

The McAlester City Council met in Regular session on Tuesday, November 8, 2011, at 6:00 P.M. after proper notice and agenda was posted, November 4, 2011, at 3:00 P. M.

Call to Order

Mayor Priddle called the meeting to order.

Dr. Charles Neff, First United Methodist Church gave the invocation and lead the Pledge of Allegiance.

Mayor Priddle announced that Councilman Karr would not be present for the meeting.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Buddy Garvin, Sam Mason & Kevin Priddle

Absent: Robert Karr

Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Interim Chief Financial Officer; Chief; Bret Brewer, Fire Chief; John C. Modzelewski, P.E., City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Awards Presentation

Mayor Priddle presented Clifford Vanderpool as October 2011 Employee of the Month. Mr. Vanderpool received a certificate of appreciation, a plaque and a savings bond.

Citizen's Comments on Non-agenda Items

Carol Ervin, Director of Main Street announced "Remember When" a fundraiser that Main Street would be having this next Friday, November 11, 2011. She stated that the Christmas Parade would be held on December 1, 2011. She announced that Main Street was doing a monthly radio show and in December the Streetscape expert would be in McAlester to developing a plan for the City's streetscapes for Downtown and Old Town.

Stephanie Shafer, Director of Pride In McAlester informed the Council that on October 29th volunteers with Pride In McAlester had painted three (3) guardrails and thirteen (13) canal bridge railings. She stated that if there were any projects like this, to call and Pride In McAlester would get involved and help with the projects.

Derek McGrew addressed the Council regarding the placement of a cell tower on City property.

Consent Agenda

- A. Approval of the Minutes from the October 11, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for October 19, 2011 through November 1, 2011. *(Toni Ervin, Interim Chief Financial Officer)* In the following amounts: General Fund - \$90,542.81; Nutrition - \$576.15; Landfill Res./Sub-Title D - \$3,281.00; State Forfeiture Fund - \$15,867.70; Tourism Fund - \$4,845.00; SE Expo Center - \$1,831.30; E-911 - \$11,203.33; Economic Development - \$23,161.91; CDBG Grants Fund - \$51,563.00; Fleet Maintenance - \$6,717.66 and CIP Fund - \$62,959.09.
- C. Concur with Oklahoma Mutual Assurance Group recommendation to deny Claim No. 81225-ME. *(Cora Middleton, City Clerk)*

- D. Concur with Oklahoma Mutual Assurance Group recommendation to deny Claim No. 31268-ME. *(Cora Middleton, City Clerk)*
- E. Authorize the Mayor to sign Antero Resources Energy Division Order for City of McAlester Property No: 60575, Property Name: City of McAlester 30-1H and Property Description: 30-06N-15E. *(Cora Middleton, City Clerk)*
- F. Authorize the Mayor to sign an Emergency Medical Technician Basic, Intermediate and Paramedic Field Clinical Agreement between Kiamichi Technology Center and City of McAlester- McAlester Fire Department EMS. *(Brett Brewer, Fire Chief)*

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

Councilman Harrison requested that item “C” be removed for individual consideration. Councilman Mason requested items “A, B and F” be removed for individual consideration and Vice-Mayor Browne requested that item “D” be removed for individual consideration.

Mayor Priddle stated that the Consent Agenda consisted of item “E”.

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

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

Mayor Priddle declared the motion carried.

Items removed from Consent Agenda

- A. Approval of the Minutes from the October 11, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

Councilman Harrison moved for approval of the Minutes from the October 11, 2011 Regular Meeting of the McAlester City Council. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason commented that on page six (6) the second vote from the top incorrectly listed his name and it needed to be removed. On page thirteen (13) in the middle of the page the word “master” had been misspelled and on page eighteen (18) at the bottom the Mayor’s name had been left off of the vote.

Mayor Priddle restated the motion as “approval of the Minutes from the October 11, 2011 Regular Meeting of the McAlester City Council” with the corrections noted. There was no further discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried.

- B. Approval of Claims for October 19, 2011 through November 1, 2011. *(Toni Ervin, Interim Chief Financial Officer)* In the following amounts: General Fund - \$90,542.81; Nutrition - \$576.15; Landfill Res./Sub-Title D - \$3,281.00; State Forfeiture Fund - \$15,867.70; Tourism Fund - \$4,845.00; SE Expo Center - \$1,831.30; E-911 - \$11,203.33; Economic Development - \$23,161.91; CDBG Grants Fund - \$51,563.00; Fleet Maintenance - \$6,717.66 and CIP Fund - \$62,959.09.

Councilman Garvin moved to approve the Claims for October 19, 2011 through November 1, 2011. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason inquired about the second survey that had been conducted by Traffic Engineering.

Manager Stasiak stated that a survey had been conducted at Strong and Washington. Mr. Modzelewski commented that the survey at that intersection indicated that signals were not warranted.

Councilman Mason requested that in the future that any professional contract be brought to the attention of the Council.

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

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

NAY: None

Mayor Priddle declared the motion carried.

C. Concur with Oklahoma Mutual Assurance Group recommendation to deny Claim No. 81225-ME. (*Cora Middleton, City Clerk*)

Councilman Harrison moved to concur with the Oklahoma Mutual Assurance Group recommendation to deny Claim No. 81225-ME. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Harrison commented that the claim number needed to be corrected to 31225-ME. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

D. Concur with Oklahoma Mutual Assurance Group recommendation to deny Claim No. 31268-ME. (*Cora Middleton, City Clerk*)

Vice-Mayor Browne moved to concur with the Oklahoma Mutual Assurance Group recommendation to deny Claim No. 31268-ME. The motion was seconded by Councilman Harrison.

Before the vote, there was discussion among the Council concerning the incident attributed to the claim, if this claim was for the first or second time the property had flooded and that when the City employees fix a problem it is not to avoid liability but to prevent future claims.

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

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

NAY: None

Mayor Priddle declared the motion carried.

F. Authorize the Mayor to sign an Emergency Medical Technician Basic, Intermediate and Paramedic Field Clinical Agreement between Kiamichi Technology Center and City of McAlester- McAlester Fire Department EMS. (*Brett Brewer, Fire Chief*)

A motion was made by Vice-Mayor Browne to authorize the Mayor to sign an Emergency Medical Technician Basic, Intermediate and Paramedic Field Clinical Agreement between Kiamichi Technology Center and City of McAlester-McAlester Fire Department EMS. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Mason commented on the term of the agreement being for thirty-six (36) months instead of twelve (12) months.

Mr. Ervin informed the Council that the final copy contained the change to twelve (12) months.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Vice-Mayor Browne moved to open a Public Hearing to address two (2) ordinances. The motion was seconded by Councilman Harrison.

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

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

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:30 P.M.

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.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2132, AN ORDINANCE REGULATING THE WARD BOUNDARIES OF MCALESTER, OKLAHOMA, KNOWN AS FIRST WARD, SECOND WARD, THIRD WARD, FOURTH WARD, FIFTH WARD, SIXTH WARD; AND PROVIDING A SPECIFIC DESCRIPTION OF EACH WARD BOUNDARY.

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

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

NAY: None

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

Scheduled Business

1. Discussion and possible action, on a recommendation by the Audit and Finance Advisory Committee to change the City of McAlester Defined Benefit Retirement Plan and Trust by the following actions: (*Chairman Greg McNall, Audit and Finance Advisory Committee*)
 - Eliminating future DROP and Bonus Program Benefits to future participants.
 - Soft freeze of all retirement benefits to existing non-union City employees.
 - No retirement benefits to new hires until a 403b plan is in place.

Executive Summary

Motion to direct staff to work on the recommendations by the Audit and Finance Advisory Committee.

A motion to open the floor for discussion of a recommendation by the Audit and Finance Advisory Committee to change the City of McAlester's Defined Benefit Retirement Plan and Trust was made by Councilman Harrison and seconded by Vice-Mayor Browne.

Before the vote, Walter Bethune addressed the Council reviewing the Audit & Finance Advisory Committee's recommendation.

After lengthy discussion among the Council regarding the cost of the retirement plan, the unpredictability of the cost, which employees would be affected by this potential change, taking enough time to review the information, gathering questions from the Council and how important this decision would be.

Mayor Priddle stated that it would be impractical for the Council to go through all of the presented information at this time and he moved to table this item pending a workshop with the Audit & Finance Advisory Committee, Bruce Nordstrom and the Non-Uniformed Council. The motion was seconded by Councilman Garvin.

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

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

NAY: Vice-Mayor Browne

Mayor Priddle declared the motion carried.

2. 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 2392.

ORDINANCE NO. 2405

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.

Councilman Mason moved for approval of **ORDINANCE NO. 2405**, seconded by Vice-Mayor Browne.

Before the vote, Ms. Ervin reviewed the exhibits to the amendment for the Council. After a brief discussion concerning two of the exhibits, the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve the EMERGENCY CLAUSE.

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

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

NAY: None

Mayor Priddle declared the motion carried.

3. **TABLED FROM PREVIOUS MEETING** - Consider and act upon, authorizing the Mayor to sign a contract to partner 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

Motion to approve the contract to partner with the McAlester Chamber of Commerce in the amount not to exceed \$10,290.00 for the McAlester Tourism Guide.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Browne to authorize the Mayor to sign a contract to partner with the McAlester Chamber of Commerce to produce the McAlester Tourism Guide, in an amount not to exceed \$10,290.00.

Before the vote, Mayor Priddle commented that this issue had already been discussed but the Council preferred that a signed contract from the Chamber be presented to them prior to the Mayor signing the document.

Councilman Harrison commented on changes that needed to be made regarding an appendix and the date of the Oklahoma Mission of Mercy.

Mayor Priddle restated the motion to be “to authorize the Mayor to sign a contract to partner with the McAlester Chamber of Commerce to produce the McAlester Tourism Guide, in an amount not to exceed \$10,290.00 with the changes as noted.” There was no further discussion and the vote was taken as follows:

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

NAY: Councilman Mason

Mayor Priddle declared the motion carried.

4. Discussion and possible action, to approve an Ordinance to amend Ordinance Number 2132 to establish new ward boundary lines as a result of recent redistricting and adopting new legal descriptions for the six wards throughout the city. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve amending Ordinance Number 2132 to establish new ward boundary lines.

ORDINANCE NO. 2406

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2132, AN ORDINANCE REGULATING THE WARD BOUNDARIES OF McALESTER, OKLAHOMA, KNOWN AS FIRST WARD, SECOND WARD, THIRD WARD, FOURTH WARD, FIFTH WARD, SIXTH WARD; AND PROVIDING A SPECIFIC DESCRIPTION OF EACH WARD BOUNDARY.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2406**, amending the existing Ordinance that described the Ward boundaries.

Before the vote, there was discussion among the Council regarding when this Ordinance would take effect, the accuracy of the Ward boundary descriptions, how the Ordinance did not officially change the boundaries only furnish the descriptions and how this was part of the procedure set in the Charter.

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

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

NAY: None

Mayor Priddle declared the motion carried.

5. Discussion and possible action, to authorize the Mayor to sign a Service & License Agreement with CivicPlus to develop a website for the City of McAlester. The contract shall remain in effect for a period of one year (12months) from signing. Total Fees for Year 1 in the amount of \$24,965. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to authorize the Mayor to sign agreement with CivicPlus to create a City website.

Councilman Mason moved to authorize the Mayor to sign a Service & License Agreement with CivicPlus to develop a website for the City of McAlester. The motion was seconded by Councilman Harrison.

Before the vote, James Stanford addressed the Council explaining that this was something that needed to be done and after reviewing the quotes received staff was recommending CivicPlus.

There was discussion among the Council the services that would be available to the City with this company, and how the City could make changes to the website as needed at no additional charge.

Mr. Ervin commented on some standard changes that needed to be made to the contract. Councilman Mason stated that his motion would be to approve based on the recommendations by the City Attorney.

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

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, approval of Change Order No. 1 to the existing contract with KATCON, Inc. for construction of the Sandy Creek Canal Wall Repair at Seneca Avenue and Tenth Street. This project was to rebuild concrete canal walls. (*John C. Modzelewski, P.E. City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 1 in the amount of -\$2,011.10 to the construction contract with KATCON, Inc. for construction of the Sandy Creek Canal Wall Repair at Seneca Avenue and Tenth Street.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve Change Order No. 1 to the existing contract with KATCON, Inc. for construction of the Sandy Creek Canal Wall Repair at Seneca Avenue and Tenth Street.

Before the vote, Mr. Modzelewski explained that this change order was for a decrease in the contract amount. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, authorizing the Mayor to sign a Fee Proposal with Traffic Engineering Consultants, Inc. (TEC) to provide traffic signal design services for the intersection of South Strong Boulevard and East Wyandotte Avenue. (*John C. Modzelewski, P.E. City Engineer and Public Works Director*)

Executive Summary

Motion to approve and act upon the Fee Proposal with Traffic Engineering Consultants, Inc. to provide the design services for a lump sum fee of \$15,000.

Councilman Harrison moved to authorize the Mayor to sign a Fee Proposal with Traffic Engineering Consultant, Inc. (TEC) to provide traffic signal design services for the intersection of South Strong Boulevard and Wyandotte Avenue. The motion was seconded by Vice-Mayor Browne.

Before the vote, Mr. Modzelewski commented that TEC had completed a Traffic Signal Warrant Analysis Study for the City of McAlester and that study indicated that traffic signals were warranted for the intersection of South Strong Boulevard and Wyandotte Avenue.

Councilman Mason expressed his pleasure with the item.

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

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

NAY: None

Mayor Priddle declared the motion carried.

8. Consider and act upon, a Resolution amending the City's Non-Uniform Pay Plan and/or other benefits. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution amending the City Non-Uniform Pay Plan and/or other benefits.

Vice-Mayor Browne moved to approve RESOLUTION NO. 11-17, amending the City's Non-Uniform Pay Plan and/or other benefits. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak commented that when the 2011-2012 Fiscal Budget was approved Council was aware of a 2% contingency item for increases. He stated that he was requesting a 2.5% increase effective retro-active to July 1, 2011 for the Non-Uniform Employees. He added that the City's revenues were up and the City was in pretty good shape. He stated that this along with the 3% dividend the employees had received would bring them back even to what they had given up with the furloughs.

Mayor Priddle stated that he was pleased to see this on the agenda. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

9. Consider and act upon, a Resolution authorizing a pay increase for City employees outside the official non-uniform pay plan of the City of McAlester, Oklahoma. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve a Resolution increasing the pay for non-uniform employees outside the official pay plan.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve **RESOLUTION NO. 11-18**, authorizing a pay increase for City employees outside the official non-uniform pay plan of the City of McAlester.

Before the vote, Manager Stasiak explained how a few of the employees were outside, for various reasons, of the pay plan and had never been assigned steps in the pay plan.

There was a brief discussion concerning this matter, Manager Stasiak's request that the Human Resource Director receive a 5% increase and then the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak commented that there may be a need to have a Special Meeting next Tuesday regarding the IAFF and it will be necessary to have a Special Meeting on Monday, November 21, 2011 at 4:00 P.M. to address the bond refinancing and the information that the Bonding company had received. He stated that on November 17th at 5:00 P.M. the first meeting of the Steering committee for the Trails System would be held at Kiamichi Vo Tech and the public meeting had been scheduled for 6:30 P.M. that same day. He reviewed the major changes that had occurred with the number and type of code violations. He reported that the Allied Waste contract draft would be finalized on Thursday or Friday and he planned to meet with their representative on either November 17th, 18th or the 21st.

Remarks and Inquiries by City Council

Councilman Garvin congratulated the McAlester High School Football Coaching Staff and the players for the job they had been doing on the field. He commented that a lot of work was still going on at the Industrial Park. He stated that there were a lot of good things planned for 5th

Ward and he asked Manager Stasiak to meet with him to review some things that needed to be addressed.

Councilman Mason commented on the City owned house on Water Works Road and indicated that it should be demolished. He also inquired about the index of contracts.

Councilman Smith thanked the City staff for their work on Code violations.

Councilman Harrison commented on the work at the Industrial Park. He thanked the Oklahoma Department of Commerce for the meeting concerning the Industrial Park. He commented on the City's automated emergency notification system.

Vice-Mayor Browne congratulated the Martin Luther King Unity Choir. They had been invited to perform for the Oklahoma Bar Association. He thanked the Police Department Officer's Talbot and Morris and Undersheriff Bedford for their response to his call.

Mayor Priddle commented on the "Cherry Berry" frozen yogurt shop and announced that the bowling alley was to open Friday, November 11th. He stated that there were a lot of things in the process of getting accomplished.

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

Mayor Priddle declared the motion carried and the meeting was recessed at 7:43 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, Councilman Garvin moved for the meeting to be adjourned, seconded by Councilman Mason.

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

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