

The McAlester City Council met in Regular session on Tuesday, August 14, 2012, at 6:00 P.M. after proper notice and agenda was posted, August 10, 2012, at 2:15 P. M.

Call to Order

Mayor Harrison called the meeting to order.

Glenn Meyer, Trinity Lutheran Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Sam Mason & Steve Harrison
Absent: Buddy Garvin
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Finance Officer; John C. Modzelewski, City Engineer/Public Works Director; Brett Brewer, Fire Chief; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Stephanie Shafer informing them that Pride In McAlester had been awarded a "Fresh Paint Days" Grant from Keep Oklahoma Beautiful. The group had been working with the Ardenium of Oklahoma, McAlester Main Street and the Okla Theater and had secured a grant up to \$200,000.00 for asbestos removal at the Okla Theater. She added that the group was working on a trash cleanup to compliment the Fall Cleanup in October.

Consent Agenda

- A. Approval of the Minutes from the July 10, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the July 17, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for July 18 through August 7, 2012. *(Toni Ervin, Chief Financial Officer)*
In the following amounts: General fund - \$98,904.11; Nutrition - \$1,014.55; Landfill Res./Sub-Title D - \$7,141.00; Tourism Fund - \$3,666.67; SE Expo Center - \$7,971.53; E-911 - \$35,788.99; Economic Development - \$38,786.91; CDBG Grants Fund - \$1,600.00; Fleet Maintenance - \$26,855.47; Worker's Compensation - \$941.68; Dedicated Sales Tax-MPWA - \$1,500.00 and CIP Fund - \$132,667.89.
- D. Accept and place on file the Pride-in-McAlester Year End Report for FY 2011-2012. *(Stephanie Shaffer, Executive Director, Pride-in-McAlester)*
- E. Accept and place on file the MPower 4th Quarter Report for FY 2011-2012. *(Shari Cooper, Executive Director, MPower)*
- F. Accept and place on file the MPower Annual Report for FY 2011-2012. *(Shari Cooper, Executive Director, MPower)*
- G. Accept and place on file the Oklahomans for Independent Living Report for April, May and June, 2012. *(Mike Ward, Executive Director, Oklahomans for Independent Living)*

- H. Concur with Mayor's Appointment of Heather French to the McAlester Personnel Board for a term to expire July, 2016. *(Steve Harrison, Mayor)*
- I. Concur with Mayor's Appointment of Robert Goodspeed to the McAlester Housing Authority for a term to expire July, 2013. *(Steve Harrison, Mayor)*
- J. Concur with Mayor's Appointment of Melissa Walker to the McAlester Audit & Finance Advisory Committee for a term to expire March, 2014. *(Steve Harrison, Mayor)*
- K. Concur with Mayor's Appointment of Mark Roath to the McAlester Audit & Finance Advisory Committee for a term to expire February, 2013. *(Steve Harrison, Mayor)*
- L. Concur with Mayor's Appointment of David Keith to the McAlester Planning Commission for a term to expire August, 2014. *(Steve Harrison, Mayor)*

Councilman Read requested that items "J and L" be removed for individual consideration and Councilman Titsworth requested that item "K" be removed for individual consideration.

A motion was made by Councilman Read and seconded by Vice-Mayor Mason to approve Consent Agenda items "A, B, C, D, E, F, G, H, and I."

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

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

Mayor Harrison declared the motion carried.

Items removed from Consent Agenda

- J. Concur with Mayor's Appointment of Melissa Walker to the McAlester Audit & Finance Advisory Committee for a term to expire March, 2014. *(Steve Harrison, Mayor)*

A motion was made by Councilman Karr and seconded by Vice-Mayor Mason to concur with the Mayor's Appointment of Melissa Walker to the McAlester Audit & Finance Advisory Committee for a term to expire March, 2014.

Before the vote, Councilman Read stated that Ms. Walker was his wife's immediate Supervisor at the Hospital and he felt he should abstain from the vote.

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

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

Mayor Harrison declared the motion carried.

- K. Concur with Mayor's Appointment of Mark Roath to the McAlester Audit & Finance Advisory Committee for a term to expire February, 2013. *(Steve Harrison, Mayor)*

A motion was made by Vice-Mayor and seconded by Councilman Read to concur with the Mayor's Appointment of Mark Roath to the McAlester Audit & Finance Advisory Committee for a term to expire February, 2013.

Before the vote, Councilman Titsworth stated that he was not in favor of Mr. Roath serving on the Audit and Finance committee. He added that he did not feel that Mr. Roath had the best interest of the City to serving on a committee.

Councilman Read commented that he had always found Mr. Roath to be honest and always acted with integrity.

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

AYE: Councilman Read, Mason, Smith & Mayor Harrison

NAY: Councilman Karr & Titsworth

Mayor Harrison declared the motion carried.

- L. Concur with Mayor's Appointment of David Keith to the McAlester Planning Commission for a term to expire August, 2014. *(Steve Harrison, Mayor)*

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to concur with the Mayor's Appointment of David Keith to the McAlester Planning Commission for a term to expire August, 2014.

Before the vote, Councilman Read stated that he had the same comments on this item as he had with the appointment of Ms. Walker. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Karr, Mason, Titsworth & Mayor Harrison

NAY: None

ABSTAIN: Councilman Smith & Read

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read to open a Public Hearing to address five (5) Ordinances.

There was no discussion, and the vote was taken.

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:11 P.M.

Public Hearing

- AN ORDINANCE RELATING TO ECONOMIC DEVELOPMENT WITHIN THE CITY OF McALESTER, OKLAHOMA, PROVIDING FOR MANDATORY PROVISION OF EMPLOYMENT AND BENEFICIARY INFORMATION TO BE FURNISHED BY ANY ENTITY USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED INFRASTRUCTURE IMPROVEMENTS AND DECLARING AN EMERGENCY.
- CONSIDER AND TAKE ACTION WITH RESPECT TO AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 2. MUNICIPAL COLLECTION SERVICE, SECTION 106-327, CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE; AND DECLARING AN EMERGENCY.

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

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:13 P.M.

Scheduled Business

1. Discussion of CDBG-EDIF Grant Requirements by Millie Vance. *(Millie Vance, Millie Vance, Inc. Grant Writer)*
 Executive Summary
 Discussion on CDBG-EDIF Grant Requirements.

Ms. Vance informed the Council that this item was discussion only and was to inform the Council of the steps to be followed during this grant process. She then briefly reviewed the following five (5) items with the Council.

Mayor Harrison stated that they would take questions as each item was addressed.

2. Consider, and act upon, a Resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175 and for Providing Job Tracking. *(Millie Vance, Millie Vance, Inc. Grant Writer)*
 Executive Summary
 Motion to approve Resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175 and for Providing Job Tracking.

A motion was made by Councilman Smith and seconded by Councilman Read to approve RESOLUTION NO. 12-12, accepting the Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175 and providing for Job Tracking.

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

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

Mayor Harrison declared the motion carried.

3. Consider, and act upon, authorizing the Mayor to sign the Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure

Finance (CDBG-EDIF) Grant Contract No. 15175. *Millie Vance, Millie Vance, Inc. Grant Writer*)

Executive Summary

Motion to approve authorizing the Mayor to sign the Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175.

A motion was made by Councilman Karr and seconded by Councilman Smith to authorize the Mayor to the Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider, and act upon, an Ordinance relating to Economic Development within the City of McAlester, Oklahoma, providing for mandatory provision of employment and beneficiary information to be furnished by any entity using Community Development Block Grant – Economic Development Infrastructure Financing (CDBG-EDIF) Funded Infrastructure Improvements and Declaring and Emergency. (*Millie Vance, Millie Vance, Inc. Grant Writer*)

Executive Summary

Motion to approve Ordinance relating to Economic development within the City of McAlester, Oklahoma.

ORDINANCE NO. 2432

AN ORDINANCE RELATING TO ECONOMIC DEVELOPMENT WITHIN THE CITY OF McALESTER, OKLAHOMA, PROVIDING FOR MANDATORY PROVISION OF EMPLOYMENT AND BENEFICIARY INFORMATION TO BE FURNISHED BY ANY ENTITY USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED INFRASTRUCTURE IMPROVEMENTS AND DECLARING AND EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2432.**

Before the vote, Ms. Vance commented that this was part of the Release of Funds process. This document would be used to track jobs, not only for the Hampel Oil Project for the next three (3) years but also for any business that connected to the water line extension for a period of one (1) year after completion of the project.

There was a brief discussion among the Council concerning the Ordinance inclusion into the City Code; this was part of the Contract, Ms. Vance collecting the job tracking information, the environmental study being complete and Ms. Vance staying on top of this part of the Grant process.

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Read to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

5. Consider, and act upon, a Statement of Compliance of special conditions as required by CDBG-EDIF Contract No. 15176, regarding procurement procedures, ineligible costs, and easements. (*Millie Vance, Millie Vance, Inc. Grant Writer*)

Executive Summary

Motion to approve the Statement of Compliance of special conditions.

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to approve the Statement of Compliance of special conditions.

Before the vote, Ms. Vance stated that this was part of the Release of Funds requirement and since this was dealing with federal money the City would have to follow certain procurement rules and regulations.

Councilman Read asked what force account work meant in the second paragraph of the statement.

Ms. Vance explained that “force account work” was the City using their own labor and equipment on a project. She informed the Council that City labor or equipment could not be used prior to the start of a project and it could not be used as any of the match of a project.

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

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

NAY: None

Mayor Harrison declared the motion carried.

6. Consider, and act upon, to authorize the advertisement for bids for construction contractor for CDBG-EDIF Hampel Oil Water Line/Railroad Crossing Project. (*Millie Vance, Millie Vance, Inc. Grant Writer*)

Executive Summary

Motion to approve to authorize the advertisement for bids.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the advertisement for bids for construction contractor for CDBG-EDIF Hampel Oil Water Line/Railroad Crossing Project.

Before the vote, Vice-Mayor Mason asked about the exhibit that was shown on the agenda report.

Ms. Vance stated that there was no exhibit. She commented that the project was running along very well and the Council would not have authorized the advertisement for bids if a lot of the preliminary work had not been done. She stated that this project was like a dress rehearsal for future projects. She added that the funds should be release around September 20, 2012 and she would be contacting the engineer around the 8th or 9th of September to begin the advertisement process.

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

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

NAY: None

Mayor Harrison declared the motion carried.

7. Consider and Act Upon, with respect to a Resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of the creation of indebtedness by the McAlester Public Works Authority; and containing other provisions relating thereto. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution authorizing the calling and holding of an election in the City of McAlester.

A motion was made by Councilman Smith and seconded by Councilman Read to approve RESOLUTION NO. 12-10, authorizing the calling and holding of an election in the City of McAlester.

Before the vote, Jon Wolff, Vice-President of Municipal Finance Services, Inc. addressed the Council explaining the purpose of the Resolution. He then reviewed the wording of the Resolution.

There was a brief discussion, among the Council including Mr. Wolff regarding compliance with the City Charter, if the language would allow for funding of infrastructure with new streets, not increasing the existing sales tax, refinancing current debt, not knowing the exact amount of the interest rate, the date that notice of meetings was given and using the current sales tax to fund street improvements.

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

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and Act Upon, with respect to a Resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of an Ordinance relating to a one percent (1%) excise tax (sales tax), in addition to all present City, County, and State excise taxes; provided that said excise tax shall replace and supersede a one percent (1%) excise tax presently being levied by the City; and containing other provisions relating thereto. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution authorizing the calling and holding of an election in the City of McAlester relating to a one percent (1%) excise tax.

A motion was made by Councilman Read and seconded by Councilman Smith to approve RESOLUTION NO. 12-11, authorizing the calling and holding of an election in the City of McAlester relating to a one percent (1%) excise tax..

Before the vote, Mr. Wolff addressed the Council explaining that this language was very specific and careful to state that this one percent (1%) sales tax would replace and supersede the current one percent (1%) sales tax and clarify what the sales tax could be used for. He stated that the term of the sales tax would be shortened from November 30, 2031 to September 30, 2031.

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

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

NAY: None

Mayor Harrison declared the motion carried.

9. Consider, and Act Upon, with respect to an Ordinance of the City of McAlester, Oklahoma, relating to the imposition of a City Excise Tax (sales tax) of one percent (1%) (in addition to any and all other excise taxes now in force; provided that said excise tax shall replace and supersede a one percent (1%) excise tax presently being levied pursuant to Ordinance No. 1166 of the City, as heretofore amended), said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code; providing for the use of the proceeds of said excise tax; providing for the effective date and stated termination date of said excise tax; providing for subsisting State permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied, except as provided above; incorporating certain provisions of prior City Ordinances; providing for amendments to this Ordinance; providing that the provisions of this ordinance are cumulative and in addition to any and

all taxing provisions of other City Ordinances; providing for severability of provisions; and containing other provisions related thereto. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve an Ordinance relating to the imposition of a City Excise Tax (sales tax) of one Percent (1%) now in force.

ORDINANCE NO. 2431

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilman Smith moved to approve **ORDINANCE NO. 2431**, relating to the replacement of a current one percent (1%) sales tax. The motion was seconded by Councilman Titsworth.

Before the vote, Mr. Wolff addressed the Council regarding the language of the Ordinance. He added that the sales tax would end September 30, 2031 and the intent was to be broad enough to allow the City to issue future debt or refinance debt without going before the citizens of the City.

Mayor Harrison commented that this was a huge step forward in improving the conditions of the streets within the City. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

10. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; 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. 2433

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2433**, amending FY 2011-2012 Budget.

Before the vote, Ms. Ervin reviewed the amendment with the Council informing them that this amendment was to properly transfer funds for Fleet Maintenance from each Department, to appropriate funds for additional Nutrition accounts, appropriate funds for additional retiree's

payouts, to appropriate funds for additional Personal Services in Juvenile Services and to appropriate funds for donations received for Park trees.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider, and act upon, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; 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. 2434

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Titsworth and seconded by Councilman Smith to approve **ORDINANCE NO. 2434**, amending FY 2012-2013 Budget.

Before the vote, Ms. Ervin addressed the Council reviewing the amendment with them. She explained that this amendment appropriate funds for 2012 CDBG Small Cities water improvement project grant not awarded, appropriate funds for rebranding the City, and to lapse and re-appropriate funds for outstanding PO's related to Fiscal Year 2011-2012 Capital Projects.

Vice-Mayor Mason asked why on exhibit A-4 the full amount of the traffic light project at Wyandotte and Strong was carried over since the bid had come in under the original amount.

Ms. Ervin and Mayor Harrison explained that this was a routine amendment and that way all amounts were brought over into the new budget.

Vice-Mayor Mason and Councilman Titsworth inquired about various other amounts in the amendment. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

12. Consider and act upon, a request by G.W.R.R.A. (Goldwing Road Riders Association), to partner with them for the rental fee for the use of the Southeast Expo Center on October 4th-6th, 2012 for the 2012 State Convention. *(Mel Priddy, Director Community Services)*

Executive Summary

Consider approving this partnership request in the amount of \$2,875.00.

Manager Stasiak requested that this item be removed from the agenda.

13. Consider, and act upon, a request by Eastern Oklahoma State College to partner with them for the rental fee for the use of the Expo Center on October 24th & 25th, 2012 for the 6th Annual Career and College Tour. *(Mel Priddy, Director Community Services)*

Executive Summary

Consider approving this partnership request in the amount of \$1,815.00.

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to approve a request by Eastern Oklahoma State College to partner with them for the rental fee for the use of the Expo Center on October 24th & 25th, 2012 for the 6th Annual Career and College Tour.

Before the vote, Mel Priddy addressed the Council stating that this event had been a huge success in the past and it looked to be very good this year. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

14. Discussion and possible action on Notice of Cancellation of Lease from the United States of America for the Floyd Parker United States Army Reserve Center located at 1016 E. South, McAlester, OK. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to accept the Notice of Cancellation of Lease from the United States of America for the Floyd Parker United States Army Reserve.

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to accept the Notice of Cancellation of Lease from the United States of America for the Floyd Parker United States Army Reserve Center located at 1016 E. South, McAlester, OK.

Before the vote, Manager Stasiak explained that the City had been contacted by the United States Army that they were vacating the Reserve Center building located at 1016 E. South Street. He stated that acceptance of the Notice of Cancellation of Lease would release the United States Army of all future obligations and transfers to the City of McAlester "AS IS". He added that the building was sound but there had been damage to the air conditioning unit from an auto accident that had previously occurred.

There was a brief discussion regarding any environmental issues, any asbestos issues and the letter was a boiler plate letter that was sent to several cities. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

15. 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 Firefighting helmets and communication equipment, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the purchase of Firefighting helmets and communication equipment, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Before the vote, Chief Brewer addressed the Council explaining that the Fire department needed to purchase nine (9) Firefighting Helmets with shield, ten (10) Portable Radio Batteries and twenty (20) Portable Radio Chargers in the amount of \$3,882.29. He added that this equipment would be used in implementing an incident command system on fire sites and would be purchased with funds from the county quarter cent excise tax for fire services.

Mayor Harrison commented that since it was such a small amount it did not have to go through the normal county purchasing process. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

16. Consider, and act upon, the opportunity to Privatize the City of McAlester's entire temporary and permanent roll off/compactor work within the city limits. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve action necessary to privatize the City of McAlester's entire temporary and permanent roll off/compactor work within the city limits.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to consider the opportunity to Privatize the City of McAlester's entire temporary and permanent roll off/compactor work within the city limits.

Before the vote, John Modzelewski addressed the Council reminding them that this topic had been previously discussed at the July 24, 2012 Council meeting. He explained that the temporary and permanent roll off/compactor work within the city limits had been operating at a loss since July 2011 when the City's landfill hours had been reduced. He added that various options had been looked at to provide the citizens with service and the preferred option was to privatize the operation by opening it up to the Free Enterprise system. Mr. Modzelewski stated that the City would financially benefit by not having the expense of the operation and it would take the City totally out of the business of hauling waste.

There was discussion among the Council regarding keeping the truck and driver to transport the recycling materials to Durant, work at the landfill and transport sludge from the waste water facilities, this change not helping the citizens, previously not including a tipping fee in the calculations regarding the roll off service. the Council also discussed having companies that would be interested in providing the service to the citizens, keeping the employee that drove the truck, the age of the truck that had been used in the roll off operation, and the cost of using another company to furnish the internal services if the truck broke down.

Councilman Karr inquired about the use of collection trailers at the recycling center. Ms. Shafer stated that was an option that Pride in McAlester was looking into to aid in the recycling service.

Vice-Mayor Mason commented that the motion was not clear and asked if the City was going to bid out the roll off/compactor service.

Mr. Modzelewski commented that his intention was not to bid this service, the City of McAlester would notify their current customers that the City would no longer be in the roll off/compactor business and furnish them with some names for them to call.

Vice-Mayor Mason stated that the motion the City was asking for was to get out of the business and notify present customers. He asked when this would go into effect. Manager Stasiak recommended thirty (30) days if there had to be a date. Vice-Mayor Mason stated that the City

needed to be clear of what it was deciding in this meeting. He also inquired about potential customers that might have containers past the thirty (30) day period.

Vice-Mayor Mason moved to amend the motion to include the thirty (30) day notice to end the service. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Karr

Mayor Harrison declared the motion carried.

17. Consider, and act upon, a Solid Waste Ordinance, amending Chapter 106, Utilities, Article IV, Solid Waste, Division 2, Municipal Collection Service, Section 106-327, Charges for Removal of Permissible Solid Waste. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve the Solid Waste Ordinance, as amended, and declaring an emergency.

ORDINANCE NO. 2435

AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 2. MUNICIPAL COLLECTION SERVICE, SECTION 106-327, CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Read and seconded by Councilman Titsworth to approve **ORDINANCE NO. 2435**, amending Section 106-327 of the City of McAlester Code of Ordinances by removing the charges for roll off/compactor services.

Before the vote, Mr. Modzelewski explaining that this Ordinance was to delete the sections of the Code that addressed the roll off charges.

Vice-Mayor Mason commented that this carried an EMERGENCY CLAUSE and since the City was giving thirty (30) days notice to the customers the Ordinance should go into effect on the same schedule.

Mayor Harrison stated that the EMERGENCY CLAUSE needed to be deleted from the Ordinance. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

18. Consider and act upon the granting of a private roadway easement. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon the granting of a private roadway easement and authorizing the Mayor to sign the attached easement.

Councilman Read moved to approve the granting of a private roadway easement and authorize the Mayor to sign the easement. The motion was seconded by Councilman Titsworth.

Before the vote, Manager Stasiak addressed the Council explaining that the estate of Virginia Ramsey had realized that the entrance to Ms. Ramsey's property did not have access and they were asking for an easement to the property. He added that this was property located west of Steven Taylor Industrial Park and this would be a non-inclusive Right-of-Way.

Councilman Read asked if this was the only access into the property. Vice-Mayor Mason commented that with this easement the City of McAlester would not maintain the easement.

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

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

Mayor Harrison declared the motion carried.

19. Consider, and Act Upon, an Agreement with Marketing Alliance for Professional and Creative Services to develop a McAlester Logo and Marketing Plan for an estimated total price of \$18,500. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve agreement with Marketing Alliance for an estimated total price of \$18,500.

Councilman Smith moved to approve an Agreement with Marketing Alliance for Professional and Creative Services to develop a McAlester Logo and Marketing Plan for an estimated total price of \$18,500. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak commented that this item was out of the presentation on July 24, 2012, given the City by John Abate for remarketing the community. He added that this would include a logo design, a marketing plan and a position statement to help in marketing the City.

There was discussion among the Council regarding the City's current Tourism Department at the Expo, the economic development advertising of the City by MPower, the marketing video that had been discussed previously, the success of this particular company, what the company could actually do for the City, having the Tourism Department update the Council on their efforts, possibly tabling this item and the cost of the marketing video had been included in the funding of MPower.

Councilman Read moved to table this item until the next meeting. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

20. Consider, and act upon, to adopt a resolution or otherwise authorize the dissolution of the McAlester Parking Authority. *(Joe Ervin, City Attorney)*

Executive Summary

A motion to adopt a resolution or authorize the dissolution of the McAlester Parking Authority.

City Attorney Ervin explained that Vice-Mayor Mason had asked that this be placed on the agenda.

Vice-Mayor Mason stated that there had been a commitment from a previous meeting to have the City Attorney prepare a Resolution to dissolve the Parking Authority. He added that he did not know what steps had been taken to address this matter or when the Council could expect the results.

Mr. Ervin commented that he may have misunderstood at the last meeting. He stated that he had taken the Council through the Statute that provided for this process. He added that Council had very little to do with the dissolution of the Trust. The Trust was dissolved by the Trustees and approved by the Governor. He then updated the Council on the steps that had been taken, informing the Council that he did not know how long it would take to get the document that he had prepared back from the Trustees. He stated that he would expect something next week from the Trustees and then it would be ready to come back before the Council. Unless, the Council wished to take action tonight and he would add a signature line for the Mayor to sign.

Vice-Mayor Mason commented that when an authority had a written indenture and by laws that has not met in years and a statement that once the intent of the Authority had been accomplished the Trust could be terminated.

City Attorney stated that all he was asking that the Council do was to “take action to terminate by agreement the McAlester Parking Authority effective upon the Governor’s signature.”

Mayor Harrison moved that the Council take action to terminate by agreement the McAlester Parking Authority effective upon the Governor’s signature. The motion was seconded by Vice-Mayor Mason. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager’s Report

Manager Stasiak reported that he had met with the Department of Health regarding the problem West Nile Virus. He added that with the number of documented cases of West Nile Virus this year the City and the County Commissioners had teamed up to spray the entire City of McAlester three (3) times a week and to also distribute the tablets in all areas of standing water.

Remarks and Inquiries by City Council

Councilman Smith encouraged the citizens to report any problems with their cable service.

Councilman Titsworth and Vice-Mayor Mason had no comments for the evening.

Councilman Read asked about the City Manager’s report that the City had lost the CDBG 2012 funding. He asked how it had happened and how much money was lost. He also questioned the management contract with KEDDO.

Manager Stasiak informed the Council that he was investigating what had happened, the potential funding had been between \$70,000 and \$80,000, and he did not have a firm answer at this time to state what had actually happened. He added that last Friday he met with Danny Baldwin about this matter, he would find out what happened but he should have that information in the next two weeks.

Councilman Karr thanked the City Manager’s report that he had started including in the agenda. He mentioned that the ODOT highway project scheduled to start in the Spring of 2015 but could start before that time. He also stated that he had received several positive comments on the silhouettes that had been placed on the street signs around town.

Mayor’s Comments and Committee Appointments

Mayor Harrison stated that he 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 Councilman Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 7:56 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:57 P.M.

A motion was made by Vice-Mayor Mason and seconded by Councilman Smith to recess the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.C.2.; and for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844 and Dennis Vogel, Jr. Workers' Compensation Court Number: 2011-08702Q, in accordance with Title 25, Sec. 307.B.4.

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was recessed at 7:59 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (2) and Section 307 (B) (2) 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: City of McAlester v. Randy Green, Case No. C-06-844 and Dennis Vogel, Jr. Workers' Compensation Court Number: 2011-08702Q.

Reconvene Council Meeting

The Regular Meeting was reconvened at 9:31 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.C.2.; and for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844 and Dennis Vogel, Jr. Workers' Compensation Court Number: 2011-08702Q, in accordance with Title 25, Sec. 307.B.4. Only those matters were discussed, no action was taken and the Council returned to open session at 9:31 P.M., and this constituted the Minutes of the Executive Session.

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 Karr, Mason, Smith, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:32 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk