

The McAlester City Council met in a Regular session on Tuesday, September 13, 2016, at 6:00 P.M. after proper notice and agenda was posted, September 9, 2016 at 4:33 P.M.

Call to Order

Mayor Browne called the meeting to order.

Ron Fleming, Indian Baptist Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read Robert Karr, Buddy Garvin & John Browne

Absent: Jason Barnett

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; Leroy Alsup, Community & Economic Development Director; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Swearing-in Ceremony

Municipal Judge Deborah Hackler administered the Oath of Office to new Ward Two Councilman Cully Stevens.

Citizens Comments on Non-Agenda Items

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

Zach Prichard addressed the Council concerning State Question 779 and asked that each of them as individuals would vote against the Question. He further expressed his concerns on the impact this particular Question would have on cities in Oklahoma.

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the August 23, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 17, 2016 through September 6, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$122,100.69; Nutrition - \$1,292.41; Landfill Res./Sub-Title D - \$225.00; Tourism Fund - \$7,024.86; SE Expo Center - \$14,994.79; E-911 - \$6,411.12; Economic Development - \$6,998.71; Fleet Maintenance - \$10,429.00; Dedicated Sales Tax-MPWA - \$2,000.00; CIP Fund - \$310,560.44 and Technology Fund - \$7,783.13.
- C. Consider and act upon, authorization of payment to HD Supply Waterworks, Invoice F980605, in the amount of \$ 2,100.00, for water line items related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

- D. Consider and act upon, authorization of payment to HD Supply Waterworks, Invoice F954699, in the amount of \$ 126.00, for water line items related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorization of payment to KATCON, Inc., Invoice Payment #2, in the amount of \$ 88,685.11, for Construction Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, authorization of payment to GC Rental & Sales, Invoice 42095, in the amount of \$ 4,000.00, for equipment rental for Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, authorization of payment to HD Supply Waterworks, Invoice F990852, in the amount of \$ 133.28 for water line items related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- H. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-02, in the amount of \$ 8,860.00 for Professional Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- I. Consider and act upon, a request from Eastern Oklahoma State College, E.O.S.C., McAlester Campus, to partner with them for the rental fee for the use of the Southeast Expo Center for the 10th Annual Career & College Tour set for October 11-12, 2016 in the amount of \$2,000.00. *(Jerry Lynn Wilson, EXPO Center Manager)*
- J. Consider and act upon, authorizing the Mayor to sign an Amendment to Contract No. 2016-0110 with Tyler Technologies reducing the existing contact value by \$7,500.00. *(Gary Wansick, Chief of Police)*
- K. Consider and act upon, the McAlester Airport Authority renewing First National Bank Loan #119817 in the amount of \$143,978.16 for an additional 2 years at 4.25% interest with a monthly payment of \$5,000.00. *(Toni Ervin, Chief Financial Officer)*
- L. Consider and act upon, approval and authorizing the Mayor to sign a lease in the amount of \$1,295.00 per month for space to relocate the City of McAlester Tourism Office at 119 E. Choctaw Street, Suite 103. *(Peter Stasiak, City Manager)*
- M. Discussion and possible action on approval of an agreement between Oklahoma State University, Fire Service Training and McAlester Fire Department to authorize McAlester Fire Department as a Community Training Site for emergency cardiovascular care training. *(Brett Brewer, Fire Chief)*

Councilman Smith requested that items “J and K” be removed for individual consideration. Councilman Read requested that item “L” be removed for individual consideration and Manager Stasiak asked that item “M” be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the Consent Agenda items “A through I”. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Stevens, Karr, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- J. Consider and act upon, authorizing the Mayor to sign an Amendment to Contract No. 2016-0110 with Tyler Technologies reducing the existing contact value by \$7,500.00. *(Gary Wansick, Chief of Police)*

Councilman Smith asked about the changes that had been made to the contract.

Chief Wansick explained that there was no need for two (2) of the sections in the software agreement and those removals resulted in the reduction in the contract cost.

Councilman Smith moved to approve and authorize the Mayor to sign an Amendment to Contract No. 2016-0110 with Tyler Technologies reducing the existing contact value by \$7,500.00. The motion was seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Stevens, Karr, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- K. Consider and act upon, the McAlester Airport Authority renewing First National Bank Loan #119817 in the amount of \$143,978.16 for an additional 2 years at 4.25% interest with a monthly payment of \$5,000.00. *(Toni Ervin, Chief Financial Officer)*

Councilman Smith asked that CFO Ervin review the history of this loan for the Council.

CFO Ervin briefly reviewed the history of the McAlester Airport Authority's loan explaining that previously the Authority had only been making interest payments but after analyzing the loan and starting to make extra payments it should pay off in five (5) years.

Councilman Read moved to renew First National Bank Loan #119817 in the amount of \$143,978.16 for an additional 2 years at 4.25% interest with a monthly payment of \$5,000.00. The motion was seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Garvin, Karr, Smith, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- L. Consider and act upon, approval and authorizing the Mayor to sign a lease in the amount of \$1,295.00 per month for space to relocate the City of McAlester Tourism Office at 119 E. Choctaw Street, Suite 103. *(Peter Stasiak, City Manager)*

Councilman Read expressed concern with the agreement that did not have all of the blanks filled in and commented that the Tourism office was already located in the Parrott Building.

Manager Stasiak explained that Tourism would be moving into the suite that the Chamber has occupied before it moved into its' new office. He commented that Tourism would be getting a larger office at less per square foot and they would not need the conference room with the larger office.

Mayor Browne commented that the current office was inadequate for two (2) people and Councilman Stevens asked if the rent included utilities.

Councilman Read moved to table the item until a completed lease agreement could be presented. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- M. Discussion and possible action on approval of an agreement between Oklahoma State University, Fire Service Training and McAlester Fire Department to authorize McAlester Fire Department as a Community Training Site for emergency cardiovascular care training. (*Brett Brewer, Fire Chief*)

Manager Stasiak informed the Council that section 9 of this agreement needed to be changed to a “Hold Harmless Clause” and that the City did not indemnify any other entity. In line seven (7), that began with “However, this indemnity”, the work indemnity needed to be stricken and section 9.3 needed to be stricken in its’ entirety. He added that Chief Brewer was in attendance if there were any questions.

Vice-Mayor Karr moved to approve an agreement between Oklahoma State University, Fire Service Training and McAlester Fire Department to authorize McAlester Fire Department as a Community Training Site for emergency cardiovascular care training, with the changes recommended by Manager Stasiak. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Stevens, Read & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Smith to open a Public Hearing to address two (2) Ordinances. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Karr, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:25 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. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING ARTICLE IX, SECTION 18-533 OF THE MCALESTER “BUILDINGS AND BUILDING REGULATIONS” CITY CODE; PROVIDING THE EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.

There were no comments on either Ordinance and Councilman 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, Stevens, Karr, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:25 P.M.

Scheduled Business

1. Presentation of Financial Reporting Under GSB Statements (Actuarial Report) for the City of McAlester Defined Benefit Retirement Plan and Trust as of June 30, 2016 and adoption of a resolution amending actuarial assumption from 30 years to 20 years. (*Bruce Nordstrom, Senior Consulting Actuary, McQueary Henry Bowles Troy, L.L.P.*)
Executive Summary

Motion to accept and place on file the Actuarial Report for period ending June 30, 2016 and adoption of the resolution amending the actuarial assumption from 30 years to 20 years.

Bruce Nordstrom, Senior Consulting Actuary, McQueary Henry Bowles Troy, LLP addressed the Council reviewing the change in the amortization period. He added that the cost to make this change was not significant and by making this change would fund the plan more quickly. After a brief discussion concerning the length of time to fully fund the plan and how it could affect the City's financial statements Councilman Read moved to approve RESOLUTION NO. 16-13, amending the actuarial assumption from thirty (30) years to twenty (20) years. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

AYE: Councilman Read, Karr, Garvin, Smith, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Mr. Nordstrom then reviewed the current status of the City's Defined Benefit Retirement Plan commenting that it was a controllable plan.

2. Consider and act upon, an Ordinance amending Article IX, Section 18-378 (now Section 18-533) of the McAlester Building and Building Regulations City Code; Providing the effective date; Providing for severability. (*William J. Ervin, City Attorney*)

Executive Summary

Mayor and City Council to pass and approve Section 18-533 amended ordinance allowing for an extension of the Special Remodeling Permit.

Manager Stasiak addressed the Council explaining that this item had been tabled at the last meeting in August. He commented that the original ordinance limited the amount of time to ninety (90) days and did not allow the Council any discretion in extending the time. He then reviewed the changes that were being proposed in the new ordinance.

Attorney Ervin addressed the Council informing them of two (2) changes that he recommended. He commented that these changes would give the Council the flexibility that it wanted and to approve the ordinance on an emergency basis.

There was a lengthy discussion among the Council, Attorney Ervin, Director Alsup and Jack Crotchett concerning who had the authority to extend the time period of the Special Remodel Permit, how the Council had put this mechanism into the Code as a failsafe and how much work had to be accomplished before an extension would be granted.

ORDINANCE NO. 2574

AN ORDINANCE AMENDING ARTICLE IX, SECTION 18-533 OF THE MCALESTER "BUILDINGS AND BUILDING REGULATIONS" CITY CODE; PROVIDING THE EFFECTIVE DATE; PROVIDING FOR SEVERABILITY.

A motion was made by Councilman Stevens to approve **ORDINANCE NO. 2574**, seconded by Councilman Garvin. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Stevens, Garvin, Smith, Read, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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

AYE: Councilman Garvin, Stevens, Read, Karr, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, a request from the property owner for a 180 day extension of Special Remodel Permit No. 16050 for the condemned property at 1516 Park Drive. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to grant a 180 day extension of Special Remodel Permit No. 16050 for the condemned property at 1516 Park Drive, effective September 13, 2016.

Director Alsup addressed the Council explaining that with the adoption of the Ordinance in the previous item, staff had the authority to give a ninety (90) day extension but this request was for one hundred eighty (180) days.

Attorney Ervin commented that anything over ninety (90) days has to be approved by the Council.

After a lengthy discussion among the Council including Attorney Ervin, Director Alsup and Jack Crotchett concerning the length of the extension request, the amount of work that had already been accomplished on the structure and if the remodel could be completed in ninety (90) days, Mayor Browne pulled the item.

4. Consider and act upon, a Resolution relating to Indigenous Peoples' Day; declaring the second Monday in October as Indigenous Peoples' Day in the City of McAlester, Oklahoma; encouraging other Institutions to recognize the day; and reaffirming the City's commitment to promote the well-being and growth of McAlester's Native American Indian and Indigenous Community. *(Robert Karr, Vice-Mayor, Councilman Ward Four)*

Executive Summary

Motion to pass and approve the Resolution relating to Indigenous Peoples' Day; declaring the second Monday in October as Indigenous Peoples' Day in the City of McAlester.

Vice-Mayor Karr explained that he had been asked to do this last year but was unable to get it done in time. He commented that this year all involved parties got together earlier. He added that he had spoken with Councilman Pate and had his support for the resolution.

Nellie Meashintubby addressed the Council expressing her support of the resolution and reviewing the history of Columbus and how his actions had affected the indigenous people of the lands that he had discovered.

Larry Amos addressed the Council expressing his support for the resolution.

Ariana Byington addressed the Council giving a history of the Native Americans and commenting that November was Native American Month.

There was no discussion and Vice-Mayor Karr moved to approve RESOLUTION NO. 16-13, declaring the second Monday in October as Indigenous People's Day in the City of McAlester. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, adopting a resolution opposing State Question 779 which initiates an additional one percent sales tax for education funding in the State of Oklahoma. *(Mayor John Browne)*

Executive Summary

Motion to approve and authorize the Mayor to sign the resolution opposing State Question 779.

Mayor Browne pulled this item on the advice of the City Attorney.

6. Presentation and discussion on a Residuals Handling Program. *(Dale Burke, Robert Vaughan, Infrastructure Solutions Group, LLC)*

Executive Summary

Presentation and discussion.

Manager Stasiak informed the Council that questions had come up regarding the City's residuals handling. He explained that several options had been presented to the City and that tonight Infrastructure Solutions Group, LLC would review some of those options.

Robert Vaughan Branch Manager, Infrastructure Solutions Group, LLC addressed the Council presenting them with an overview of the options available to the City to address the residuals at the Water Treatment Plant. During this presentation he also updated the Council on the City's current Consent Orders.

After the presentation and update there was a brief discussion concerning how the drying beds were going to be managed, using the solid material from the drying beds for cover at the landfill, the age of the plant, the cost of the various options to address Residuals Handling and if the drying beds were going to be cleaned annually.

There was no vote on this item.

7. Consider and act upon, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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.

CFO Ervin addressed the Council reviewing the exhibits to the amendment and explaining that this amendment was to move all uncompleted projects from the 2015/2016 Budget to the 2016/2017 Budget.

ORDINANCE NO. 2575

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; 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 Karr to approve **ORDINANCE NO. 2575**. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Councilman Garvin moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Read and the vote was taken as follows:

AYE: Councilman Garvin, Read, Smith, Stevens, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, accepting Federal Aviation Grant #3-40-0057-014-2016 for the replacement of the Rotating Beacon at the McAlester Regional Airport. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon accepting Federal Aviation Grant #3-40-0057-014-2016 for the replacement of the Rotating Beacon and authorizing the Mayor to sign the agreement.

Manager Stasiak addressed the Council explaining that the City of McAlester had been awarded a grant of \$83,790.00 from the Federal Aviation Administration. He stated that this grant required a ten percent (10%) match of \$9,310.00 from the City and would result in a total project of \$93,100.00. He added that this grant would be used to replace the existing rotating beacon and would add reliability to the airport's operations by making it easier to find.

Councilman Smith moved to accept the Federal Aviation Grant #3-40-0057-014-2016 for the replacement of the Rotating Beacon at the McAlester Regional Airport and authorize the Mayor to sign the agreement. The motion was seconded by Vice-Mayor Karr. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Stevens, Read, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

9. Consider and act upon, accepting the bid from Electric Power Solutions for the Installation of the New Rotating Beacon and authorizing the Mayor to sign all documents required for this project. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to accept the bid from Electric Power Solutions and authorize the Mayor to sign all documents required for this project.

Manager Stasiak addressed the Council informing them that the City had received two (2) bids for the installation of the new Rotating Beacon at the Airport and that LBR, Inc., the City's airport consultant recommended awarding the bid to Electric Power Solutions.

A motion was made by Councilman Smith and seconded by Councilman Garvin to accept the bid from Electric Power Solutions, in the amount of \$70,200.00 for the Installation of the New Rotating Beacon and authorize the Mayor to sign all documents required for this project. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Karr, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

10. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 3 for the contract with L&L Construction, Inc. for the replacement of media and underdrain of Filter #5 at the MPWA Water Treatment Plant and accept the project as completed. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve final payment of \$21,680.35 for the replacement of media and underdrain of Filter #5 at the MPWA Water Treatment Plant and accept the project as completed.

Manager Stasiak addressed the Council explaining the project to replace the media and underdrain of Filter #5 at the MPWA Water Treatment Plant was completed on September 1, 2016 and this item was for the final pay estimate.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the final payment of \$21,680.35 for the replacement of media and underdrain of Filter #5 at the MPWA Water Treatment Plant and authorize the Mayor to sign the Contractor's Final Pay Estimate and accept the project as completed. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Stevens, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

11. 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). (*Peter Stasiak, City Manager*)

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 2016-2017 for a fee not to exceed \$72,500.

Manager Stasiak requested that this item be pulled until the next meeting when representatives from Meshek could be in attendance.

12. Consider and act upon, authorization of an Acknowledgement and Release of Liability for the donation of McAlester Police Department expired bullet proof vests to Hartshorne Police Department. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to authorize an Acknowledgement and Release of Liability for the donation of McAlester Police Department expired bullet proof vests to Hartshorne Police Department.

Mayor Browne informed the Council that the city that this vests were to be donated to should be Haileyville and not Hartshorne.

There was a brief discussion concerning the number of vests that were being donated and how the City had handled donations in the past.

A motion was made by Councilman Read and seconded by Councilman Smith to authorize and Acknowledgement and Release of Liability for the donation of McAlester Police Department expired bullet proof vests to Haileyville Police Department. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Karr, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

13. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of 6, 5" to 4" storz reducers, to be place on the ladder truck. Approx. cost 870.00 Purchases to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Chief Brewer addressed the Council explaining that this item was to purchase six (6), five (5) inch to four (4) inch storz reducers to be placed on the ladder truck. He added that the approximate cost of \$870.00 would be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Councilman Smith asked what a storz reducer was and Chief Brewer explained that it was a snap lock.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the purchase of six (6), 5" to 4" storz reducers, to be place on the ladder truck. Approx. cost 870.00 Purchases to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

14. Discussion and possible action, on approval of an agreement with Oklahoma Department of Agriculture, Food and Forestry, Department of Defense to accept the release and transfer of one used 2010 freightliner semi-tractor. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the agreement.

Chief Brewer addressed the Council requesting that the year of the semi-tractor be changed to a 2010 or later freightliner semi-tractor.

A motion was made by Councilman Smith and seconded by Councilman Read to approve an agreement with Oklahoma Department of Agriculture, Food and Forestry, Department of Defense to accept the release and transfer of one used 2010 or later freightliner semi-tractor. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

15. Consider, discuss and act upon, list of significant changes to the City of McAlester Code of Ordinances recommended by MuniCode during the required recodification. Final draft to be included. (*Cora Middleton, City Clerk*)

Executive Summary

For discussion and possible action.

Attorney Ervin addressed the Council informing them that the attached list contained changes that were being recommended by MuniCode. He commented that the committee had tried to insure that there were no substantive changes that the Council was not aware of. He then asked the Council to review the list proposed changes and submit their comments to either the City Clerk or him.

There was no vote on this item.

New Business

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that next week while he, Mayor Browne, Director Alsup and Kirk Ridenour were in Washington D.C attending the McAlester Stampede, Director Priddy would be Acting City Manager. He commented on the amount of work that went on behind the scenes to get information to the Council and expressed his appreciation to staff and CFO Ervin.

Mayor Browne also expressed his appreciation.

Remarks and Inquiries by City Council

Vice-Mayor Karr thanked administration and all of the employees for the work that they do and how it made the Council's job easier. He then asked why the resolution opposing "State Question 779" was pulled from the agenda.

Attorney Ervin answered that the official reason was that Title 26 § 16-119 which was State Statute, prohibits any official of City or State from using City or State resource to support or oppose an initiative or referendum.

Councilman Garvin reminded everyone that the "Old Town Festival" would be at the end of next month. He then read a letter that he received from a young man that he had been involved in an accident six (6) years ago. In the letter the young man stated that he had changed his life and apologized to both Councilman Garvin and the City of McAlester.

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

Mayor's Comments and Committee Appointments

Mayor Browne announced that Trick-or-Treat, in McAlester, would be on Saturday, October 29th and that October was also "Domestic Violence Awareness" month. He commented on the "thank you" that he had heard from the residents in the Mockingbird Street area for the street work that the City had recently completed. He congratulated Ethen Smith for receiving a

scholarship from the Oklahoma Rural Rehabilitation Corporation and Trevor Sadler recently was to major over the Reserves.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 8:17 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:18 P.M.

Adjournment

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

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

AYE: Councilman Stevens, Smith, Garvin, Read, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:18 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk