employee groups: IAFF and 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: a) City of McAlester v. Randy Green; b) Fender v. City of McAlester; c) Katcon, Inc. v. City of McAlester CJ-2014-109. 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 Regular Meeting was recessed at 7:55 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 & Section 307.B.4 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
- 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:
 - a. City of McAlester v. Randy Green
 - b. Fender v. City of McAlester
 - c. Katcon, Inc. v. City of McAlester CJ-2014-109

Reconvene into Open Session

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 8:56 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 employee and representatives of employee groups: IAFF and 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: a) City of McAlester v. Randy Green; b) Fender v. City of McAlester; c) Katcon, Inc. v. City of McAlester CJ-2014-109. Only those matters were discussed, no action was taken, and the Council returned to open session at 8:56 P.M., and this constituted the Minutes of the Executive Session.

- Consider, and act upon, the IAFF, Local 2284, 2014-2015 Contract.

Vice-Mayor Read moved to roll over the Fiscal Year 2013/2014 contract with the Me Too clause and make this offer to the IAFF, Local 2284. The motion was seconded by Councilman Smith. 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.

- Consider, and act upon, regarding settlement in Katcon v. City of McAlester Cs# CJ-2014-109

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize the City Attorney to make a settlement offer, as discussed, to Katcon and to determine if there was

any remaining money owed to Katcon from the original contract, including any authorized Change Orders.

Councilman Titsworth asked for clarification of amount that was discussed in Executive Session. He was unsure of which amount was discussed and part of the motion.

Attorney Ervin explained that the motion was the Vice-Mayor's motion and could be specific.

Vice-Mayor Read moved to offer a settlement of \$13,000.00 to Katcon and determine if there was any remaining money owed to Katcon from the original contract, including any authorized Change Orders. This motion was also seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Titsworth & Karr

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to recess the Regular Meeting and convene the McAlester Public Works Authority. 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 Regular Meeting was recessed at 9:00 P.M.

The Regular Meeting was reconvened at 9:01 P.M.

Adjournment

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:02 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk