

The McAlester City Council met in Regular session on Tuesday, December 11, 2012, at 6:00 P.M. after proper notice and agenda was posted, December 10, 2012, at 4:30 P.M.

**Call to Order**

Mayor Harrison called the meeting to order.

Robert Tate, First Indian Baptist 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 Sam  
Mason & 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; David Medley, Utilities Director;  
William J. Ervin, City Attorney and Cora Middleton, City Clerk

**RECOGNITION AWARDS**

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Oklahoma Municipal League, Inc. – Honor Roll of Service *(Mayor Steve Harrison)*

Mayor Harrison presented the following City of McAlester employees with Certificates and Lapel pins for twenty-five (25) years of service.

**Recognition of a Quarter Century of Service to the City of McAlester**

|                                   |  |
|-----------------------------------|--|
| Brett Brewer, Fire Chief          | James “Cliff” Pitner, Floodplain Administrator   |
| Bobby Tucker, Fire Marshall       | Ricky Brown, Landfill Supervisor                 |
| Dennis Lalli, Building Inspector  | Jerry Matthews, Plant Operator, Wastewater Plant |
| Jeff McKee, Captain, Police Dept. | Robert Patton, Captain Fire Dept.                |

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

Ginny Webb, Executive Director of McAlester Main Street Association addressed the Council to update them on the results of the Christmas parade. She informed them that “Main Street” had raised over \$3,000.00 in October and had designated \$3,200.00 for “Street Scape” improvements. Ms. Webb stated that “Main Street” had applied for a \$2,500.00 matching grant

and had received that from Modern Woodman this month which brought the total for “Street Scape” to \$5,700.00.

### **Consent Agenda**

- A. Approval of the Minutes from the November 27, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 21, 2012 – December 4, 2012. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$94,262.05; Nutrition - \$1,781.31; Tourism Fund - \$7,166.67; SE Expo Center - \$5,520.60; E-911 - \$1,013.14; Economic Development - \$26,337.91; Fleet Maintenance - \$13,586.04; Worker’s Compensation - \$941.68 and CIP Fund - \$24,825.48.
- C. Consider, and act upon, authorizing the Mayor to sign four copies of the proposed adjusted McAlester/Krebs urban boundary for the Oklahoma Department of Transportation Planning and Research Division. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- D. Consider, and act upon, a resolution approving Cobb Engineering Company to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. *(John C. Modzelewski, PE, City Engineer and Public Works Director)* Resolution No. 12-16.
- E. Accept 2013 Annual Meeting Schedule for the City Council of the City of McAlester. *(Cora Middleton, City Clerk)*
- F. Concur with Mayor’s Appointment of Susan Kanard, Rt. 4, Box 451, McAlester, OK 74501 to the McAlester Regional Hospital Center Board for a term to expire February 2015. *(Steve Harrison, Mayor)*
- G. Concur with Mayor’s Appointment of Theresa A. Smith, 912 E. Douglas Avenue to the McAlester Board of Ethics Board for a term to expire July 2015. *(Steve Harrison, Mayor)*
- H. Accept and place on file the McAlester Main Street First Quarter Report FY 2012. *(Ginny Webb, Executive Director)*
- I. Accept and place on file the McAlester Main Street Objectives and Tactics for Fiscal Year 2012-2013. *(Ginny Webb, Executive Director)*
- J. Consider and Act to retain the Givens Law Firm, P.C. for additional legal representation on City of McAlester v. Randy Green, Case No. C-06-844. *(Joe Ervin, City Attorney)*

Councilman Smith requested that item “C” be removed for individual consideration. Councilman Titworth requested that item “E” be removed for individual consideration and Manager Stasiak requested that item “B” be removed for individual consideration.

Councilman Smith moved to approve Consent Agenda items “A, D, F, G, H, I and J”, seconded by Councilman Titsworth. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

### **Items Removed from Consent Agenda**

B. Approval of Claims for November 21, 2012 – December 4, 2012. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$94,262.05; Nutrition - \$1,781.31; Tourism Fund - \$7,166.67; SE Expo Center - \$5,520.60; E-911 - \$1,013.14; Economic Development - \$26,337.91; Fleet Maintenance - \$13,586.04; Worker’s Compensation - \$941.68 and CIP Fund - \$24,825.48.

Councilman Karr moved to approve the Claims for November 21, 2012 - December 4, 2012. The motion was seconded by Councilman Garvin.

Before the vote, Manager Stasiak explained that he had asked that this item be removed because there was a payment to Givens Law Firm, P.C. on page two (2) and item “J” needed to be approved before the payment could be approved. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

C. Consider, and act upon, authorizing the Mayor to sign four copies of the proposed adjusted McAlester/Krebs urban boundary for the Oklahoma Department of Transportation Planning and Research Division. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

A motion was made by Councilman Smith and seconded by Councilman Titsworth to authorize the Mayor to sign four (4) copies of the proposed adjusted McAlester/Krebs urban boundary for the Oklahoma Department of Transportation Planning and Research Division.

Before the vote, Councilman Smith asked how this tied into the Krebs and City of McAlester boundaries.

John Modzelewski explained that it did not actually pertain to the two (2) cities boundaries. It was required by the Federal Highway Administration every ten (10) years after the Census. It is used to determine the functional classifications of all roads within the Urban Boundary Area. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

E. Accept 2013 Annual Meeting Schedule for the City Council of the City of McAlester.  
*(Cora Middleton, City Clerk)*

A motion was made by Councilman Smith and seconded by Councilman Titsworth to accept the 2013 Annual Meeting Schedule for the City Council of the City of McAlester.

Before the vote, Councilman Titsworth asked if the December 24, 2013 Council Meeting could be changed at this time.

City Attorney Ervin explained that the Charter set the Council's meetings as the second and fourth Tuesday of each month. He recommended that if the Council wished to change the date they should take two (2) separate actions.

There was a brief discussion, regarding the steps to change the meeting date. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Garvin and seconded by Councilman Read to open a Public Hearing to address four (4) Ordinances. There was no discussion, and the vote was taken.

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:17 P.M.

### **Public Hearing**

- 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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2443; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

- AN ORDINANCE GRANTING AND EXTENDING THE TERM OF THE CABLE TELEVISION PERMIT; AND DECLARING AN EMERGENCY.
- AN ORDINANCE TO CLOSE THE FOLLOWING PLATTED STREET: 10<sup>TH</sup> STREET LYING BETWEEN LOT 4, IN BLOCK 325, AND LOT 4, IN BLOCK 326, CITY OF MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA AND TO RETAIN UTILITY EASEMENTS.

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

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

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:19 P.M.

**Scheduled Business**

1. Discussion and update on Hampel Oil Distributors, Inc. CDBG-EDIF grant project.  
 (*Millie Vance, Private Consultant*)

Executive Summary  
 Update on Hampel Oil CDBG-EDIF grant project.

Millie Vance addressed the Council regarding the construction of the water line in Steven Taylor Industrial Park for Hampel Oil. She updated the Council on the status of the project, commenting that the estimated date of construction of the building was to start in the last quarter of 2013, but Mr. Hampel would probably begin moving equipment onto site and build a fence before that.

There was no discussion, and no vote was taken on this item.

2. TABLED - Consider, and act upon, Change Order No. 1 for the 14<sup>th</sup> Street / US 69 Sewer Extension with C.S. Day & Associates of Tahlequah, Oklahoma. (*David Medley, PE, Utilities Director*)

Executive Summary  
 Motion to approve Change Order No. 1 to the 14<sup>th</sup> Street / US 69 Sewer Extension to deduct \$20,275.00 from the original Contract Price of \$410,488.00 resulting in a Contract Price of \$390,213.00.

A motion was made by Vice-Mayor Mason and seconded by Councilman Garvin to approve Change Order No. 1 to the 14<sup>th</sup> Street / US 69 Sewer Extension to deduct \$20,275.00 from the original Contract Price of \$410,488.00 resulting in a Contract Price of \$390,213.00.

Before the vote, David Medley addressed the Council stating that a letter of intent had not been received from the developer. He then recommended that the Council pull the item until the letter of intent had been received by the City.

There was a brief discussion among the Council regarding construction on this project and pulling for an indefinite period.

Vice-Mayor Mason moved to postpone the item indefinitely. The motion was seconded by Councilman Garvin.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Mayor Harrison stated that the Council would address item 4 at this time to allow the City's advisors to arrive.

4. Consider, and act upon, endorsing a Resolution of the remaining Trustees to dissolve the McAlester Parking Authority. *(Joe Ervin, City Attorney)*

Executive Summary

Staff recommends authorizing the Mayor to endorse a Resolution to dissolve the McAlester Parking Authority.

City Attorney Ervin addressed the Council explaining the steps that had been taken to this point, he added that the Parking Authority did not owe any thing but there was a conveyance of air space and parking adjacent to the Aldridge Hotel and the ownership was still with the Authority. He added that it had been leased on a long term lease to Aldridge Accommodated Living and until a transfer of that interest it would not be appropriate to dissolve the Authority. He stated that the Resolution had not been attached because he did not have the final changes wanted by the other entity that would be signing it. He commented that those issues should be ironed out by the next meeting and the Resolution to dissolve should be done.

Vice-Mayor Mason asked if the Authority owned it or was it a lease.

Mr. Ervin informed the Council that the property had been originally owned by First National Bank and transferred to the Authority. He stated that tabling this item until the next meeting would be fine.

Vice-Mayor Mason moved to table this item until the next meeting. The motion was seconded by Councilman Karr.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. McAlester Regional Health Center Quarterly Presentation 2012. (*David Keith, FACHE, President/Chief Executive Officer*)

Executive Summary

Accept and place Report on File.

David Keith, President and CEO of McAlester Regional Health Center (MRHC) addressed the Council explaining that he and some of his staff were here to present the McAlester Regional Health Center's Quarterly report. He briefly mentioned MRHC's Residency Program with Oklahoma State University for Internal Medicine and Family Practice and thanked Mayor Harrison for attending that celebration.

Melissa Walker, MRHC Chief Financial Officer addressed the Council reviewing the hospital's recent audit and the financial reports.

Danny Hardman, Vice-President of Patient Care Services, addressed the Council regarding the Hospital's accomplishments over the past months, mentioning the Primary Stroke Center, the move of the Urgent Care facilities to the Hospital's complex and the various accreditations that the Hospital had received.

Mr. Keith addressed the Council regarding the Hospital's 2012-2015 Strategic Plan reviewing the various steps which formed that Plan and the need for future expansion.

Councilman Garvin commented that he was impressed with the improvement of the Hospital.

There was no vote on this item.

3. Consider and Take Action with respect to a Resolution approving the incurrence of indebtedness by the McAlester Public Works Authority (the "Authority") issuing its utility system and sales tax revenue refunding note, taxable series 2012 (the "Note"); providing that the organizational document creating the authority is subject to the provisions of the indenture authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; approving and authorizing execution of a sales tax agreement by and between the City of McAlester, Oklahoma (the "City") and the authority pertaining to the year-to-year pledge of certain sales tax revenues; ratifying and confirming a lease pertaining to the city's water, sanitary sewer, and garbage systems; and containing other provisions relating thereto.

(*Jon Wolff, Municipal Finance Services, Inc*) (*Allan A. Brooks, The Public Finance Law Group PLLC*)

Executive Summary

Motion to approve a Resolution approving the incurrence of indebtedness by the McAlester Public Works Authority (the "Authority") issuing its utility system and sales tax revenue refunding note, taxable series 2012 (the "Note").

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 12-17, approving the incurrence of indebtedness by the McAlester Public Works Authority (the "Authority") issuing its utility system and sales tax revenue refunding note, taxable series 2012 (the "Note").

Before the vote, Jon Wolff addressed the Council regarding the bids received for the refinancing of the 1999A Bonds. He explained the steps that had been taken to acquire bids from several financial institutes. He stated that they had received one bid from Bank of America and the interest rate had been 3.8% with a \$125, 000.00 upfront fee. He added that the Authority would be saving over the term of the financing just under \$7.5 million. He recommended that the Council award the bid to Bank of America. He then reviewed the current Bonds' payments and the proposed debt payments.

Vice-Mayor Mason expressed concern with the waiving competitive bidding and asked what law fell in to allow the waiving of competitive bid and if this met the requirements of the City's Codes or Charter. He also asked how the upfront fee would be handled.

Allan A. Brooks addressed the Council reviewing the State Statutes that address bidding on financial transactions and commented that he had never done a transaction like this where competitive bidding had not been waived. He added that this was addressed in Title 60 in section 176 of the State Statutes.

City Attorney Ervin commented that competitive bidding provision in Charter 3.06.B did not address this type of transaction. He added that the action requested by the Bond Counsel did not violate the Charter or City Code.

Mayor Harrison commented that this was wonderful news and the upfront fee was included in the financing.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Mayor Harrison recessed the Council Meeting at 7:20 P.M. to convene the McAlester Public Works Authority.

The Regular Council meeting was reconvened at 7:31 P.M.

6. Consider and act upon two Resolutions of Support for the Southwinds Aldridge Apartments, LP Development and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a Resolution of support of Economic Development and promoting affordable housing, and a second Resolution authorizing a monetary contribution from Economic Development funds in the amount of \$14,001 or combination of in-kind services with a monetary contribution to offset the remaining obligation up to \$14,001.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 12-19, supporting Economic Development and promoting affordable housing, and RESOLUTION NO. 12-20, authorizing a monetary contribution from Economic Development funds in the amount of \$14,001 or combination of in-kind services with a monetary contribution to offset the remaining obligation up to \$14,001.

Before the vote, Manager Stasiak informed the Council that this project involved the proposed purchase and rehabilitation of the Aldridge Apartments by Rural Equities, LLC. These Resolutions were to show the support of the City of McAlester for this project. He added that the project had an estimated investment to the community of \$7.5 million and that Scott Poor, Principle of Rural Equities was available to answer any questions.

Scott B. Poor addressed the Council regarding the proposed project for the Aldridge Apartments and the requested support from the City of McAlester.

There was discussion among the Council, Manager Stasiak and Mr. Poor regarding the method of support that the City of McAlester would furnish if this item was approved. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

7. 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, CFO)*

Consider, and act upon, approval of the attached Transfer of Appropriations for FY 2012-2013. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

Motion to approve the budget transfers as attached and numbered. T1113-022.

### **ORDINANCE NO. 2444**

**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 Karr and seconded by Councilman Garvin to approve ORDINANCE NO. 2444, amending Fiscal Year 2012-2013 Budget.

Before the vote, Ms. Ervin reviewed the budget amendment and transfer with the Council, informing them that the amendment was to appropriate funding for the lease/purchase of a Paver and the transfer was to allocate worker's compensation.

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

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

Mayor Harrison declared the motion carried.

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

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

Mayor Harrison declared the motion carried.

A motion to approve the budget amendment was made by Councilman Karr and seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

8. Consider, and act to Amend Ordinance No. 2443 by the addition and enactment of an Emergency Clause. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve Amending Ordinance No. 2443 by the addition and enactment of an Emergency Clause.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to amend **ORDINANCE NO. 2443**, by the addition and enactment of an EMERGENCY CLAUSE.

Before the vote, Mayor Harrison explained that this Ordinance had been approved at the previous Council meeting but the EMERGENCY CLAUSE could not be considered because of the lack of five (5) Council members.

City Attorney Ervin recommended that the Council consider the amendment and act on the EMERGENCY CLAUSE separately. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

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

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

Mayor Harrison declared the motion carried.

9. Consider, and act upon, an Ordinance to Extend the Term of the Cable Television Permit for the Allegiance Communications, LLC to five (5) years, which will expire on October 28, 2017. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve Ordinance to Extend the Term of the Cable Television Permit for the Allegiance Communications, LLC to five (5) years, which will expire on October 28, 2017.

### **ORDINANCE NO. 2445**

#### **AN ORDINANCE GRANTING AND EXTENDING THE TERM OF THE CABLE TELEVISION PERMIT; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Garvin and seconded by Councilman Karr to approve **ORDINANCE NO. 2445**, extending the term of the Cable Television Permit for Allegiance Communications, LLC to five (5) years, expiring on October 28, 2017.

Before the vote, City Attorney Ervin explained that he had been asked to address this matter and had produced an Ordinance to extend the term of the Cable Television Permit.

Vice-Mayor Mason asked what the difference was between a Permit and a Franchise. He added if this was a Permit then Allegiance was billing the fee incorrectly as a Franchise fee.

Mr. Ervin commented that he would refer the Council to **ORDINANCE NO. 2074** from 1997. He added that it was a statutory provision in Oklahoma that required a vote of the people to approve a Franchise. That was pre-empted by Cable Communications Policy Act of 1984 and the Cable Television Consumer Protection and Competition Act of 1992. He stated that the City was not foreclosing the possibility that they will grant other access in the City limits. He added that the Permit fee and Franchise fee was the same thing.

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

AYE: Councilman Garvin, Karr, Smith, Titsworth, Read & Mayor Harrison  
NAY: Vice-Mayor Mason

Mayor Harrison declared the motion carried.

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

AYE: Councilman Titsworth, Garvin, Smith, Read, Karr & Mayor Harrison  
NAY: Vice-Mayor Mason

Mayor Harrison declared the motion carried.

10. Consider, and act upon, accepting the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to accept the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard.

A motion to accept the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard was made by Councilman Smith and seconded by Councilman Garvin.

Before the vote, John Modzelewski addressed the Council explaining that the final inspection of the traffic signal improvements had been completed and Traffic Engineering Consultants, Inc. was recommending that the project be accepted.

Councilman Garvin commented on the intersection and thanked Vice-Mayor Mason for staying on top of this project.

Vice-Mayor Mason stated that he was impressed with the cost of the project and asked if a Maintenance Bond was on file in the City.

Mr. Modzelewski informed the Council that the City did have that bond.

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

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

NAY: None

Mayor Harrison declared the motion carried.

11. Consider, and act upon, Resolution pertaining to the Recordkeeping and Disposal of Public Records. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve Resolution pertaining to the Recordkeeping and Disposal of Public Records.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve RESOLUTION NO. 12-21, pertaining to the Recordkeeping and Disposal of Public Records.

Before the vote, City Clerk Middleton explained that this Resolution would help with the storage issues that many of the departments in the City were experiencing and it would help regulate those day to day documents that were generated. She added that this would work in conjunction with the shredding service that the City had previously approved.

There was discussion among the Council concerning the consideration of documents with historical significance, electronic storage and adhering to all of the State Statutes that regulated the retention and destruction of public documents.

City Attorney Ervin stated that language could be added to address the other statutes.

Vice-Mayor Mason requested that the Resolution be amended to include other statutes.

City Attorney Ervin commented that the Resolution could include “or other applicable Federal or State Statutes”.

Vice-Mayor Mason moved to amend the Resolution to include “or other applicable Federal or State Statutes. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

12. Consider, and act upon, the lease/purchase of one new and unused, asphalt paver for approximately \$350,000, and authorizing the City to borrow the necessary funds. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve the lease/purchase of one new and unused, asphalt paver for approximately \$350,000, and authorizing the City to borrow the necessary funds.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the lease/purchase of one new and unused, asphalt paver for approximately \$350,000, and authorizing the City to borrow the necessary funds.

Before the vote, John Modzelewski addressed the Council explaining that the City’s current paver was a 1993 Blaw-Knox MDL PF 172 with more than 6,000 hours of operation. He added that the new paver would be used in conjunction with the recently purchased asphalt zipper.

There was discussion among the Council regarding the cost of the paver, the number of hours on the old paver, competitively bidding all construction projects, cost to repair the current paver, having enough personnel to operate the machine safely, why this piece of equipment had been moved from the 12/13 fiscal year in the five (5) year CIP Plan to the 13/14 fiscal year and then now back in the 12/13 fiscal year, the actual use of the machine, the size of the new paver compared to the old paver and how this paver could be used on the streets in the City that were brick overlaid with asphalt.

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

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

NAY: Vice-Mayor Mason & Councilman Titsworth

Mayor Harrison declared the motion carried.

13. TABLED - Consider, and act upon, award of bid to YellowHouse Machinery Co. for the purchase of one (1) New and Unused 2012 Model 410 K Backhoe Loader. (*David Medley, PE, Utilities Director*)

Executive Summary

Motion to approve an \$110,422.40 bid award to YellowHouse Machinery Co. of McAlester, Oklahoma.

A motion was made by Councilman Smith and seconded by Councilman Read to award a bid to YellowHouse Machinery Co. for the purchase of one (1) New and Unused 2012 Model 410 K Backhoe Loader in the amount of \$110,422.40.

Before the vote, David Medley addressed the Council explaining that the Utility Maintenance Department had four (4) operational backhoes that were 1985, 1989, 2000 and 2009 models. He added that all but the 2009 were nearing their useful life and the backhoe was the primary piece of equipment utilized by UTM to perform their duties in water and sewer line repair and maintenance.

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

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

NAY: None

Mayor Harrison declared the motion carried.

14. TABLED - Consider, and act upon, Change Order No. 1 – Final and Contractor’s Pay Estimate No. 3 – Final for the Taylor Industrial Park 12-Inch Main Water Improvements Project. Change Order No. 1 reconciles the final quantities and results for an addition of \$51,075.00 to the contract amount resulting in a final contract amount of \$228,756.00. (*David Medley, PE, Utilities Director*)

Executive Summary

Motion to approve final payment for the Taylor Industrial Park 12-Inch Main Water Improvements Project to HTM Underground, LLC of Blanchard, Oklahoma and authorization for the Mayor to sign Change Order No.1 and the Final Application of Payment.

Councilman Smith moved to approve the final payment for the Taylor Industrial Park 12-Inch Main Water Improvements Project to HTM Underground, LLC of Blanchard, Oklahoma and authorization for the Mayor to sign Change Order No.1 and the Final Application of Payment. The motion was seconded by Councilman Read.

Before the vote, David Medley addressed the Council informing them that the 12” Water Main Improvements project at Steven Taylor Industrial Park had been completed and the difference was due to several 6” fire line and sprinkler connections that had not been in the Engineers original estimate.

There was discussion among the Council, David Medley and Robert Vaughan regarding the reason for the change, why the drawings and records of the Industrial Park were not accurate, if the City had a maintenance bond on file from the contractor and if there were now procedures in place to correct records of water and sewer lines when discrepancies were found.

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

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

NAY: None

Mayor Harrison declared the motion carried.

15. Discussion, and possible action on considering 10 complete S.C.B.A units from the McAlester Fire Department as surplus. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve considering 10 used S.C.B.A. units from the McAlester Fire Department as surplus.

A motion was made by Councilman Read and seconded by Councilman Smith to approve considering 10 complete S.C.B.A units from the McAlester Fire Department as surplus.

Before the vote, Chief Brewer addressed the Council explaining that the Fire Department was in the process of purchasing new S.C.B.A units and the company that the City had awarded the bid to was offering a promotion to take these old units as trade.

Manager Stasiak informed the Council and Chief Brewer that all that was requested tonight was to declare the old units as surplus. Then the City would have to go out for bid or auction the surplus units. The information supplied to the Council was to give them an idea of what the units might be worth.

Mayor Harrison asked if the trade in value exceeded the top bid the trade in value could be used.

City Attorney Ervin stated that the trade in itself could be considered a bid to purchase. The City would need to notify all vendors involved. The City could not just trade in equipment without going through the bidding process. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

16. 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 20 Power Supply Units for hand held radio chargers and 2 Light Bar Units for Support-1 and Chief-2. The cost of the chargers not to exceed \$400.00 and the light bars 1800.00, for a total cost of

\$2200.00. Purchase 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.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve the purchase of 20 Power Supply Units for hand held radio chargers for a cost not to exceed \$400.00 and 2 Light Bar Units for Support-1 and Chief-2 for a cost not to exceed \$1,800.00 with funding 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 the requested purchase.

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

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

NAY: None

Mayor Harrison declared the motion carried.

17. Consider and act upon closing 10<sup>th</sup> Street lying between Lots 4, in Block 325, and Lot 4, in Block 326 and to retain utility easements. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon closing 10<sup>th</sup> Street lying between Lots 4, in Block 325, and Lot 4, in Block 326 and to retain utility easements and authorizing the Mayor to sign the attached Ordinance.

#### **ORDINANCE NO. 2446**

**AN ORDINANCE TO CLOSE THE FOLLOWING PLATTED STREET: 10<sup>TH</sup> STREET LYING BETWEEN LOT 4, IN BLOCK 325, AND LOT 4, IN BLOCK 326, CITY OF MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA AND TO RETAIN UTILITY EASEMENTS**

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve **ORDINANCE NO. 2446.**

Before the vote, Manager Stasiak addressed the Council explaining that the Planning Commission had met on November 29, 2012 and had voted unanimously to recommend approval of the closure with the stipulation that the utility easements were retained.

Vice-Mayor Mason commented that one of the buildings was encroaching on the right-of-way.

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

AYE: Councilman Smith, Titsworth, Read, Karr, Garvin, Mason & 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 the City Council workshop that had been scheduled for December 18<sup>th</sup> had been canceled because of a conflict with a Planning and Zoning Commission meeting. He added that the workshop would be rescheduled for the second week of January. He reported that the Washington Street Bridge was deteriorating and Traffic Control would be closing traffic to one (1) lane on each side.

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

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

Councilman Karr commented on the Christmas Parade.

Councilman Garvin commented on the water that gathered at the intersection at Ashland and Main Street. He asked if that could be looked into. He then asked if the City Attorney could update the Council on the "Taser" incident at some meeting in the near future.

Vice-Mayor Mason commented on the trash problem on Strong Boulevard from South Street to Washington and stated that it needed to be cleaned.

## **Mayor's Comments and Committee Appointments**

Mayor Harrison remarked about the Christmas Parade and the Christmas Program that had been performed last Saturday night.

## **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 Smith, Titsworth, Karr, Garvin, Mason, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 9:11 P.M.

## **Reconvene Council Meeting**

The Regular Meeting was reconvened at 9:14 P.M.

**Adjournment**

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

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

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:15 P.M.

ATTEST:

\_\_\_\_\_  
Steve Harrison, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk