

Council Chambers
Municipal Building
July 26, 2011

The McAlester City Council met in Regular session on Tuesday, July 26, 2011, at 6:00 P.M. after proper notice and agenda was posted, July 22, 2011, at 11:57 A.M.

Call to Order

Mayor Priddle 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: Steve Harrison, John Browne, Buddy Garvin, Sam Mason & Kevin Priddle

Absent: Weldon Smith & Robert Karr

Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; John C. Modzelewski, PE, City Engineer/Public Works Director; Gayla Duke, Chief Financial Officer; Jim Lyles, Police Chief; Mel Priddy, Community Services Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

None

Consent Agenda

- A. Approval of Claims for July 6, 2011 through July 19, 2011. *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$157,144.24; Parking Authority - \$125.75; Nutrition - \$3,341.32; Landfill Res./Sub-Title D - \$5,231.00; SE Expo Center - \$10,589.89; E-911 - \$6,043.20; Economic Development - \$15,000.00; Fleet Maintenance - \$5,884.34 and Worker's Compensation - \$1,941.68.
- B. Accept and place on file the Oklahomans for Independent Living Quarterly Report for April, May and June 2011. *(Mike Ward, Executive Director)*
- C. Consider and act upon, authorizing the Mayor to sign an agreement between the City of McAlester and Campus Police for FY 2011-2012. *(Peter J. Stasiak, CM)*
- D. Concur with Mayor's Re-Appointment of Bill Derichsweiler to the Pittsburg County Regional Expo Board for a term to expire June 2015. *(Kevin E. Priddle, Mayor)*

Councilman Mason requested that item “D” be removed for individual consideration.

Councilman Garvin moved for approval of Consent Agenda item “A through C”. The motion was seconded by Councilman Harrison.

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

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Items Removed from Consent Agenda

D. Concur with Mayor’s Re-Appointment of Bill Derichsweiler to the Pittsburg County Regional Expo Board for a term to expire June 2015. (*Kevin E. Priddle, Mayor*)

Vice-Mayor Browne moved to concur with the Mayor’s Re-Appointment of Bill Derichsweiler to the Pittsburg County Regional Expo Board for a term to expire June 2015. The motion was seconded by Councilman Garvin.

Before the vote, Councilman Mason commented that he had wanted this item voted on separately. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Browne, Garvin & Mayor Priddle

NAY: Councilman Harrison & Mason

Mayor Priddle declared the motion failed for lack of a four (4) vote majority.

Councilman Garvin asked if this could be brought back before the Council. Mr. Ervin stated that it could.

Councilman Harrison moved to open a Public Hearing to address an Ordinance. The motion was seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

AYE: Councilman Browne, Garvin, Mason, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:05 P.M.

Public Hearing

- AN ORDINANCE TO ~~ANNUL, VACATE,~~ CLOSE AND DISCONTINUE ILLINOIS STREET FROM FIFTH STREET TO NINTH STREET, IN THE CITY OF

~~IP OF SAID PROPERTY~~
~~TO THE ABUTTING PROPERTY OWNERS AND DECLARING AN EMERGENCY.~~

There were no comments on the ordinance from the Council or citizens. Councilman Harrison moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:06 P.M.

Scheduled Business

1. Presentation and Financial Update on the McAlester Regional Health Center. (*Brian Dietz, Interim President/Chief Executive Officer, McAlester Regional Health Center*)
Executive Summary
Presentation and update on McAlester Regional Health Center.

Councilman Harrison moved to open the floor for a presentation and update on the McAlester Regional Health Center. The motion was seconded by Vice-Mayor Browne.

Brian Dietz addressed the Council regarding McAlester Regional Health Center's search for a Chief Executive Officer, Chief Financial Officer and a Chief Nursing Officer. He reviewed the Hospital's physician recruitment program and he explained the Hospital's collaboration with the Warren Clinic Staff.

Jim Blair updated the Council on the financial situation of the McAlester Regional Health Center.

There was a brief discussion among the Council which included Mr. Dietz and Mr. Blair about the Hospital's reduction in expenses and days cash information.

There was no vote on this item.

2. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Main Street Association (*Peter J. Stasiak, City Manager/Carol Ervin, Executive Director, McAlester Main Street*)
Executive Summary
Motion to approve authorizing the Mayor to sign the Main Street Association Contract.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to authorize the Mayor to sign a contract between the City of McAlester and Main Street Association.

Before the vote, Manager Stasiak explained that this item had been brought before the Council approximately a month ago and at that time a committee of himself, Vice-Mayor Browne and

Councilman Smith had been appointed to work with the Main Street Association to develop goals and objectives for the Association.

There was a brief discussion among the Council including Carol Ervin regarding the plan, and sales tax rebate program.

Ms. Ervin commented that there was currently only one (1) vacancy on the Main Street Association's local board. A downtown clean up had been scheduled for August 7th and she intended to add more workshops for the businesses. She expressed her appreciation to the Council for their proactive approach with the Sales Tax Rebate program.

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

AYE: Councilman Mason, Harrison, Browne, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

3. Consider, and act upon, approval of the attached Transfer of Appropriations for FY 2010-2011. (*Gayla Duke, CFO*)

Executive Summary

Motion to approve the budget transfers as attached numbered: T1011-083, T1011-084, and T1011-085.

Councilman Mason moved to approve budget transfers for appropriations for FY 2010-2011. The motion was seconded by Vice-Mayor Browne.

Before the vote, Ms. Duke explained that budget transfers over \$25,000.00 required approval by the Council. She commented that the transfers were for vehicle maintenance and worker's compensation expenditures.

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

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

4. Financial Presentation for Year Ending June 30, 2011. (*Gayla Duke, CFO*)

Executive Summary

Financial Presentation for Year Ending June 30, 2011.

Vice-Mayor Browne moved to open the floor for a financial presentation for Year Ending June 30, 2011. The motion was seconded by Councilman Harrison.

Before the vote, Ms. Duke updated the Council on the City's financial status as of June 30, 2011. She reviewed the improvement of the General Fund over the past two (2) years and the changes

that had been made in the worker's compensation expenditures. She reviewed the way that the City's sales tax was used.

There was no further discussion and no vote was required on this item.

5. Consider and act upon a Renewal of Excess Worker's Comp Insurance through Jordan-Carris Agency with Midwest Employees Casualty Company. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve a Renewal of Excess Worker's Comp Insurance and authorizing the Mayor to sign renewal policy.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve the renewal of Excess Worker's Comp Insurance through Jordan Carris Agency with Midwest Employees Casualty Company.

Before the Vote, Manager Stasiak explained that this was a continuation of coverage with Jordan-Carris Agency.

Councilman Harrison asked which option was recommended. Manager Stasiak commented that the first option was recommended for the City.

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

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

6.
 - A. Consider and act upon, a request by H.O.G. (Harley Owners Group), to pay the rental fee in the amount of \$3,750.00 out of the Tourism Budget, for the use of the Southeast Expo Center on October 5 – 8, 2011 for the 2011 Oklahoma State H.O.G. Rally. (*Jerry Lynn Wilson, Expo Center Manager*)
 - B. Consider and act upon, a request by G.W.R.R.A. (Goldwing Road Riders Association), to pay the rental fee in the amount of \$2,875.00 out of the Tourism Budget, for the use of the Southeast Expo Center on October 27-29, 2011 for the 2011 State Convention. (*Jerry Lynn Wilson, Expo Center Manager*)
 - C. Consider, and act upon, a request by Dr. Douglas Auld, for the use of the Southeast Expo Center on February 2-5, 2012, for the Oklahoma Mission of Mercy, by partnering with them for the rental fee in the amount of \$3,750.00 from the 2011/12 approved Expo partnership funds. (*Jerry Lynn Wilson, Expo Center Manager*)
 - D. Consider, and act upon, a request by the Pittsburg County Local Services Coalition (LSC), for the use of the Southeast Expo Center on August 25, 2011, for

the “Dare to be Different Youth Summit”, by partnering with them for the rental fee in the amount of \$375.00, from the 2011/12 approved Expo partnership funds.
(*Jerry Lynn Wilson, Expo Center Manager*)

Executive Summary

Motion to approve partnering with said organizations and paying rental fees out of the Tourism Budget and Expo Partnership Funds.

Mayor Priddle commented that Manager Stasiak had asked that these items be addressed individually and he asked if the Council felt that needed to be done.

There was no discussion and Vice-Mayor Browne moved to approve: a request by H.O.G. (Harley Owners Group), to pay the rental fee in the amount of \$3,750.00 out of the Tourism Budget, for the use of the Southeast Expo Center on October 5 – 8, 2011 for the 2011 Oklahoma State H.O.G. Rally; a request by G.W.R.R.A. (Goldwing Road Riders Association), to pay the rental fee in the amount of \$2,875.00 out of the Tourism Budget, for the use of the Southeast Expo Center on October 27-29, 2011 for the 2011 State Convention; a request by Dr. Douglas Auld, for the use of the Southeast Expo Center on February 2-5, 2012, for the Oklahoma Mission of Mercy, by partnering with them for the rental fee in the amount of \$3,750.00 from the 2011/12 approved Expo partnership funds and a request by the Pittsburg County Local Services Coalition (LSC), for the use of the Southeast Expo Center on August 25, 2011, for the “Dare to be Different Youth Summit”, by partnering with them for the rental fee in the amount of \$375.00, from the 2011/12 approved Expo partnership funds. The motion was seconded by Councilman Harrison.

The vote was taken as follows:

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, a bid award to Total Radio Inc., for the purchase of thirty-eight (38) hand held radios and forty-three (43) mobile radios. (*Darrell Miller, Asst Chief of Police*)

Executive Summary

Motion to approve a \$52,483.35 bid from Total Radio, Inc. for the purchase of new radios.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to award a bid to Total Radio, Inc., for the purchase of thirty-eight (38) hand held radios and forty-three (43) mobile radios.

Before the vote, Chief Lyles explained that the Police Department needed thirty-eight (38) hand held radios and forty-three (43) mobile radios to outfit the entire department with new radios. He added that the police department currently had enough money in the Federal Forfeiture and 911 funds to purchase thirty-eight (38) hand held radios and nineteen (19) mobile radios. He stated that to purchase the other twenty-four (24) mobile radios the police department had

applied for a District Attorney's Council Grant and if it were approved would be used for that purchase.

Councilman Mason commented that he believed this item violated the Charter and the City Code of Ordinances. He moved to table the item in lieu of the City Attorney's review.

There was discussion among the Council including Manager Stasiak, Chief Lyles and Mr. Ervin concerning the State Bid services that had been used, if the police department was in a time crunch, the Charter's restrictions and the Code of Ordinances restrictions concerning competitive bidding, and how this provision had not been addressed before.

Councilman Mason requested a written opinion from the City Attorney concerning this matter.

Mayor Priddle seconded Councilman Mason's motion to table the item pending a legal opinion from the City Attorney by the next Council meeting.

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

AYE: Councilman Browne, Garvin, Mason, Harrison & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle stated that items eight (8) and nine (9) were the same principal and that the result should be the same. Manager Stasiak agreed that the City needed a written opinion from the City Attorney.

8. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for the development of Storm Water Pollution Prevention Plan (SWPPP) for the East and West Wastewater Treatment Plants. This will allow the City of McAlester to continue to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES).
(John C. Modzelewski, PE, Director of Engineering and Public Works)

Executive Summary

Motion to approve an Agreement for Engineering Services with Meshek & Associates, PLC for the development of Storm Water Pollution Prevention Plan (SWPPP) for the East and West Wastewater Treatment Plants Storm Water Management Program activities during FY 2011-2012 for a fee not to exceed \$50,000.

Councilman Harrison moved to table item eight (8) until the next meeting, seconded by Councilman Mason. There was no discussion and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

9. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program Permit for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES).
(*John C. Modzelewski, PE, Director of Engineering and Public Works*)

Executive Summary

Motion to approve an Agreement for Engineering Services with Meshek & Associates, LLC for Phase II Stormwater Management Program activities during FY 2011-2012 for a fee not to exceed \$50,000.

Councilman Harrison moved to table item nine (9) until the next Council meeting, seconded by Vice-Mayor Browne. There was no discussion and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

10. **TABLED FROM PREVIOUS MEETING:** Consider and act upon, to amend and ratify Ordinance No. 1366. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve and act upon to amend and ratify Ordinance No. 1366.

Vice-Mayor Browne moved to amend and ratify **ORDINANCE NO. 1366**, with the recommended changes. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that this item had been brought back from a previous meeting and the applicant had requested the closing of all that part of Illinois Avenue lying south of Lot 1 in Block 677, Highland Park Addition. He stated that this section of Illinois Avenue had been closed previously on December 1, 1972 by **ORDINANCE NO. 1366** but had never been filed in District Court. Therefore, the applicant had to ask for closure before the McAlester Planning Commission and the Commission had met on June 1, 2011 and unanimously voted to recommend the approval of the closure.

Councilman Mason asked what the reason would be for filing the Ordinance in District Court. Mr. Ervin commented that was a misstatement by staff. The Ordinance would not have been filed in District Court but the foreclosure action had never been filed.

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

AYE: Councilman Mason, Harrison, Browne, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Harrison, Browne, Garvin, Mason & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried.

City Manager's Report

Manager Stasiak commented that he did not have a report.

Remarks and Inquiries by City Council

Councilman Harrison and Garvin did not have any comments.

Vice-Mayor Browne thanked the Administration and the Street Department for repairing "A" Street. The repairs to the water tower were moving right along. He commented that the "Battle of the Bands" at Rotary Park had been a good event. He added that David Lerblance with the Chamber had asked that the Parks Department be commended for the appearance of the park. He then congratulated "High Rise" for winning the event.

Councilman Mason commended Ms. Duke for the job that she had done for the City.

Mayor Priddle commented that the City had come a long way down the road and that they owed a lot to Manager Stasiak and Ms. Duke. He commended the Street Department and the Water Department for the jobs they had been doing. The brown water had been apparently eliminated and the City Council would continue to work to improve the water quality, sewer and roads.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Mason moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Browne and the vote was taken as follows:

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 7:44 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:46 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Browne moved for the meeting to be adjourned, seconded by Councilman Harrison.

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

AYE: Councilman Garvin, Mason, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:46 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk