

The McAlester City Council met in a Rescheduled Regular session on Thursday, November 6, 2014, at 6:00 P.M. after proper notice and agenda was posted, November 4, 2014 at 8:40 A.M.

**Call to Order**

Mayor Steve Harrison called the meeting to order.

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

**Roll Call**

Council Roll Call was as follows:

Present: Weldon Smith, John Titsworth, Travis Read, 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; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

**Citizen's Comments on Non-agenda Items**

There were no comments from the Public.

**Consent Agenda**

- A. Approval of the Minutes from the October 14, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for October 21, 2014 through October 31, 2014. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$51,701.57; Nutrition - \$818.27; Tourism Fund - \$3,891.29; SE Expo Center - \$1,462.78; E-911 - \$530.68; Economic Development - \$14,457.64; Grants & Contributions - \$970.10; Fleet Maintenance - \$4,463.81 and CIP Fund - \$7,978.84.
- C. Consider and act upon, the McAlester Main Street 1<sup>st</sup> Quarter Performance Report. *(Lacey Sudderth, Executive Director)*

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

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.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to open a Public Hearing to address two (2) Ordinances.

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 Public Hearing was opened at 6:04 P.M.

### **Public Hearing**

*All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.*

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**
- **AN ORDINANCE TO AMEND SECTIONS 54-45 AND 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA BY PROHIBITING POSSESSION OF TOBACCO PRODUCT; AND PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES OR OPERATED ~~AND~~ PROPERTIES; ADDING SUBSECTION E AND CREATING SECTION 54-52; DEFINITIONS.**

There were no comments on either of the proposed Ordinances, and 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: Councilman

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:05 P.M.

## **Scheduled Business**

1. Presentation of Financial Reporting Under GASB Statements (Actuarial Report) for the City of McAlester Defined Benefit Retirement Plan and Trust as of June 30, 2014. *(Bruce R. Nordstrom, FSA, EA, MAAA, Senior Consulting Actuary, MHBT Inc.)*

Executive Summary

Motion to accept and place on file the Actuarial Report for period ending June 30, 2014.

Bruce Nordstrom, Senior Consulting Actuary MHBT, Inc. addressed the Council reviewing the changes that would affect how the City reported the “Defined Benefit Retirement Plan” on future financial statements. He commented on the level of funding the Plan was at and the 19% return rate that it had experienced.

There was discussion among the Council including Mr. Nordstrom regarding the amount of contributions that had been made, how the change in reporting would affect the funding and if the Plan would ever be fully funded.

There was no action taken on this item.

2. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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. 2519**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion to approve **ORDINANCE NO. 2519**, amending Fiscal Year 2014-2015 Budget was made by Vice-Mayor Read and seconded by Councilman Smith.

Before the vote, CFO Ervin addressed the Council explaining that this was the funding mechanism for the 3 Year COPS Grant. She added that this was for seven (7) months of the Grant.

There was no other 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.

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

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

Mayor Harrison declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2014-2015 for a fee not to exceed \$30,000.

Councilman Smith moved to authorize the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). The motion was seconded by Councilman Karr.

Before the vote, Director Modzelewski addressed the Council explaining that in July of 2008 the City Council had approved the selection of Meshek & Associates PLC as the City's engineering consultant for the Phase II Stormwater Management Program. He stated that the requirements for the first permit had been completed and ODEQ was preparing the requirements for the next permit cycle. He added that this agreement would allow Meshek & Associates PLC to continue working with the City and to continue to be in compliance with the permit requirements.

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

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

Mayor Harrison declared the motion carried.

4. Consider and act upon, an Ordinance to amend Sections 54-45 and 54-48 to Article III, Chapter 54, of the Code of the City of McAlester, Oklahoma, prohibiting possession and use of any tobacco product on City-owned premises or operated properties; adding subsection E and creating Section 54-52; Definitions. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve Ordinance amending Sections 54-45 and 54-48 to Article III, Chapter 54, of the Code of the City of McAlester, Oklahoma, prohibiting possession and use of any tobacco product on City-owned premises or operated properties; adding subsection E and creating Section 54-52; Definitions.

**ORDINANCE NO. 2520**

**AN ORDINANCE TO AMEND SECTIONS 54-45 AND 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA BY PROHIBITING POSSESSION OF TOBACCO PRODUCT; AND PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES OR OPERATED AND PROPERTIES; ADDING SUBSECTION E AND CREATING SECTION 54-52; DEFINITIONS.**

A motion was made by Councilman Smith and seconded by Councilman Karr to approve **ORDINANCE NO. 2520.**

Before the vote, Manager Stasiak introduced Karlita Lott, Pittsburg County Health Department.

Ms. Lott addressed the Council informing them that the City already had an Ordinance in place restricting tobacco or tobacco products on City-owned or operated properties. She stated that this Ordinance would add the language addressing E-Cigarettes and Vapor products.

There was discussion among the Council, Manager Stasiak and Ms. Lott concerning signage, making it clear that e-cigarettes and vapor products were included on the signs, adding something to include vapor in section 54-48 (b), the misconception that vapor products were not tobacco, the definitions in the Ordinance, and having the City Attorney review Section 82-146 through 151 of the City Code.

Mayor Harrison clarified that the motion was to approve **ORDINANCE NO. 2520**, with the addition of “/Vapor” to Section 54-48 (b).

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign a lease agreement with Resonance Broadband to install wireless infrastructure on all city owned water towers. (*James Stanford, IT Computer Support Specialist*)

Executive Summary

Motion to approve authorizing the Mayor to sign lease agreement with Resonance Broadband.

Mayor Harrison stated that Manager Stasiak had requested that this item be tabled.

Manager Stasiak commented that it would be brought back on the November 25<sup>th</sup> meeting.

Vice-Mayor Read moved to table the lease agreement with Resonance Broadband to install wireless infrastructure on all city owned water towers, until November 25<sup>th</sup>. 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

Vice-Mayor Read 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 reported there were two (2) local contractors interested in completing the 17<sup>th</sup> Street project. He stated that the Public Works Department had outlined and addressed all unfinished aspects remaining on the project and had put that information out in a mini bid package so those contractors would know what was left. They were asked to return their bids by Monday at 10:00 a.m. so the City could look at the costs associated with the work. He added that Director Modzelewski had included performance and a two (2) year maintenance bond.

There was a brief discussion concerning the work that had been done to date, if it had been up to specifications and the possibility of the need for a Special meeting to move this forward.

Manager Stasiak reported that the City Attorney was reviewing each of the contracts and working through the various details. He added that he expected something at the next meeting.

### **Remarks and Inquiries by City Council**

The Council members had no remarks or inquiries for the evening.

### **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 Vice-Mayor Read.

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 6:33 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:34 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Read moved for the meeting to be adjourned. The motion was seconded by Councilman Smith.

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

NAY: None

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

ATTEST:

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Steve Harrison, Mayor

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Cora Middleton, City Clerk