

Council Chambers
Municipal Building
October 25, 2011

The McAlester City Council met in Regular session on Tuesday, October 25, 2011, at 6:00 P.M. after proper notice and agenda was posted, October 21, 2011, at 3:15 P. M.

Call to Order

Mayor Priddle called the meeting to order.

Linda Lowber, First Baptist Church gave the invocation and lead the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Buddy Garvin, Sam Mason & Kevin Priddle
Absent: None
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Interim Chief Financial Officer; Chief; Jim Lyles, Police Chief; John C. Modzelewski, P.E., City Engineer/Public Works Director; William J. Ervin, City Attorney and Karen Boatright, Deputy City Clerk

Citizen's Comments on Non-agenda Items

Stephanie Shafer addressed the Council commenting on the success of the recent Pride In McAlester Fall Clean up.

Carol Ervin addressed the Council commenting on the Main Street Christmas lights.

Consent Agenda

- A. Approval of the Minutes from the September 27, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- B. Approval of Claims for October 5, 2011 through October 18, 2011. (*Toni Ervin, Interim Chief Financial Officer*) In the following amounts: General Fund - \$96,651.96; Parking Authority - \$128.18; Nutrition - \$1,420.69; Landfill Res./Sub-Title D - \$1,860.00; SE Expo Center - \$4,530.66; E-911 - \$1,252.55; Economic Development - \$2,000.00; Fleet Maintenance - \$18,413.47 and CIP Fund - \$4,529.00.

- C. Concur with Appointment of Bill McMahan to the McAlester Public Library Advisory Board for a term to expire 2014. (*Kevin E. Priddle, Mayor*)
- D. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31062-BD. (*Cora Middleton, City Clerk*)
- E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31306-BJ. (*Cora Middleton, City Clerk*)

Vice-Mayor Browne moved to approve the Consent Agenda. The motion was seconded by Councilman Harrison.

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

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

Mayor Priddle declared the motion carried.

Councilman Garvin moved to open a Public Hearing to address an ordinance amending the FY 2011-2012 Budget. The motion was seconded by Vice-Mayor Browne.

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

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

Mayor Priddle declared the motion carried and the Public Hearing was opened.

Public Hearing

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments from either the public or the Council and 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 Browne, Karr, Garvin, Mason, Smith, Harrison & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed.

Scheduled Business

1. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Interim CFO*)

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2404

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve **ORDINANCE NO. 2404.**

Before the vote, Toni Ervin reviewed the exhibits to the budget amendment. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

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

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

NAY: None

Mayor Priddle declared the motion carried.

2. Consider and act upon, a partnership with the McAlester Chamber of Commerce to produce the McAlester Tourism Guide, an amount not to exceed \$10,290.00. (*Peter J. Stasiak, City Manager*)

Executive Summary

A motion to approve a partnership with the McAlester Chamber of Commerce in the amount not to exceed \$10,290.00 for the McAlester Tourism Guide. This will come out of the fund balance.

A motion was made by Vice-Mayor Browne and seconded by Councilman Karr to approve a partnership with the McAlester Chamber of Commerce in the amount not to exceed \$10,290.00 for the McAlester Tourism Guide.

Before the vote, there was discussion among the Council concerning treating all entities that the City partners with or has funding agreements with the same, and needing a contract for this type

of activity. Councilman Harrison moved to table this item until a contract could be drafted and considered by the Council. The motion was seconded by Councilman Karr.

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

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

NAY: None

Mayor Priddle declared the motion carried.

3. Consider, and act upon Council acceptance of Ward Redistricting Plan. (*Evans McBride, Chairman, Ward Commission Committee*)

Executive Summary

Motion to accept Ward Redistricting Plan.

A motion was made by Mayor Priddle and seconded by Councilman Harrison to accept the Ward Redistricting Plan.

Before the vote, Evans McBride addressed the Council reviewing the criteria for the Ward Redistricting. He mentioned the requirements that could not be met due to a conflict with the way the census data was furnished and the Charter's stipulations.

Dr. Gregory Plumb explained how the information furnished by the Ward Commission and the Census information were combined to calculate the proposed boundary changes.

There was discussion among the Council concerning the boundary changes, including the prison population, organizing a Charter Review Committee, changing the Charter, getting an Attorney General opinion, de-annexing the prison and revising Ordinance 38-2.

Mayor Priddle moved to approve the Ward Redistricting Plan, seconded by Councilman Mason. There was no further discussion and the vote was taken as follows:

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

NAY: Councilman Karr

Mayor Priddle declared the motion carried.

4. **TABLED FROM PREVIOUS MEETING** - 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. (*Jim Lyles, Police Chief*)

Executive Summary

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

Vice-Mayor Browne moved to award a \$52,483.35 bid to Total Radio, Inc. and approve the purchase of thirty-eight (38) hand held radios and forty-three (43) mobile radios. The motion was seconded by Councilman Harrison.

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

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

NAY: None

Mayor Priddle declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Outlaw Construction to construct the Elks Road Improvements and extension. (*John C. Modzelewski, P.E., City Engineer and Director of Public Works*)

Executive Summary

The recommendation is to enter into an agreement with Outlaw Construction for a Total Bid equal to \$487,300.76, to construct the Elks Road improvements and extension. The funding source for this project is Account Number 30-5652401.

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 Outlaw Construction to construct the Elks Road Improvements and extension.

After Council discussion the motion was amended to correct the award amount to \$487,281.00 and include a two (2) year maintenance bond in the amount of \$12,000.00 for a total amount of \$499,281.00.

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

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

NAY: None

Mayor Priddle declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that the Crawford Auditors had accomplished their preliminary work quickly and that Ms. Duke and the current Finance Department had done a great job gathering information. He reported that a meeting with Allied would be set up to finalize the solid waste contract and he hoped to have the contract in place by December 1st. He mentioned that the Oklahoma Department of Commerce could meet with the Council concerning the Industrial Park on November 3, 2011 at 4:00 P.M. He added that the City would need representatives from each ward for the Trails System Committee.

Remarks and Inquiries by City Council

Councilman Smith did not have any comments for the evening.

Councilman Harrison commented on the bond issue and the refinancing options. He thanked Councilman Karr for the tour at Spirit and he commented on the Council's teamwork.

Vice-Mayor Browne commented on the Allied contract, the special pickups for citizens and the employee dinner.

Councilman Karr commented on the Blackboard Connect system.

Councilman Garvin mentioned the City Manager delegating work to qualified personnel.

Councilman Mason mentioned the deadline on the contract with Allied.

Mayor Priddle commented on the McAlester Ammunition Plant's "Project Care."

Recess Council Meeting

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

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

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 7:37 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:39 P.M.

Councilman Harrison moved to recess the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2 and for confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237, in accordance with Title 25, Sec. 307.B.4. The motion was seconded by Vice-Mayor Browne and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 7:40 P.M.

Executive Session

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF
- 2) 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, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:44 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, in accordance with Title 25, Sec. 307.B.2 and for confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237, in accordance with Title 25, Sec. 307.B.4. Only those matters were discussed, no action was taken, and the Council returned to open session at 8:44 P.M., and this constituted the Minutes of the Executive Session.

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 Mason, Smith, Harrison, Browne, Karr, Garvin & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:45 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Karen Boatright, Deputy City Clerk