

The McAlester City Council met in Regular session on Tuesday, June 25, 2013, at 6:00 P.M. after proper notice and agenda was posted, June 21, 2013, at 4:09 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Linda Lowber, First 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, Buddy Garvin, Sam Mason & Steve Harrison
Absent: Robbie Karr
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Chief Financial Officer; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Janelle Brooks addressed the Council concerning the decision made by the Planning Commission on her request to re-zone her property at 812 E. Monroe.

Gaylord Brooks addressed the Council regarding the re-zone request of property located at 812 E. Monroe.

Consent Agenda

- A. Approval of the Minutes from the May 28, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 5-June 18, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$110,070.12; Nutrition - \$1,523.47; Landfill Res./Sub-Title D - \$1,654.02; Employee Retirement - \$34,983.96; Tourism Fund - \$13,396.42; SE Expo Center - \$7,500.18; E-911 - \$7,021.96; Economic Development - \$7,200.00; Gifts & Contributions - \$3,252.50 and Fleet Maintenance - \$9,029.56.

- C. Tabled from Previous Meeting. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living. *(Peter J. Stasiak, City Manager)*
- D. Tabled from Previous Meeting. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Main Street Association. *(Peter J. Stasiak, City Manager)*
- E. Tabled from Previous Meeting. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Pride-in-McAlester. *(Peter J. Stasiak, City Manager)*
- F. Ratify an Agreement for a one-year term with U.S. Cellular for cellular telephone and communication services. *(James Stanford, IT Computer Specialist)*
- G. Consider and act upon, authorizing the Mayor to sign a contract for Professional Services between Robison International, Inc. and the McAlester Defense Support Association and the City of McAlester. The Contract is effective July 1, 2013 through June 30, 2014. Upon approval by Council - Mayor to sign agreement when Robison's signed contract is received. *(Peter J. Stasiak, City Manager)*

Vice-Mayor Mason requested that item "C" be removed for individual consideration. Councilman Read requested that items "B" be removed for discussion and Councilman Smith asked that item "G" be removed for individual consideration.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the Consent Agenda items "A, D, E and F". There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from the Consent Agenda

- B. Approval of Claims for June 5-June 18, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$110,070.12; Nutrition - \$1,523.47; Landfill Res./Sub-Title D - \$1,654.02; Employee Retirement - \$34,983.96; Tourism Fund - \$13,396.42; SE Expo Center - \$7,500.18; E-911 - \$7,021.96; Economic Development - \$7,200.00; Gifts & Contributions - \$3,252.50 and Fleet Maintenance - \$9,029.56.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the claims for June 5 through June 18, 2013.

Before the vote, Councilman Read inquired about a payment to Lowes. Manager Stasiak clarified that the credit offset the second entry. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried

- C. Tabled from Previous Meeting. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living.
(Peter J. Stasiak, City Manager)

Councilman Smith moved to authorize the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living. The motion was seconded by Councilman Titsworth.

Before the vote, there was discussion among the Council regarding the format of the contract, the language regarding the door to door transportation, the language in the terms and having a thirty (30) day notice to cancel clause.

Vice-Mayor Mason moved to table this item until the next meeting, having the thirty (30) day cancellation clause inserted in the contract and clarifying the notice that is required in the door to door transportation. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

- G. Consider and act upon, authorizing the Mayor to sign a contract for Professional Services between Robison International, Inc. and the McAlester Defense Support Association and the City of McAlester. The Contract is effective July 1, 2013 through June 30, 2014. Upon approval by Council - Mayor to sign agreement when Robison's signed contract is received. *(Peter J. Stasiak, City Manager)*

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the Mayor to sign a contract for Professional Services between Robison International, Inc. and the McAlester Defense Support Association and the City of McAlester. The Contract is effective July 1, 2013 through June 30, 2014. Upon approval by Council - Mayor to sign agreement when Robison's signed contract is received.

Before the vote, Councilman Smith inquired about the payment to Robison International, Inc. City Manager Stasiak and Mayor Harrison clarified what services the City actually paid for. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to open a Public Hearing addressing three (3) Ordinances.

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

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:19 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 TO ADOPT SECTION 22-94, 22-95 AND 22-96. TO BE ADDED TO ARTICLE II, CHAPTER 22, OF THE CODE OF THE CITY OF McALESTER, OKLAHOMA TO PROHIBITING AGGRESSIVE BEGGING, PANHANDLING OR SOLICITATION OF ANY PERSON, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.
- AN ORDINANCE TO AMEND SECTION 102-233. TO ARTICLE VI, CHAPTER 102, OF THE CODE OF THE CITY OF McALESTER, OKLAHOMA BY PROHIBITING PEDESTRIANS IN OR AROUND A PUBLIC ROADWAY FROM SOLICITING A RIDE, DONATIONS, EMPLOYMENT OR BUSINESS FROM THE OCCUPANT OF ANY VEHICLE, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

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

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

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:20 P.M.

Scheduled Business

1. 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)*

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2468

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 Garvin and seconded by Councilman Read to approve **ORDINANCE NO. 2468**, amending the fiscal year 2012-2013 Budget.

Before the vote, Ms. Ervin reviewed the amendment with the Council explaining that this amendment would appropriate additional funds for Nutrition services and Refuse Collection services. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

2. Discussion and update on Financials as of May 31, 2013. *(Toni Ervin, CFO)*

Executive Summary

Discussion Financials as of May 31, 2013.

Ms. Ervin reviewed the financial status of the City as of May 31, 2013. She explained that revenue was down \$989,585.00 for the year and that the City had dealt with this shortfall by cutting expenditures. Ms. Ervin then reviewed the financial status of the McAlester Public Works Authority.

3. Consider and Act to approve and ordinance of the City of McAlester adopting Section 22-94, 22-95 AND 22-96. To be added to ARTICLE II, CHAPTER 22, of the Code of the City of McAlester, Oklahoma to prohibiting aggressive begging, panhandling or

solicitation of any person, Repealing all conflicting ordinances, and declaring and Emergency. (*William J. Ervin, City Attorney and Councilman, Buddy Garvin*)

Executive Summary

Motion to approve Adopting Ordinance.

ORDINANCE NO. 2469

AN ORDINANCE TO ADOPT SECTION 22-94, 22-95 AND 22-96. TO BE ADDED TO ARTICLE II, CHAPTER 22, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA TO PROHIBITING AGGRESSIVE BEGGING, PANHANDLING OR SOLICITATION OF ANY PERSON, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

Councilman Smith moved for approval of **ORDINANCE NO. 2469**, adopting sections 22-94, 22-95 and 22-96. The motion was seconded by Vice-Mayor Mason.

During a discussion among the Council regarding this Ordinance, Councilman Garvin emphasized that this was to address the safety of all citizens. City Attorney Ervin commented that this would set limitations and restrict aggressive behavior but would protect an individual's right to petition assistance from fellow citizens. He added that this would excuse the requirement to have a solicitor' license.

Mayor Harrison commented on the language in section one (1) e and three (3) 11, suggesting that both lines read the same.

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

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider and Act to Approve and Ordinance of the City of McAlester amending Section 102-233. To ARTICLE VI, CHAPTER 102, of the Code by Prohibiting Pedestrians in or around a public roadway from soliciting a ride, donations, employment or business from the occupant of any vehicle, Repealing all conflicting Ordinances, and Declaring an Emergency. (*William J. Ervin, City Attorney and Councilman, Buddy Garvin*)

Executive Summary

Motion to approve Ordinance.

ORDINANCE NO. 2470

AN ORDINANCE TO AMEND SECTION 102-233. TO ARTICLE VI, CHAPTER 102, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA BY PROHIBITING PEDESTRIANS IN OR AROUND A PUBLIC ROADWAY FROM SOLICITING A RIDE, DONATIONS, EMPLOYMENT OR BUSINESS FROM THE OCCUPANT OF ANY VEHICLE, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to adopt **ORDINANCE NO. 2470**, amending section 102-233.

After a brief discussion among the Council and Attorney Ervin regarding the language in the Ordinance, what it prohibited and the problems that this activity could cause for drivers, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Discussion, and possible action, to share in the cost with the Pittsburg County Fire Fighters Association for implementation of a new pager/repeater communication system. 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 cost share of communications equipment for Pittsburg County Fire Fighters Association, 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.

Councilman Smith moved to approve the cost share of communications equipment for Pittsburg County Fire Fighters Association, with funds to be used from the City of McAlester's portion of the quarter cent excise tax for fire services. The motion was seconded by Councilman Titsworth.

Before the vote, there was a brief discussion regarding how this system would connect the various fire departments and how it would help with the ISO ratings of the other communities. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

6. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Katcon, Inc. to construct improvements to various concrete panels along portions of Electric Avenue. Mayor to sign agreement when Katcon's Inc. signed contract is received. (*John Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to enter into an agreement with Katcon, Inc. for a Total Bid equal to \$266,148.00 to construct improvements to various concrete panels along portions of Electric Avenue. The funding source for this project is Account Number 01-5865403.

Vice-Mayor Mason moved to authorize the Mayor to a contract between the City of McAlester and Katcon, Inc. to construct improvements to various concrete panels along portions of Electric Avenue, in the amount of \$266,148.00. Mayor to sign agreement when Katcon Inc. signed contract is received. The motion was seconded by Councilman Smith.

Before the vote, Manager Stasiak informed the Council that this project had been advertised on May 19th and 26th, 2013. The City received two (2) Bids which were opened on June 11, 2013. He added that after review of the bid documents the Engineering Department determined that Katcon, Inc. was the lowest, responsible, qualified bidder.

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

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

Mayor Harrison declared the motion carried.

7. Consider, and act upon, a request from Allied Waste/Republic Services increasing the solid waste collection rate for Residential customers by .43% based on the increase in the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013. Staff does not recommend passing increase on to Citizens. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve the new service residential rate increase of .43% based on the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve the new residential rate increase of .43% based on the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013, with the City not passing this increase on to the Citizens.

Before the vote, Manager Stasiak explained that this was the third (3rd) year of a ten (10) year agreement with Allied Waste/Republic Services. The increase was based on the CPI and the staff recommended that no increase be passed on to the residents of McAlester. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and act upon, appointing an Authorized Agent for the City of McAlester's Defined Contribution Retirement Plan. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve the Appointment of an Authorized Agent for the City of McAlester's Defined Contribution Retirement Plan.

A motion was made by Councilman Smith and seconded by Councilman Garvin to appoint an Authorized Agent for the City of McAlester's Defined Contribution Plan.

Before the vote, Manager Stasiak explained that this would be an administrative function and the agent would need to be present to sign and coordinate all documents related to the Plan. He then recommended that Human Resources Coordinator Sheila Maldonado be named as Authorized Agent for the City of McAlester.

Mayor Harrison commented that the motion would be to appoint Sheila Maldonado as Authorized Agent. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

Manager Stasiak informed the Council that this document had

City Manager's Report

Manager Stasiak reported that this Change Order came in after the deadline and was regarding the Drainage Project at Mallard Lane & Flamingo Road. He explained that Tom Meshek of Meshek and Associates and Richard Cotton were present to address any questions the Council may have.

Mr. Meshek explained that this Change Order addressed the slopes of the ground from the channel walls to the adjacent property and the possible difficulty in mowing that strip of

property. He added that this Change Order was in the amount of \$8,958.47 and well within the allowed limits.

There was a brief discussion among the Council and Mr. Meshek concerning any added time, doing this just to make mowing easier and the quality of the project.

Manager Stasiak stated that the City had funds in the CIP Fund and that was why there was no budget amendment needed for the Change Order.

Councilman Read moved to approve Change Order No. 1 to the Mallard Lane & Flamingo Road Drainage Improvement Project. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Smith, Titsworth, Mason & Mayor Harrison

NAY: Councilman Read & Garvin

Mayor Harrison declared the motion carried.

Remarks and Inquiries by City Council

Manager Stasiak reported that the CDBG 2013 application had been submitted. Both the IAFF and the FOP agreements had been voted on and approved by the Unions and would be presented for consideration at the July 9, 2013, Council meeting. He commented that the Police Department had received the 2013 Ford Explorer and that this vehicle would have the advantage of being all wheel drive, which would not require special tires during winter weather. He stated that staff was currently working on job descriptions for Tourism Manager, Planning and Community Development Director and the Economic Development Director positions. Manager Stasiak explained that the annexation of the Turnpike property was moving forward and expected to take ninety (90) to one hundred twenty (120) days. He added that South Side Business District contract had been sent to Mr. Wiley and the Choctaw Nation had requested that the property be rezoned to C-5 which was possible since it was next to C-5 property.

Remarks and Inquiries by City Council

Councilmen Smith, Read and Mason did not have any comments for the meeting.

Councilman Titsworth thanked the Police and Fire Departments for responding to his home while he was away.

Councilman Garvin stated that he would have documents for discussion concerning “Old Sparky” at the next Council meeting.

Mayor’s Comments and Committee Appointments

Mayor Harrison did not have any comments for the evening.

Recess Council Meeting

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

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

Mayor Harrison declared the motion carried and the meeting was recessed at 7:08 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:11 P.M.

Adjournment

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

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 7:12 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk