

The McAlester City Council met in Regular session on Tuesday, August 12, 2014, at 6:00 P.M. after proper notice and agenda was posted, August 7, 2014 at 4:43 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, Jason Barnett & Steve Harrison
Absent: Robert Karr
Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John Modzelewski, City Engineer/Public Works Director; Brett Brewer, Fire Chief; Leroy Alsup, Community & Economic Development Director; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Lacey Sudderth, Executive Director of McAlester Main Street, addressed the Council thanking the City for the Parklet that had been installed downtown. She also informed them that "Culture Fest" was scheduled for Saturday, August 16, 2014 from 11:00 A.M. until 11:00 P.M.

Regina Peoples, Executive Director of Pride In McAlester, addressed the Council updating them on the groups activities for the past few months. She informed them that they were completely moved into their new location, they had worked with volunteers to remove the seats from the Okla Theatre, the contractors that had been hired to remove the asbestos from the theatre were mobilizing and should be finished by the thirtieth (30) of September, they hosted a litter pickup on Strong, they participated in the first "Pooch Plunge" at Jeff Lee Pool and their general membership meeting was scheduled for Thursday night at 6:00 P.M. at the Eastern Oklahoma State College campus in McAlester.

Consent Agenda

- A. Approval of the Minutes from the July 10, 2014 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the July 22, 2014 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for July 16, 2014 through August 5, 2014. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$73,572.84; Parking Authority - \$183.50; Nutrition - \$914.16; Landfill Res./Sub-Title D - \$13,542.50; Cemetery Care Fund - \$34,690.00; Tourism Fund - \$11,080.69; SE Expo Center - \$8,749.03; E-911 - \$36,358.98; Economic Development - \$21,992.28; Grant & Contributions - \$1,273.93; CDBG Grants Fund - \$5,452.00; Fleet Maintenance - \$21,942.92; Worker's Compensation - \$941.68 and CIP Fund - \$12,754.96.
- D. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 138447-TW. (*Cora Middleton, City Clerk*)
- E. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 138563-TW. (*Cora Middleton, City Clerk*)
- F. Consider and act upon, authorization of payment to OPUBCO Communications Group, Invoice Number 0002630900140713, in the amount of \$97.75, for publication of Advertisement for Bids related to CIP#2 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- G. Consider and act upon, authorization of payment to Lot Maintenance of Oklahoma, Inc., Invoice Number 033052, in the amount of \$6,300.00, to clean and video existing sewer lines in Second Street, related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- H. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice # MC-14-01-03, in the amount of \$33,975.00, for engineering services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- I. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice # MC-14-01-04, in the amount of \$15,800.00, for engineering services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- J. Consider and act upon, the McAlester Main Street Annual Performance Report for July 2013 through June 2014. (*Lacey Sudderth, Executive Director*)

- K. Consider and act upon, authorizing the Mayor to sign an Agreement between the City of McAlester Public Works Authority and Xerox Government Systems to provide Application Hosting and Technology Support Services for the Fire Department. (*Brett Brewer, Fire Chief*)
- L. Consider and act upon, authorizing the Mayor to sign a Campus Police Agreement between the Board of Education for the McAlester School District and the City of McAlester. (*Gary Wansick, Police Chief*)
- M. Consider and act upon, authorizing the Mayor to sign the letter renewing the Tourism Office Rental Agreement for the FY 2015 between Tracy Parrott and The City of McAlester for a one-year period beginning July 1, 2014 through June 30, 2015. (*Peter J. Stasiak, City Manager*)
- N. Consider and act upon, authorizing the Mayor to sign an Agreement between BizTel, Communications, LLC and the City of McAlester to maintain and service Samsung iDCS Digital and Analog Telephone sets located at City Hall. (*James Stanford, IT Computer Support Specialists*)
- O. Consider and act upon, authorizing the Mayor to sign Agreement between BizTel, Communications, LLC and the City of McAlester to maintain and service all 1 and 2 line Non-system telephones and associated wiring owned by the City of McAlester within various locations of the City of McAlester. (*James Stanford, IT Computer Support Specialists*)
- P. Consider and act upon, to expend funds in the amount of \$85.00 (registration fee) for Councilman Jason Barnett to attend the New Municipal Officials Institute on October 16, 2014, which is required for all new officers of a municipality as defined by paragraph 6 of 11 O.S. Section 1-102 and 11 O.S. Section 8-114 of the State Statutes. (*Cora Middleton, City Clerk*)
- Q. Consider and act upon, the Pride in McAlester Year-End Report for July 2013 through June 2014. (*Regina Peoples, Executive Director*)

Councilman Smith asked that item “K” be removed for individual consideration and Councilman Garvin requested that item “D” be removed for individual consideration.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve Consent Agenda items “A, B, C, E, F, G, H, I, J, L, M, N, O, P and Q”.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Items Removed from Consent Agenda

- D. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 138447-TW. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Garvin and seconded by Councilman Smith to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 138447-TW.

Before the vote, Councilman Garvin commented that he did not agree with the insurances' recommendation. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Titsworth, Read, Barnett & Mayor Harrison

NAY: Councilman Garvin

Mayor Harrison declared the motion carried.

- K. Consider and act upon, authorizing the Mayor to sign an Agreement between the City of McAlester Public Works Authority and Xerox Government Systems to provide Application Hosting and Technology Support Services for the Fire Department. (*Brett Brewer, Fire Chief*)

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the Mayor to sign an Agreement between the City of McAlester Public Works Authority and Xerox Government Systems to provide Application Hosting and Technology Support Services for the Fire Department.

Before the vote, there was discussion among the Council, Fire Chief Brewer, James Stanford, Manager Stasiak and Attorney Ervin concerning what this service would do for the fire department, how it would work for the separate stations, why the outlying buildings were not all connected through the "Cloud", the cost of the service and the length of the contract.

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

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

NAY: None

Mayor Harrison declared the motion carried.

Scheduled Business

1. McAlester Regional Health Center Presentation about its education campaign related to the upcoming election. Specifically, to address Propositions II and III to change the City Charter. (*David Keith, CEO, MRHC*)

Executive Summary

Discussion only.

MRHC Chief Executive Officer David Keith addressed the Council updating them on the presentation they were providing to the citizens concerning the proposed Charter changes, how and they were answering questions. He then played the presentation for the Council.

There was discussion among the Council and Hospital representatives concerning what the Hospital's problems were, how the debt limitation passed in the 70's affected the hospital's functions now and the cost of the various equipment that was used in the hospital.

Mayor Harrison reminded everyone that the election was on August 26, 2014 and urged everyone to vote.

There was no action on this item.

2. Conduct a Public Hearing on structures deemed by City Staff to be dilapidated by reason of deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood. *Leroy D. Alsup, Community and Economic Development Director*)

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to conduct a Public Hearing on structures deemed by City Staff to be dilapidated by reason of deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was opened at 6:31 P.M.

Community and Economic Development Director Alsup addressed the Council updating them on the list of dilapidated structures from Fiscal Year 2013/2014, informing them that two (2) of the structures were City owned and the owner of the property at 1002 E. Choctaw Avenue had paid the demolition invoice on July 28, 2014. He added that the City had billed \$24, 329.00 for demolitions in Fiscal Year 2013/2014 which included an administration fee of \$500.00. Director Alsup stated that if the remaining invoices were not paid by September, 2014 they would be submitted by the City Clerk to the County Treasurer to be placed on the tax rolls. He then reviewed the list of structures that had been submitted to the Council for this meeting explaining that there were probably not enough funds budgeted to demolish all ten (10) structures but possibly some of the structures would be demolished by the owners. He added that all of the ten (10) structures were vacant.

There was a brief discussion concerning the notifications for the properties.

Mayor Harrison stated that the properties would be considered individually.

Property 1, 417 W. Kiowa Avenue

Director Alsup informed the Council that the property owner had obtained a demolition permit and said they would demolish the structure themselves.

Vice-Mayor Read commented that even with the demolition permit in place he wanted to see the City's process continue.

There were no other comments on this property.

There was no discussion on the following properties: Property 2, 106 E. Chickasaw Avenue; Property 4, 29 E. Jefferson Avenue; Property 5, 513 E. Seminole Avenue; Property 7, 16 W. Seminole Avenue; Property 8, 409 N. "B" Street; Property 9, 625 S. Oak Street and Property 10, 105 W. Springer Avenue.

Property 3, 33 E. Jefferson Avenue

Roger Timmons, owner of the property addressed the Council requesting time to repair the structure.

There was a brief discussion regarding the location of the property, the condition of the structure, when the last utility payment was received, regulations for non-conforming structures, if the owner would renovate the structure, removing the property from the list and considering it separately.

Property 6, 301 W. Osage Avenue

Billie Todd addressed the Council regarding the condemnation of the structure and the cost associated with the demolition.

There was a brief discussion concerning the cost of demolition, how long the process could take, what a lien on the property would mean and the possibility of selling the property after the structure had been removed.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to close the Public Hearing.

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

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

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 7:09 P.M.

- a. Consider, and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. (*George Estrada*,

Building Inspector and Leroy D. Alsup, Community and Economic Development Director)

Executive Summary

Upon the conclusion of the Public Hearing, Motion to approve a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to approve RESOLUTION NO. 14-20, condemning properties 1, 2, 4, 5, 6, 7, 8, 9, and 10 as listed on Exhibit "A".

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

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

NAY: None

Mayor Harrison declared the motion carried.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to condemn property 3 at 33 E. Jefferson Avenue, waive the normal permit process to allow the owner to obtain a remodel permit.

Mayor Harrison clarified the motion and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Barnett & Mayor Harrison

NAY: Councilman Read & Titsworth

Mayor Harrison declared the motion carried.

3. Review of select McAlester Property Maintenance Code Ordinances, followed by city council discussion and guidance to city staff on enforcement and potential amendment requests to existing Property Maintenance Code Ordinances. (*Jayme Clifton, Code Enforcement and Leroy D. Alsup, Community and Economic Development Director*)

Executive Summary

Guidance to city staff on enforcement and potential amendment requests to existing Property Maintenance Code Ordinances. No Formal action expected.

Director Alsup addressed the Council explaining why this was brought before the Council.

There was discussion concerning the various sections of the Code of Ordinances, how long it had been since some of the sections had been adopted or amended, if the City had been actively enforcing these sections of the Code, researching for other options for the Code, grandfathering some areas of the City relative to specific sections of the Code, and adding penalties to different sections when addressing citizens that will not comply with the Code.

Manager Stasiak recommended having staff review and come back with recommendations. Attorney Ervin stated that he would research the various sections for conflict and Mayor Harrison asked that the areas of the Code concerned with be prioritized.

There was no action on this item.

4. Discussion concerning the recent sale of Surplus Parcel of City owned property at the north east corner of the intersection at South Main Street and Cherokee Avenue (Parking Lot). (*Cora Middleton, City Clerk*)

Executive Summary

Discussion of Sale of Surplus Parcel of City owned property at the north east corner of the intersection at South Main Street and Cherokee Avenue (Parking Lot).

Manager Stasiak informed the Council that the property in question had been declared surplus by this Council and had sold in the second round of bids. He added that since the sale of the property the City has been informed by the "Parents Club" that it had been designated as a parking lot by a previous Council for the businesses in the area but there was no agreement in place that could be found. Manager Stasiak commented that some members of the "Parents Club" were in attendance and wanted to speak to the Council.

Barbara Countz addressed the Council stating that she had founded the Parents Club in 1994. In 2000 they purchased a building on Main Street from Al Horton and the only parking available was across the street. She stated that she was told when the parallel parking on Main Street was removed that property was designated as a parking lot for them.

Al Horton addressed the Council informing them that in 1966 he and JR Ricks had opened a wholesale liquor house at 111 S. Main in the old Hale-Halsell warehouse and subsequently purchased the building and the one story structure next door from Urban Renewal. Sometime after that, the City decided to take the parking off of south Main. They then paved the lot across the street and designated it as parking for the businesses in the area. At some time the City decided to lease or sale the lot to a car dealer. Mr. Horton stated that he contacted Ray Curliss who had been head of Urban Renewal while it was active in McAlester. Mr. Curliss spoke with the Council and reminded them of the earlier designation.

There was discussion concerning the sale of the parking lot, what the selling price had been, if there had been deeds drawn on the sale, if there had been any contact with the purchaser, the zoning of the property, if there was any written document concerning the designation of the parking lot, if the property had been posted for sale, and any means the City had of taking the property back.

There was no action taken on this item.

5. Consider, and act upon, a Supplemental Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign the Supplemental Agreement to the existing Professional Services Agreement with EST, Inc. to provide Construction Management Services during

the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. The total fee to perform these services is a lump sum amount of \$35,000.

A motion was made by Vice-Mayor Read and seconded by Councilman Smith to authorize the Mayor to sign the Supplemental Agreement to the existing Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. The total fee to perform these services is a lump sum amount of \$35,000.

Before the vote, Director Modzelewski addressed the Council explaining that this item had been presented at a previous meeting and brought back at the request of Vice-Mayor Read. He stated that this agreement would allow EST, Inc. to continue providing the construction management services on the project. He added that this continuation was needed due to the extension of time given to the contractor to complete the project.

Manager Stasiak explained that at the previous meeting there was not detailed information on how EST, Inc. had calculated the Supplemental fee.

There was discussion among the Council including Jered Eddy concerning how much of this supplemental amount was immediately billable, when this would be billed and the Vice-Mayor's request for the submittal of a proper invoice.

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

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

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the City had been awarded a mini grant by PSO and this would be used to update the Economic Development video and the Defense video for the McAlester Army Ammunition Plant. He informed them that Thursday at 5:00 P.M. at the Expo; PSO would update the community of the investment they were planning on making into the community. He stated that at the mandatory pre-bid meeting for the third (3rd) attempt of CIP #2 there were five (5) contractors in attendance and this time the contractors would be given two (2) weeks to prepare and submit their proposals.

Remarks and Inquiries by City Council

Councilmen Smith and Titsworth had no comments for the evening.

Councilman Garvin commented that he would like to see something done about the street destruction by the trash trucks.

Vice-Mayor Read reminded Manager Stasiak that he had requested that the Dispatcher pay scale be reviewed. He asked about the status of the DOC and Rural water contracts and mentioned that the new Fire Station had been constructed in 1997 and after three (3) or five (5) years the Choctaw Nation was to deed the property back to the City.

Manager Stasiak informed the Council that HR and the 911 Manager were working on that pay scale and it would be presented at the Council meeting on the 26th. He explained that the contracts were not completed and staff was working with the City Attorney on that matter. Manager Stasiak said he would look into the matter concerning the Fire Station on Kinhead.

Councilman Smith asked for an update on the 17th Street project.

Director Modzelewski reminded the Council that at the last meeting fifty (50) more days were authorized with milestones that were to be accomplished in a specific order. He added that the first milestone had not been met. He stated that since the first milestone had not been met, it was his understanding that the fifty (50) days would not be allowed. He commented that the Contractor had said it would take them another ten (10) days to take care of the first milestone. He stated that the plan was to have some concrete down by the end of the week.

There was a brief discussion among the Council and Director Modzelewski concerning the reasons that this project was behind schedule, what the Council could do about the problem and the problem this poses for the school in the vicinity.

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. Vice-Mayor Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith.

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

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

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:33 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:34 P.M.

A motion was made by Councilman Smith and seconded by Vice-Mayor Read 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: City of McAlester v. Randy Green

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

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

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 8:35 P.M.

Executive Session

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

- 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: City of McAlester v. Randy Green

Reconvene into Open Session

The Regular Meeting was reconvened at 9:02 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for an Executive Session for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green; in accordance with Title 25, Sec. 307.B.4. Only that matter was discussed, no action was taken, and the Council returned to open session at 9:02 P.M., and this constituted the Minutes of the Executive Session.

- Consider and act upon to authorize the filing of an appeal in: City of McAlester v. Randy Green

A motion was made by Councilman Smith and seconded by Vice-Mayor Read to authorize the filing of an appeal in: City of McAlester v. Randy Green. There was no discussion, and the vote was taken as follow:

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

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 Vice-Mayor Read. There was no discussion, and the vote was taken as follows:

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

Mayor Harrison declared the motion carried, and the meeting was adjourned at 9:06 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk