

The McAlester City Council met in Regular session on Tuesday, October 8, 2013, at 6:00 P.M. after proper notice and agenda was posted, October 7, 2013, at 10:20 A.M.

Call to Order

Mayor Harrison called the meeting to order.

J. T. Carnell, Nazarene 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; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Award Presentation

Mayor Harrison presented Robbie Patton as the September, 2013 Employee of the Month. Mr. Patton received a plaque, a certificate of appreciation and a \$25.00 check.

Citizen's Comments on Non-agenda Items

Stephanie Giacomo, Executive Director Pride In McAlester addressed the Council reminding them that the Pride In McAlester Clean Up would start this weekend, October 12th and 13th and then again on Saturday, October 19th and Sunday, October 20th. She announced that Pride In McAlester had been selected as a finalist in "Keep Oklahoma Beautiful Environmental Excellence" Award and they were still in the running for the national "Fifty States for Good" competition. Ms. Giacomo stated that the committee for the Community Garden would meet again on October 15th.

Ginny Webb, Executive Director McAlester Main Street Association addressed the Council commenting that "Cruise Night" had been a success with 180 registered participants, and the "Wild West" Festival had a good turn out despite the weather. Ms. Webb announced that a Halloween Carnival had been scheduled for Saturday, October 26th.

Consent Agenda

- A. Approval of the Minutes from the September 24, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 18, 2013 through October 1, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$152,555.68; Nutrition - \$947.68; Employee Retirement - \$1,233.00; Tourism Fund - \$4,275.00; SE Expo Center - \$4,478.28; E-911 - \$2,860.26; Economic Development - \$120,637.00; Grants & Contributions - \$600.00; Fleet Maintenance - \$13,962.82; Worker's Compensation - \$941.68 and CIP Fund - \$3,378.84.
- C. Designate Saturday, October 26, 2013, as "Make a Difference Day" for the City of McAlester. *(Cora Middleton, City Clerk)*

Vice-Mayor Mason requested that Item "B" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the Consent Agenda items "A and C". 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.

Items Removed from Consent Agenda

- B. Approval of Claims for September 18, 2013 through October 1, 2013. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$152,555.68; Nutrition - \$947.68; Employee Retirement - \$1,233.00; Tourism Fund - \$4,275.00; SE Expo Center - \$4,478.28; E-911 - \$2,860.26; Economic Development - \$118,637.00; Grants & Contributions - \$600.00; Fleet Maintenance - \$13,962.82; Worker's Compensation - \$941.68 and CIP Fund - \$3,378.84.

A motion was made by Councilman Karr and seconded by Councilman Garvin to approve the Claims for September 18, 2013 through October 1, 2013.

Before the vote, Vice-Mayor Mason inquired about the payment to Gullick & Associates, LLC on page 15. He expressed concern over the total amount that had been paid to Gullick & Associates, LLC

After a brief discussion among the Council, Manager Stasiak recommended that the last \$2,000.00 claim be pulled and the other two (2) claims be paid.

Mayor Harrison confirmed the change with Councilman Karr and Garvin and restated the motion as “approval of the claims less the payment for services of September 22 through September 28, 2013. There was no further 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.

Scheduled Business

1. Consider and possible action upon a request from Ms. Janell Brooks regarding rezoning at 804 E. Monroe. (*Peter J. Stasiak, City Manager*)

Executive Summary

Staff recommendation is to deny the rezone.

A motion was made by Councilman Smith and seconded by Councilman Titsworth to approve the rezoning of the property at 804 E. Monroe.

Before the vote, Manager Stasiak commented that this item had been before the Council previously and had been denied twice by the Planning and Zoning Commission. He then reviewed the information that had been included in the agenda packet concerning this item.

Janelle and Gaylord Brooks addressed the Council regarding their request to rezone the property at 804 E. Monroe.

There was discussion among the Council and Mark Emmons, Planning and Zoning Commission Chair regarding the problems with the request, the City of McAlester’s Land Development Code, other buildings that might be available to the Brooks’ and the misunderstanding that had occurred.

Mayor Harrison clarified that the motion had been to approve the request and explained that a yes vote would be to approve the request and a no vote would be to deny the request. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Garvin & Mason

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

Mayor Harrison declared the motion failed.

2. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution declaring certain buildings as dilapidated and subject to removal and authorize the Mayor to sign the Resolution.

A motion was made by Councilman Read and seconded by Councilman Smith to approve a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community.

Before the vote, Manager Stasiak reviewed the structures that had been submitted on the list for consideration, which were as follows:

1. 429 N. C St.
2. 35 E. Jefferson Ave.
3. 6 W. Miami Ave.
4. 943 N. F St.
5. 341 W. Harrison Ave.
6. 1002 E. Choctaw Ave.
7. 2806 N. Main St.

Manager Stasiak informed the Council that the structure at 943 N. "F" Street had burned down last night and the structure at 2806 N. Main Street had been demolished by the owner. He commented that it was staffs recommendation to approve structures one (1) through six (6) as buildings that were dilapidated and subject to removal.

There was a brief discussion among the Council and Manager Stasiak concerning the process that was followed and the language that was contained in the letter informing the property owner of the condemnation action.

Bob Canally addressed the Council regarding the structure at 429 N. "C" Street. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

3. Consider, and act upon, an Amendment to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide a Redesign and Re-Bid Package for construction of improvements for runway safety. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve an Amendment to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide a Redesign and Re-Bid Package for construction of improvements for runway safety for a fee not to exceed \$24,500.

A motion was made by Councilman Smith and seconded by Councilman Read to approve an amendment to the Agreement for Professional Airport Consulting Services with LBR, Inc., to provide a Redesign and Re-Bid Package for construction of improvements for runway safety.

Before the vote, John Modzelewski addressed the Council commenting that this amendment, if approved, would allow LBR, Inc. to provide revised plans and specifications/bid documents needed to construct the runway safety improvements.

There was a lengthy discussion among the Council and Attorney Ervin regarding the length of time this project was taking, if the FAA had contributed any more funding for the project, the problem with the original contract, the possibility of receiving reimbursement from the first bonding company for the expenses to re-bid the project, the original amount paid to LBR, Inc., and the difference in the original bids.

There was no further 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.

4. Tabled from Previous Meeting. Consider and act upon to authorize the Mayor to execute a City-County Jail Services Agreement. (*Peter J. Stasiak, City Manager*)

Executive Summary

Staff recommends to postpone until agreement is approved and signed by the Pittsburg County Commissioners, County Sheriff and County District Attorney.

Manager Stasiak requested that this item be pulled. He explained that the City had not received the signed documents from the County.

5. Discussion and possible action to authorize the City Attorney to file a civil action to recover City Property, specifically the "Electric Chair" from the Oklahoma Department of Corrections.

Executive Summary

Motion to approve authorizing the City Attorney to move forward with filing a civil action to recover City Property.

Attorney Ervin updated the Council on the status of the dialogue concerning the "Electric Chair". He reviewed the options that had been laid out in the past and informed the Council that there had not been any closure regarding the "Electric Chair". He commented that he thought this had been brought back so the Council could make a decision.

Councilman Garvin expressed his thoughts and wishes regarding the "Electric Chair". Commenting that he would like to have something done whether it involved the Governor or the District's local Representatives.

There was discussion among the Council and Attorney Ervin regarding the records that were available on this matter, who had control of the "Electric Chair", who should be contacted regarding the "Electric Chair", and authorizing the City Attorney to notify the local representatives and contacting the Governor.

Mayor Harrison moved to authorize the City Attorney to authorize the City Attorney to open a dialog with the local Representatives, the Senator and possibly the Governor to try to reach a mutually satisfactory agreement on the "Electric Chair". The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

6. Discussion and act upon authoring the City Manager to change the job title of Planning & Community Development Director to Community and Economic Development Director and establish the position of Economic Development Manager. In addition, authorize the City Manager to establish pay grades within the \$150,000 budget for the two positions.

Executive Summary

Motion to approve authorizing the City Manager to change the job title of Planning & Community Development Director to Community and Economic Development Director, establish the position of Economic Development Manager and establish pay grades within the \$150,000 budget for the two positions

A motion was made by Councilman Smith and seconded by Councilman Titsworth to authorize the City Manager to change the job title of the Planning & Community Development Director to Community and Economic Development Director, establish the position of Economic Development Manager and establish pay grades within the \$150,000 budget for the two (2) positions.

Before the vote, Manager Stasiak explained the changes that he was requesting in the City's Organizational Chart. He commented that was not changing the structure of the Organization but was asking to change the titles and positions.

There was discussion among the Council, Attorney Ervin and Manager Stasiak regarding the salaries of the two (2) positions, how long it would be before the individuals would be hired, changing the Economic Development to a Managers' position instead of a Directors' position, if the overhead for the two (2) positions was included in the budget, if the previous Organizational Chart had been approved, bringing the new Organizational Chart back before the Council in the form of an Ordinance, the qualifications of the individuals that had been interviewed, separating the two (2) positions and voting on the Community and Economic Development Directors position only.

Mayor Harrison asked Councilmen Smith and Titsworth if they would agree to change the motion to "authorize the City Manager to change the job title of the Planning & Community Development Director to Community and Economic Development Director, and establish pay grades within the \$150,000 budget for the two (2) positions. Both Councilmen agreed.

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

Manager Stasiak explained that the new business item was regarding the past weekends City Wide Yard Sale. He commented that the rain had adversely affected the participants and he was requesting that the Yard Sale be extended for the coming weekend of October 12, 2013 and waive the related permit fees.

Councilman Read moved to extend the City Wide Yard Sale through Saturday, October 12, 2013 and waive the related permit fee. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Harrison declared the motion carried.

City Manager's Report

Manager Stasiak reminded the Council that this Thursday, October 10th, at 5:30 P.M. at City Hall there would be a work session addressing the findings and recommendations for future CIP projects in the City.

Councilman Smith asked about the Private/Public Partnership concerning the Water Treatment Plant.

Manager Stasiak informed the Council that the City was still investigating Public/Private Partnerships for the Water Treatment Plant. He explained that the City had sent out Request for Information to engineering firms, the City had received four (4) of the requests back and the evaluations and interviews of the selected firms had been completed. He added that Severn Trent had been selected to evaluate and furnish a complete a full proposal.

Councilman Smith asked if the selection process had included contacting the company's customers.

John Modzelewski informed the Council that he had contacted seven (7) references and had spoken with five (5).

Manager Stasiak stated that the company had been given four (4) weeks to complete their evaluation of the City's plant.

There was a brief discussion concerning the company, DEQ's record regarding the company and the possibility of relocating the 20" water line that went under the lake.

Remarks and Inquiries by City Council

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

Councilman Garvin inquired about the cost to the City if he were to resign from his seat with the coming election. He expressed concern over the number of employees in the Street and Utility Departments and asked how many employees were in the Street Department. He asked if the equipment that had been purchased was being used to its full capacity. He asked why employees would be pulled from other departments to help read meters and why were employees being paid substantial overtime to read meters. He commented that the canals over the entire City were in disrepair. He stated that he would like to see a program that addressed the maintenance of the canals. He commented that he had not seen the “Gradall” in use in cleaning the canals. He commented that he did not feel that the City had enough employees to use the equipment that had been purchased. He added that he would like to see a more hands on approach with the various projects that were going on in the City.

Mr. Modzelewski informed the Council that there were fourteen (14) employees in the Street Department and the equipment was being used as the need arose.

Councilman Read thanked the City staff and co-workers for the support they had given his son after his recent hunting accident. He expressed his gratitude to the Firemen that had responded with the Ambulance the day of his son’s accident. He commented that they had acted very professionally and he stated that the care they had given his son had no doubt prevented more serious injuries.

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 Vice-Mayor Mason.

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

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

NAY: None

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

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:58 P.M.

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to recess the Regular meeting for an Executive Session in accordance with Title 25, Sec. 307.B.4 for

confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: Denis Vogel.

There was no 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 and the meeting was recessed at 7:59 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307(B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: Denis Vogel

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.4 for confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: Denis Vogel. 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.

A motion was made by Mayor Harrison and seconded by Councilman Read to authorize the City's Worker's Compensation Attorney to extend an offer of settlement to Denis Vogel. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried.

Adjournment

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

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