

The McAlester City Council met in Regular session on Tuesday, September 10, 2013, at 6:00 P.M. after proper notice and agenda was posted, September 6, 2013, at 10:13 A.M.

Call to Order

Mayor Harrison called the meeting to order.

Pastor Stephanie Swinnea, All Saints Episcopal 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 & Steve Harrison

Absent: Sam Mason

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 updating them on the activities that occurred downtown in August. She informed them that August had been a great month for downtown with "Crazy Days" and "Culture Fest". She added that attendance at "Culture Fest" had been between 2,000 and 2,600. Ms. Webb reminded the Council that "Cruise Night" had been scheduled for Saturday, September 21st from 6:00 P.M. and 9:00 P.M. and that the Old Town "Wild West" Festival had been scheduled for Saturday, October 5th.

Stephanie Giacomo, Executive Director Pride In McAlester addressed the Council reminding them that the first series of "Movies in the Park" was scheduled for Saturday, September 14th in Chadick Park at 8:00 P.M. She commented that The Fresh Paint Days Program had chosen a building at 1106 N. Main and would be painting that building this Saturday at 9:00 A.M. Ms. Giacomo stated that Pride was already preparing for the Fall Cleanup on October 12th, 13th, 19th and 20th.

Consent Agenda

- A. Approval of the Minutes from the August 27, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 21 to September 3, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$83,681.17; Nutrition - \$940.67; Landfill Res./Sub-Title D - \$2,855.00; Police Grant Fund - \$263.94; Tourism Fund - \$3,300.00; SE Expo Center - \$10,324.79; E-911 - \$916.34; Economic Development - \$32,178.35; Gifts & Contributions - \$22,000.00; Fleet Maintenance - \$13,614.02; Worker's Compensation - \$4,580.00 and CIP Fund - \$64,162.14.
- C. Consider and act upon, to authorize the Mayor to sign the Workers' Compensation Administrative Services Agreement between the Mutual Assurance Administrators, Inc. and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- D. Concur with Mayor's Appointment of Ginny Webb, 1020 S. 9th Street, to the McAlester Planning and Zoning Commission to fill an unexpired term of May, 2015. *(Steve Harrison, Mayor)*
- E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.132458-TW. *(Cora Middleton, City Clerk)*

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

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

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 two (2) Ordinances and to discuss a request from New Cingular Wireless PCS, LLC to lease City property to install a 160' monopole antenna. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried, and the Public Hearing was opened at 6:07 P.M.

Public Hearing

An Ordinance of the City of McAlester, Oklahoma, adding to said City of McAlester, Oklahoma, Territory adjacent and/or contiguous to the City limits and providing for zoning of said Territory.

David Robinson addressed the Council asking about the possibility of getting sewer to the businesses in the area that was being annexed and how this would affect City property tax.

Mayor Harrison and Manager Stasiak commented that the City did not have any plans to install sewer in the annexed property and the City of McAlester did not have a property tax.

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.

A Public Hearing concerning a request from New Cingular Wireless PCS, LLC to lease City property located at 1313 South Strong Road. The purpose of the lease is to construct a communication facility which includes installing a 160' monopole antenna on a portion of Tract 1 Lot 15 ½, Townsite Addition #4.

Tanaye Harvanek and Lynn Edwards addressed the Council expressing support for the installation of monopole antenna.

Rick Beams addressed the Council expressing concern regarding the location of the pole to the Fire Station.

There were no other comments, and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried, and the Public Hearing was closed at 6:15 P.M.

Scheduled Business

1. Consider and act to adopt an ordinance of the City of McAlester, Oklahoma adding certain adjacent and/or contiguous territory to the corporate limits of the City, and providing for zoning of said territory. (*William J. Ervin, City Attorney*)

Executive Summary

The property owners of a majority of the acres to be annexed have consented in writing to the annexation. All notice and the public hearing required by law has been completed. Further, adoption of the ordinance will bring the Steven Taylor Industrial Park and the new Indian Nations Turnpike travel plaza/convenience center into the corporate limits of the City. It is staff's recommendation that the Ordinance be adopted.

ORDINANCE NO. 2478

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, ADDING TO SAID CITY OF MCALESTER, OKLAHOMA, TERRITORY ADJACENT AND/OR CONTIGUOUS TO THE CITY LIMITS AND PROVIDING FOR ZONING OF SAID TERRITORY.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve **ORDINANCE NO. 2478**.

Before the vote, City Attorney Ervin explained that the majority of property owners had consented to the annexation and this was intended to join the turnpike property west of the City, and the Steven Taylor Industrial Park property with the current city limits to the west. He reviewed the property included in the annexation with the Council.

Councilman Garvin expressed his appreciation for the efforts of all involved in this process. Mayor Harrison commented that this Ordinance did not have an Emergency Clause and therefore would go into effect in thirty (30) days.

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

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

NAY: None

Mayor Harrison declared the motion carried.

2. Citizen request to address the Council regarding Hutchison Park. (*Ms. Charlotte A. McPherson*)

Executive Summary

Citizen Request to address the Council regarding Hutchison Park.

Charlotte McPherson addressed the Council expressing opposition to the re-purposing of Hutchison Park.

Councilman Garvin explained why the fence had been removed and that there were several other problems in the area.

Councilman Karr asked if the park would be rezoned and if the fence would be re-installed. Manager Stasiak explained that the park would remain a park and that there were currently no plans to put a fence around the park.

There was a brief discussion among the Council concerning the amount of information that the citizens receive about items on the agenda, and how often an item should be addressed before it is voted on by the Council.

Mayor Harrison asked the City Manager to draft something concerning the presentation of information to the Council and citizens for the Council to consider.

There was no vote on this item.

3. Tabled from Previous Meeting. 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.

Councilman Karr moved to approve and authorize the Mayor to sign an Option and Lease Agreement between the City of McAlester and New Cingular Wireless PCS, LLC.

Before the vote, Manager Stasiak distributed updated site maps of the area proposed for the antenna explaining that an alternative location had been considered from suggestions from the City Attorney and the Fire Fighters. He added that letters had been sent out to addresses in a 400' to 450' radius to contact home owners and the item had been advertised in the newspaper. He informed the Council that the option to receive ten (10) years of upfront lease payments had been incorporated into the lease and would furnish the City with an upfront payment of \$132,000.00 and would furnish the City with twenty feet (20') of space between sixty (60) and eighty (80) feet on the pole.

Mark Kessner with CRB Companies, LLC presented the Council with a short Power Point Presentation that reviewed both proposed installation sites, and any health risks that could be related to the poles.

Attorney Ervin reviewed the changes that had been made to the original agreement. Mr. Kessner explained the reasons behind the language regarding their access to the pole.

Mayor Harrison restated the motion as “approve the agreement between the City of McAlester and New Cingular Wireless PCS, LLC and authorize the Mayor to sign the documents, subject to the change of the Exhibit and the City Attorney completing his negotiation of the other changes.

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

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

NAY: None

Mayor Harrison declared the motion carried.

4. 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, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2479

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.

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve **ORDINANCE NO. 2479**, amending Fiscal Year 2013/2014 Budget.

Before the vote, Toni Ervin addressed the Council to review the exhibits for the amendment. Ms. Ervin began with Exhibit A-1, explaining that this would appropriate funds to develop an economic development website and have seventy-one (71) acres at the Steven Taylor Industrial Park sprayed.

Manager Stasiak explained that this would not clear the land but was being sprayed to control the re-growth.

Sherman Miller, Land Maintenance for the City's Community Services Department explained that when the land had been originally cleared it had been left in a state that would not allow equipment in to continue to keep the land cleared. He informed the Council on how this process would be conducted and how precise the individual was that would be performing the spraying. He added that the chemical that would be used was not harmful to animals or people.

There was a brief discussion among the Council including Manager Stasiak regarding the frequency the spraying would need to be done and if the chemical would permanently kill the weeds.

Ms. Ervin then reviewed the second exhibit for the amendment explaining this would appropriate funds to replace the playground equipment at Chadick Park. She added that the current equipment could not be repaired because the age prevented the accessibility of replacement parts.

After a brief discussion among the Council including Ms. Ervin and Manager Stasiak concerning other areas of the City that needed to be addressed or were more of a priority, if the playground equipment had been in the City's 5-Year CIP Plan, the amount of funding that was included in the plan, how long the quoted prices would be good, having the Manager Stasiak compile a list of Capital purchases that had been made this year and what was on the list to be purchased.

Councilman Read moved to table Exhibit A-2. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

After further discussion among the Council concerning the economic development website, who would host the website and appropriating funds did not establish who would host the website; the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

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

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

Mayor Harrison declared the motion carried.

5. Tabled from Previous Meeting. 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 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.

A motion was made by Councilman Karr and seconded by Councilman Smith authorize the Mayor to sign a Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U.S. Department of Transportation Federal Aviation Administration.

Before the vote, Manager Stasiak distributed revised lease agreements to the Council with the changes that had been worked out with the FAA representative. He commented that Congressman Mullin was willing to pay his portion of the utilities.

There was discussion among the Council concerning the problems with the air conditioning at the FAA building, the amount of rent and utilities in the lease, renegotiating Mullins' lease, the length of the lease, putting the electrical utility into the City's name, dividing the utility billing between the FAA and Congressman Mullin, modifying the office space that Congressman Mullin occupies, how much the electric utility had increased when Congressman Mullin moved into the building, the FAA moving their equipment to another location on the Airport property and how long it could take to make the modifications to the building.

Mayor Harrison restated the motion as "approve and authorize the Mayor to sign the Lease Agreement No. DTFACN-13-L-00151 and work out the details with Congressman Mullin's renegotiated lease. There was no further discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

6. Discussion of the possibility of leasing City owned Ball Fields to the Boys & Girls Club for a term of 25 years. *(Peter J. Stasiak, City Manager)*

Executive Summary

Discussion Only

Manager Stasiak explained that Chris Martin had approached Mel Priddy about the possibility of having a long term lease of City owned ball fields by the Boy's and Girl's Club.

Mr. Martin addressed the Council explaining that he was the Interim Director for the Boy's and Girl's Club and he was requesting a fifty (50) year lease of the ball fields in Mike Deak Park. He added that the Boy's and Girl's Club had used the fields for many years and that there were several repairs that needed to be done to the fields. He commented that when approaching many Foundations for grant funds the entity was required to either own or lease the property. Mr. Martin reviewed the improvements that had been made to the fields in the past and assured the Council that the current use of the fields by the children would not change.

There was discussion among the Council, Mr. Martin and Manager Stasiak concerning the changes that had been proposed by Mr. Martin, having the Council approve any changes before the were done, the length of the lease, if the area would still be available to the public when not being used by the club, who currently maintained the fields and surrounding area and the history of cooperation between the City of McAlester and the Boy's and Girl's club.

There was no action taken on this item.

New Business

There was no new business.

City Manager's Report

Manager Stasiak commented that he had distributed his City Manager's report and asked the Council to read it at their leisure. He reported that the street lights in the center median of Strong Blvd. had been relocated to the east side of the street by PSO. Crawford and Associates were scheduled to conduct an audit of the hotel/motel remittance in November. He informed the Council that the Police Department was looking into hand held ticket writers again, four (4) FOP grievances had been settled saving the City approximately \$35, 000, and he had met with Sherriff Kerns and the County would be paying all of the past billing for their ambulance runs. He added that the sales tax numbers had been right on budget with the other taxes being slightly higher.

Remarks and Inquiries by City Council

Councilmen Read, Titsworth and Smith had no comments for the evening.

Councilman Garvin reminded the Council of the "Wild West Festival" that had been scheduled for October 5th.

Councilman Karr asked if there was an estimated completion date for the repairs on Electric.

Mayor's Comments and Committee Appointments

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:01 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:02 P.M.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to recess the Regular meeting for an Executive Session in accordance with Title 25, Sec. 307.B.1 to discuss employment, hiring, appointment, promotion, demotion, disciplining or resignation of any salaried public officer or employee: City Attorney, William J. Ervin.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:03 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), discussing the employment, hiring appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Attorney, William J. Ervin

Reconvene Into Open Session

Take any action as a result from Executive Session

The Regular meeting was reconvened at 8:30 P.M. Mayor Harrison reported that the Council had recessed the Regular meeting for an Executive Session in accordance with Title 25, Sec.

307.B.1 to discuss employment, hiring, appointment, promotion, demotion, disciplining or resignation of any salaried public officer or employee: City Attorney, William J. Ervin. Only that matter was discussed, no action was taken and the Council returned to open session at 8:30 P.M., and this constituted the Minutes of the Executive Session.

- Consider, and act upon, the City Attorney Contract.

Councilman Smith moved to approve a contract for legal services with the firm of Ervin & Ervin Attorneys at Law. The motion was seconded by Councilman Read and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

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, Karr, Titsworth, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 8:31 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk