

The McAlester City Council met in Regular session on Tuesday, July 23, 2013, at 6:00 P.M. after proper notice and agenda was posted, July 18, 2013, at 3:13 P.M.

Call to Order

Mayor Harrison called the meeting to order.

Rob Daniels, Salvation Army, 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; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Ginny Webb, Executive Director McAlester Main Street Association addressed the Council informing them that the banners had been put up in Old Town and she expected to see the banners on Choctaw Avenue up soon. She announced that Culture Fest had been scheduled for August 17th and Crazy Days would be on August 3rd. Ms. Webb stated that there would be a work day this Saturday from 8:00 A.M. to noon. She then distributed a copy of Main Streets Strategic Plan for a retail incubation program and explained briefly the process for businesses to participate in the program.

Consent Agenda

- A. Approval of the Minutes from the June 25, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for July 3 – July 16, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$235,013.83; Parking Authority - \$170.63; Nutrition - \$1,628.22; Landfill Res./Sub-Title D - \$7,836.03; Tourism fund - \$16,338.88; SE Expo Center - \$14,389.23; E-911 - \$38,464.64; Economic Development - \$40,432.00; Gifts & Contributions - \$87.75 and Fleet Maintenance - \$3,337.68.
- C. Tabled from Previous Meeting. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the McAlester/Pittsburg County Emergency Management. *(Peter J. Stasiak, City Manager)*
- D. Consider and act upon, authorizing the Mayor to sign a rental agreement between the City of McAlester and Aaron Farris, Renter for a city owned dwelling located between Talawanda Lake #1 and Lake #2. *(Peter J. Stasiak, City Manager)*
- E. Consider and act upon, a request from the Pittsburg County Regional Expo Authority for funding in the amount of \$9,000. *(Peter J. Stasiak, City Manager)*
- F. Accept and place on file the McAlester Main Street Annual Performance Report for July 2012 – June 2013. *(Ginny Webb, Executive Director)*

- G. Accept and place on file the Pride in McAlester Year-End Report for July 2012 – June 2013. (*Stephanie Giacomo, Executive Director*)
- H. Consider and act upon, to authorize the Mayor to executive a consent to annexation for the City owned property located in and around the Steven W. Taylor Industrial Park. (*William J. Ervin, City Attorney*)

Mayor Harrison commented that Manager Stasiak had requested that item “D” be pulled from the Consent Agenda.

Councilman Read requested that items “E and H” be removed for discussion. Councilman Smith requested item “G” be pulled for discussion and Vice-Mayor Mason asked that “B” be pulled

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

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from the Consent Agenda

- B. Approval of Claims for July 3 – July 16, 2013. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$235,013.83; Parking Authority - \$170.63; Nutrition - \$1,628.22; Landfill Res./Sub-Title D - \$7,836.03; Tourism fund - \$16,338.88; SE Expo Center - \$14,389.23; E-911 - \$38,464.64; Economic Development - \$40,432.00; Gifts & Contributions - \$87.75 and Fleet Maintenance - \$3,337.68.

A motion was made by Councilman Garvin and seconded by Councilman Smith to approve the claims for July 3 through July 16, 2013.

Before the vote, it was clarified that this had been pulled in error. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

- E. Consider and act upon, a request from the Pittsburg County Regional Expo Authority for funding in the amount of \$9,000. (*Peter J. Stasiak, City Manager*)

A motion was made by Councilman Titsworth and seconded by Councilman Smith to approve a request from the Pittsburg County Regional Expo Authority for funding in the amount of \$9,000.00.

Before the vote, Councilman Read commented that he had reviewed the request and he did not feel that the City should subsidize the free use of the “Old Golf Barn”, the free use of the Barns by the Italian Festival, which the City already partnered with the Expo Building rental and this request noted repair to the barns that had not been done in the previous fiscal year.

Mayor Harrison had requested a copy of the Expo Authority’s audit and had yet to receive it.

After further discussion among the Council and Manager Stasiak regarding the request the vote was taken as follows:

AYE: None

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

Mayor Harrison declared the motion failed.

G. Accept and place on file the Pride in McAlester Year-End Report for July 2012 – June 2013. (*Stephanie Giacomo, Executive Director*)

A motion was made by Councilman Smith and seconded by Councilman Read to accept and place on file the Pride in McAlester Year-End Report for July 2012 – June 2013.

Before the vote, Councilman Smith congratulated Stephanie Giacomo, Justin Few and all of the volunteers at “Pride” and commented that he thought this was one of the better reports that the Council had received explaining what had been done with the City’s money.

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

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

NAY: None

Mayor Harrison declared the motion carried.

H. Consider and act upon, to authorize the Mayor to executive a consent to annexation for the City owned property located in and around the Steven W. Taylor Industrial Park. (*William J. Ervin, City Attorney*)

Councilman Smith moved to authorize the Mayor to execute consent to annexation for the City owned property located in and around the Steven W. Taylor Industrial Park. The motion was seconded by Councilman Karr.

Before the vote, Councilman Read asked for a short explanation of this item. City Attorney Ervin explained that a majority of the lots in the Steven Taylor Park were owned by the City and with this the City was consenting to bring that property into the city limits of the City of McAlester and with those acres would be used to get the City to the area that was sought to be annexed. There was no other discussion and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Councilman Karr and seconded by Councilman Garvin to open a Public Hearing addressing an Ordinance amending FY 2013-2014 Operating Budget.

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, and the Public Hearing was opened at 6:15 P.M.

Public Hearing

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments or inquiries 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, Karr, Garvin, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:16 P.M.

Scheduled Business

1. 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 23rd & 24th, 2013 for the 7th 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 Councilman Garvin to approve a partnership request from Eastern Oklahoma State College for the rental fee for the use of the Expo Center on October 23rd and 24th, 2013 for the 7th Annual Career and College Tour in the amount of \$1,815.00.

Before the vote, Manager Stasiak explained that this was the annual event by the College that exposes eighth graders to educational and career opportunities as they prepare for their future. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

2. Consider, and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; 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. 2473

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Smith moved to approve **ORDINANCE NO. 2473**, amending Fiscal Year Budget 2013-2014. The motion was seconded by Councilman Titsworth.

Before the vote, Toni Ervin reviewed the amendment with the Council explaining this was to purchase four (4) vehicles for the Police Department.

Manager Stasiak commented that the money was available. Councilman Karr asked if this was the rotation of new vehicle and if the City was on schedule. Manager Stasiak informed the Council that the rotation was for six (6) new vehicles a year and last year the City only purchased two (2). He explained that this purchase would get the Police Department current.

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.

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

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider and act upon, funding for the North Town Wild West Festival in the amount of \$18,000 for the promotion of tourism for the City of McAlester. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve funding.

A motion was made by Councilman Read and seconded by Councilman Garvin to approve funding of the North Town Wild West Festival.

Before the vote, Manager Stasiak informed the Council that the Old Town Festival Committee had requested funding in the amount of \$18,000.00 for the Old Town Wild West Festival. He added that their intent was to make it into a multi-day event. He further stated that if Council approved the funding he was requesting that the money be handled through the McAlester Main Street Association since the Old Town Festival Committee was not a 501C3.

City Attorney Ervin commented that this would be fine as long as it was the entity that the City had contracted with spending the money and not just passing it through to another entity.

There was discussion, among the Council and Eddie Gray regarding the purchase of the tents, having a reporting mechanism set up to track the funds and how it was spent, the amount of the funding request, having an agreement, setting up criteria for future funding requests, the stake holders raising some of the funding for the various events, how attendance at last year's festival was calculated, having students from OCU at this years Festival to survey the attendance, working with Hartshorne to help promote the both Old Town Festival and the Hard Times Festival, how the festival would be advertised, and if the Wild Color Stampede would be held again this year.

Councilman Read moved to approve funding of \$6,000.00 to McAlester Main Street Association for the Old Town Wild West Festival, the City would purchase ten (10) 10' X 10' tents with a value not to exceed \$2,600.00 and Main Street and the Old Town Association report to the City Council by January 1st, how the money was spent and the results of the Festival. The motion was seconded by Vice-Mayor Mason.

After another brief discussion regarding the amount of the funding, reporting information to the Council and what the Old Town Association was intending to do for the North Town area, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

4. Consider, and act upon, Resolution 11-10, establishing a Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw Corridor and authorizing the payment of the rebate. (*Toni Ervin, CFO*)

Executive Summary

Staff recommends motion to authorize payment of the rebate.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize payment of Sales Tax Rebate to "Whistle Stop Bistro".

Before the vote, Toni Ervin informed the Council that she just verified the numbers and that the credit should go to Ginny Webb, Executive Director of McAlester Main Street Association for the research that went into this rebate.

Ms. Webb explained how the Bistro had qualified for the rebate.

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

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

NAY: None

Mayor Harrison declared the motion carried.

5. Discussion and possible action on renewing the Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw established by Resolution 11-10. *(Toni Ervin, CFO)*

Executive Summary

McAlester Main Street and Staff recommends a motion to renew of the Retail Sales Tax Incentive Program and approve updated Resolution & Application.

A motion was made by Councilman Smith and seconded by Councilman Read to renew the Retail Sales Tax Incentive Program and approve RESOLUTION NO. 13-13 and application for the program.

Before the vote, Toni Ervin explained that this would update the previous Resolution that had expired and allow for any changes that the Council might want in the program.

Ginny Webb, Executive Director of McAlester Main Street Association informed the Council that there was still interest in the program and Main Street would do a better job of encouraging the local businesses usage of the incentive program in the future. She explained that the main changes had been to the application.

After a brief discussion regarding changes to the Resolution, the expiration date in the previous resolution and the wording of the new resolution, the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

6. Discussion and update on Financials. *(Toni Ervin, CFO)*

Executive Summary

Discussion on City of McAlester's Financials as of June 30, 2013.

Toni Ervin addressed the Council reviewing the financial status of the General Fund and the Public Works Authority explaining that she plans another update in August to cover the other funds and have the full fund balances.

7. Discussion, and possible action to authorize Mayor to sign Quit Claim Deed between KiBois Community Action Foundation, Inc. and the City of McAlester. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve Quit Claim Deed.

Mayor Harrison clarified that this was actually authorizing to accept the land.

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to accept the land back from KiBois Community Action Foundation, Inc.

Before the vote, Manager Stasiak explained that the City would be receiving the lots back in the same condition that they had been given in. He stated that it was the intent of the City to dispose of these lots and other properties with the Council's approval. He added that these lots were considered as in fill lots and staff was in discussion with local realtors regarding the values of the properties.

There was discussion among the Council, Manager Stasiak and City Attorney Ervin concerning taking the lots back, maintaining the lots, why the property had been deeded to KiBois initially, checking with adjacent land owners to see if they were interested in the property, and how the sale of these lots could be interpreted as separate transactions. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and Act upon, authorizing the Mayor to sign Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U. S. Department of Transportation Federal Aviation Administration for a term commencing on July 1, 2013 and continuing through June 30, 2015, inclusive. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign Lease Agreement No. DTFACN-13-L-00151.

Councilman Read moved to authorize the Mayor to sign Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U.S. Department of Transportation Federal Aviation Administration for a term commencing on July 1, 2013 and continuing through June 30, 2015, inclusive. The motion was seconded by Councilman Smith.

Before the vote, John Modzelewski commented that the lease had been discussed at a previous meeting and this version had come back as a two (2) year lease. He added that the equipment needed to be in the Airport or on land adjacent to the Airport.

There was discussion among the Council, Manager Stasiak, Mr. Modzelewski and City Attorney Ervin regarding the language in the lease, how much electricity the equipment used, the financial status of the FAA, installing a separate electric meter for the equipment, if the FAA had looked into moving the equipment, how the rental rates were determined by GAO and how this lease was very one sided.

Councilman Smith moved to table this item to get more information. Mayor Harrison suggested that the item be postponed instead of tabled. The motion to postpone was seconded by Vice-Mayor Mason. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

9. Consider and act upon, to designate certain property owned by the City as a site suitable for a location of a telecom facility, and authorize the Mayor to sign an Option and Lease Agreement between the City of McAlester and New Cingular Wireless PCS, LLC for the purpose of installing, operating and maintaining a communications facility to be located at 1313 South Strong Rd. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve Option and Lease Agreement with New Cingular Wireless PCS, LLC.

A motion was made by Councilman Karr and seconded by Councilman Smith to approve and authorize the Mayor to sign an Option and Lease Agreement with New Cingular Wireless OCS, LLC.

Before the vote, Manager Stasiak stated that the City had been approached by New Cingular Wireless for a location of a monolithic pole. He explained that this type of pole would not have guide wires and it could reach heights of 160'. He added that representatives were present and they would explain why there was a need for this in the community.

Mark Kessner addressed the Council regarding the need for the City of McAlester to add a communications tower to upgrade the cellular service. He explained that installation of towers was driven by how people were using their smart phones. He added that the proposed area was heavily populated and during bad weather there was almost no service.

There was discussion among the Council, Mr. Kessner and Manager Stasiak regarding the rental amount, how the location was selected, the City Ordinance that regulated communication towers, if the location was suitable, the decrease in the number of land lines, if the City was legally allowed to not notify residents with in the 300 foot requirement, how this could aid in the 911 service and the Council wanting to be completely transparent to the public.

Mayor Harrison moved to postpone action on this item until residents within the required area can be notified. The motion was seconded by Vice-Mayor Mason and the vote was taken as follows:

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

NAY: Councilman Titsworth

Mayor Harrison declared the motion carried.

10. Consider and act upon, authorizing the Mayor to sign a Master Agreement for Internet Services between the McAlester Public Works Authority and AT&T. (*James Stanford, IT Computer Specialist*)

Executive Summary

Motion to approve Master Agreement for Internet Services.

A motion was made by Councilman Smith and seconded by Councilman Read to approve a Master Agreement for Internet Services between the McAlester Public Works Authority and AT&T and authorize the Mayor to sign the documents.

Before the vote, Manager Stasiak stated that Joe Breeden was at the meeting to explain the agreement. He added that this was part of the plan to cut cost to the City while increasing capabilities and access to the outlying buildings.

There was discussion among the Council, Manager Stasiak, Joe Breeden and City Attorney Ervin concerning the plan to lower the City's cost, the agreement being made with the Public Works Authority, and the contact person being the City Manager instead of the Mayor. 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.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that staff had been in contact with IMS and they would be completing the street study and they should be here as soon as August. He informed the Council that the City would be conducting federal mediation with FMCS Service for the Fraternal Order of Police. He requested that at the next Council meeting have a legal update. He updated the Council on the progress of the Mallard and Flamingo drainage project and the Notice to Proceed on the Airport Parking Area would be issued somewhere around August 5th.

Remarks and Inquiries by City Council

Vice-Mayor Mason, Councilmen Karr, Read, Titsworth and Smith had no comments for the evening.

Councilman Garvin commented that during a recent tour of the streets he noticed that some of the streets needed to be swept. Manager Stasiak explained that the Street Sweeper had went out of service two (2) weeks ago due to problems with the turbo, engine or hydraulics.

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, Karr, Garvin, Mason, Titsworth & Mayor Harrison
NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:40 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:41 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 Read. There was no 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, and the meeting was adjourned at 8:42 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk