

Council Chambers
Municipal Building
December 13, 2011

The McAlester City Council met in Regular session on Tuesday, December 13, 2011, at 6:00 P.M. after proper notice and agenda was posted, December 8, 2011, at 10:59 A. M.

Call to Order

Mayor Priddle called the meeting to order.

City Attorney, William J. Ervin, Jr. 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, Sam Mason & Kevin Priddle
Absent: Buddy Garvin
Presiding: Kevin E. Priddle, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, Interim Chief Financial Officer; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Award Presentation

Representative Brian Renegar presented the City of McAlester a Citation from the State of Oklahoma Legislature for being named by Keep Oklahoma Beautiful as a finalist in the 21st Annual Environmental Excellence Competition.

Citizen's Comments on Non-agenda Items

There were no comments.

Consent Agenda

- A. Approval of the Minutes from the November 8, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the November 21, 2011 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of the Minutes from the November 22, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- D. Approval of Claims for November 16th through December 6, 2011 (*Toni Ervin, Interim Chief Financial Officer*) In the following amounts: General Fund - \$132,223.04; Nutrition - \$2,293.74; Police Grant Fund - \$13,500.00; Tourism Fund - \$17,207.80; SE Expo Center - \$5,212.58; E-911 - \$3,407.37; Economic Development - \$64,409.41; Gifts & Contributions - \$2,459.00; CDBG Grants Fund - \$75,459.63; Fleet Maintenance - \$26,987.96; Worker's Compensation - \$250.00 and CIP Fund - \$140,625.35
- E. To authorize the Oklahoma Turnpike Authority to put together competitive bidding plans for 2 Mainline and 2 ramp signs at an estimated cost of \$7500.00. (*Peter J. Stasiak, CM*)

Councilman Karr moved to approve the Consent Agenda, seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason requested that items "A, B and C" be removed for individual consideration.

Mayor Priddle stated that the Consent Agenda consisted of items "D and E".

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

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

Mayor Priddle declared the motion carried.

Items removed from Consent Agenda

- A. Approval of the Minutes from the November 8, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Councilman Harrison moved to approve the Minutes from the November 8, 2011 Regular Meeting of the McAlester City Council, seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason commented that the word "ease" on page 10 in the first and second paragraphs was misspelled and should not be used. After a brief discussion among the Council regarding the reference of East Wyandotte, it was agreed that "East" should be stricken from the minutes.

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

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

Mayor Priddle declared the motion carried.

B. Approval of the Minutes from the November 21, 2011 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

A motion was made by Councilman Mason and seconded by Councilman Karr to approve the Minutes from the November 21, 2011 Special Meeting of the McAlester City Council.

Before the vote, Councilman Mason commented that on the first page the location of the meeting needed to be corrected to the Council Chambers in the Municipal Building. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

C. Approval of the Minutes from the November 22, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve the Minutes from the November 22, 2011 Regular Meeting of the McAlester City Council.

Before the vote, Councilman Mason questioned the posting date of the meeting and Vice-Mayor Browne commented that on the last page the word “decisive” needed to be changed to “divisive”.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Senator Richard C. Lerblance presented the City of McAlester a Citation from the State of Oklahoma Senate for being named by Keep Oklahoma Beautiful as a finalist in the 21st Annual Environmental Excellence Competition.

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 Mason, Smith, Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:12 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 RESTRICTING THE LEASE OF MUNICIPAL PUBLIC PROPERTY, AND ESTABLISHING POLICIES AND PROCEDURES FOR THE AUTHORIZATION OF SUCH LEASES, IN GENERAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: LOT 1, 2, 3, & 5 IN BLOCK 372, IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT)

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

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:13 P.M.

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 2392.

ORDINANCE NO. 2408

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 Councilman Karr and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2408.**

Before the vote, Ms. Ervin reviewed the amendment and exhibits for the Council.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Harrison moved for approval of the EMERGENCY CLAUSE, seconded by Vice-Mayor Browne.

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

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

NAY: None

Mayor Priddle declared the motion carried.

2. Consider and act upon, on a Resolution of the City of McAlester against the United States Postal Service closing of the McAlester processing facility. (*Councilman John Browne*)

Executive Summary

Motion to approve Resolution of the City of McAlester against the United States Postal Service closing of the McAlester processing facility.

A motion was made by Vice-Mayor Browne and seconded Councilman Karr to approve a resolution of the City of McAlester against the United States Postal Service closing of the McAlester processing facility.

Before the vote, Vice-Mayor Browne explained why he thought it was important that the City Council adopt this Resolution.

Ms. Marsha Coil addressed the Council concerning the possible closing of the mail processing facility and asked the Council to write letters to the Postal Service. She then explained the possible scenario of what would happen if the facility were closed and all mail was sorted at the Oklahoma City facility.

After a brief discussion, by the Council, of the possible closing the vote was taken as follows:

AYE: Councilman Browne, Karr & Mayor Priddle

NAY: None

ABSTAIN: (Counted as a no vote) Councilman Smith, Harrison & Mason

Mayor Priddle declared the motion failed for lack of a majority vote.

3. **TABLED FROM PREVIOUS MEETING.** Consider, and act upon, an Ordinance restricting the lease of Municipal Public Property, and establishing policies and procedures for the authorization of such leases. (*Sam Mason, Ward 6 Councilman*)

Executive Summary

Motion to approve an Ordinance restricting the lease of Municipal Public Property, and establishing policies and procedures for the authorization of such leases in general. Providing for repeal of conflicting ordinances, and declaring an emergency.

A motion was made by Councilman Harrison and seconded by Councilman Karr to approve an Ordinance restricting the lease of Municipal Public Property, and establishing policies and procedures for the authorization of such leases

Before the vote, Councilman Mason explained why he thought the Council should adopt this Ordinance.

There was a lengthy discussion among the Council concerning some of the possible problems that could arise from the Ordinance, the possible liability that the City might face, requiring adequate insurance for individuals or groups, if the exercise classes were part of the City's wellness program, the right of the citizens to use the public facilities, directing the City Manager to insure that all agreements were in writing and requiring agreements for such leases. During the discussion Councilman Harrison asked that the minutes reflect a consensus among the Council that all agreements should be in writing.

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

AYE: Councilman Mason

NAY: Councilman Harrison, Browne, Karr, Smith & Mayor Priddle

Mayor Priddle declared the motion failed.

Mayor Priddle moved to instruct the City Manager that all agreements should be in writing and submitted with proper insurance. The motion was seconded by Councilman Harrison.

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

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

NAY: None

Mayor Priddle declared the motion carried.

4. Consider, and act upon, approval to purchase seven (7) new Automated External Defibrillator Units and two (2) Surface-Mount AED Wall Cabinets with alarm feature. The new AED Units will replace the obsolete AED Units currently installed at various City of McAlester facilities. (*Peter J. Stasiak, CM*)

Executive Summary

Motion to approve the purchase of seven (7) new Automated External Defibrillator Units and two (2) Surface-Mount AED Wall Cabinets for the amount of \$7650.00 dollars.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve the purchase seven (7) new Automated External Defibrillator Units and two (2) Surface-Mount AED Wall Cabinets with alarm feature. The new AED Units will replace the obsolete AED Units currently installed at various City of McAlester facilities.

Before the vote, Manager Stasiak explained that the warranty on the existing AED units had expired in January of 2007 and they were now obsolete and not in compliance with the American Heart Association. He added that the City of McAlester currently had nine (9) AED units; the McAlester Fire Department was updating their existing AED units and would provide four (4) AED units to the City. He stated that the purchase of seven (7) AED units would allow the installation of one (1) AED unit to be installed at the Softball Complex and one (1) AED unit to be installed at the West Hereford Utility Maintenance Facility.

Councilman Smith asked for verification of the locations of the current AED units. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, award of bid to Bobcat Company, for the purchase of one (1) New and Unused 2012 S150 Bobcat Skid-Steer Loader. (*David Medley, PE, Director Utilities*)

Executive Summary

Motion to approve a \$26,385.58 bid award to Bobcat Company of West Fargo, North Dakota for the purchase of one (1) New and Unused Model S150 Skid-Steer Loader.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to award a bid to Bobcat Company, for the purchase of one (1) New and Unused 2012 S150 Bobcat Skid-Steer Loader.

Before the vote, David Medley explained that with the addition of the 4-man crew, to the Utility Maintenance Department, additional equipment would be needed to allow that crew to perform the street repairs they had been created to do. He stated that the Bobcat Skid-Steer Loader had been quoted through the State Central Purchasing Contract. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle stated that the Manager Stasiak had requested that items “6, 7 and 8” be tabled until the next meeting for more information. Councilman Karr moved that items “6, 7 and 8” be

tabled until the next meeting for more information. The motion was seconded by Vice-Mayor Browne.

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

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

NAY: None

Mayor Priddle declared the motion carried and items “6, 7 and 8” were tabled until the next meeting.

6. Consider, and act upon, award of bid to Riverside Autoplex, for the purchase of one (1) New and Unused 2012 Ford F-350 1 Ton Utility Truck. (*David Medley, PE, Director Utilities*)

Executive Summary

Motion to approve a \$28,071 bid award to Riverside Autoplex of Poteau, Oklahoma for the purchase of one (1) New and Unused 2012 F-350 1 Ton Utility Truck.

7. Consider, and act upon, Change Order No. 2 for the Water Treatment Plant Filter & Clearwell Improvements with J. S. Haren Company of Athens, Tennessee. (*David Medley, PE, Director Utilities*)

Executive Summary

Motion to approve Change Order No. 2 to the Water Treatment Plant Filter & Clearwell Improvements to add \$3,300.00 to the current Contract Price of \$429,340.71 resulting in a Contract Price of \$432,640.71. This Change Order also adds an additional 30 days to the Contract time to allow time for the additional work. Substantial Completion with this Change Order is March 1, 2012.

8. Consider, and act upon, award of bid to Hudiburg Auto Group, for the purchase of one (1) New and Unused 2012 Chevy Silverado 1 Ton Utility Truck. (*David Medley, PE, Director Utilities*)

Executive Summary

Motion to approve a \$33,383 bid award to Hudiburg Auto Group of Midwest City, Oklahoma for the purchase of one (1) New and Unused 2012 Chevy Silverado 3500 Crew Cab 1 Ton Utility Truck.

9. Consider, and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2- 286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2- 287. (*John C. Modzelewski, PE, City Engineer and Director, Public Works*)

Executive Summary

Motion to declare certain vehicles and equipment surplus property and authorizing the sale of them.

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to declare certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2- 286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2- 287.

Before the vote, Manager Stasiak explained that various departments had vehicles and pieces of equipment that were either no longer in service or not repairable and they were requesting that these items be declared surplus and disposed of. Those items are listed below:

<u>Vehicle Number</u>	<u>Make and Model</u>	<u>Serial and VIN Numbers</u>
UTM-40	1991 International dump truck	11HTSCNKN5NH428437
Landfill	John Deere 210C Loader	T021OCC793925
Parks - 6	John Deere F710	MOF'10x030255
Animal Control	2002 Chevy S-10	1GCCS19W228202623
Utility Office – 2	2001 Chevy S-10	1GCCS14W628161503
Cemetery	1997 Crown Vic	2FALP71W1VX217768
One ton truck- S6	1996 Dodge	1B7MF36C3TS629070
Dump truck- WW4	1996 Dodge	1B6ME36COMS350216
PK30	2000 Crown Vic	2FAFP71W1YX206786

1518 Batwing Brush hog
 Three (3) Flatbed Trailer
 Power curber

<u>Year</u>	<u>Model</u>	<u>VIN Numbers</u>
1998	Crown Victoria	2FAFP71W1WX192207
1993	Caprice	1G1BL5371PR137890
2000	Crown Victoria	2FAFP71W5YX206774
2000	Crown Victoria	2FAFP71W6YX20678
2000	Crown Victoria	2FAFP71W7YX111522
2000	Crown Victoria	2FAFP71W2YX206778
2003	Crown Victoria	2FAFP71W6YX107275
2000	Crown Victoria	2FAFP71W7YX206789
1997	Taurus	1FALP52U6VG3 16917

After a brief discussion among the Council concerning how these items would be disposed of and having any bids received itemized.

Manager Stasiak informed the Council that the 2003 Crown Victoria, serial number ending in 107275, still had approximately \$3,778.00 of value left on the books which would be removed when that unit was disposed of. The other items were fully depreciated. There was no further discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

10. Consider and act upon a change in zoning from R1-B (Single Family Residential District) to C-3 (General Commercial District) *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon changing the existing zoning R1-B (Single Family Residential District) to C-3 (General Commercial District) and authorizing the Mayor to sign the attached Ordinance.

ORDINANCE NO. 2409

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: LOT 1, 2, 3, & 5 IN BLOCK 372, IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT)

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve **ORDINANCE NO. 2409.**

Before the vote, Manager Stasiak explained that this item had been addressed by the Planning and Zoning Commission on November 15, 2011 and they had unanimously voted to recommend the approval of the rezone. He added that no letters in favor or opposition had been received. There was no other discussion and the vote was taken as follows:

AYE: Councilman Karr, 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 City had started the kickoff with the CivicPlus Website design and they had requested that one (1) of the Council be on the steering committee. He commented that the "Safety Crew" for the month of November was the Street Department. He stated the Auditors had completed their in house work and they were now preparing the preliminary audit. He informed the Council that Wal-Mart had donated a 52" television for the dispatch area and the repair work on Electric Avenue was almost complete.

Remarks and Inquiries by City Council

Councilman Karr wished Councilman Garvin a speedy recovery and he thanked the Street and Utility departments for their work on Electric Avenue.

Councilman Mason inquired about the update on the Allied Waste Contract, the solid waste Ordinance and the status of the Codification contract. He also suggested that the steering committee for the Website not be limited to one (1) Councilman.

Manager Stasiak informed the Council that he and the City Attorney had met with Allied again last week. He expected to hear from them anytime and he would like to have it before the Council on December 27th. He added that the Ordinance should be ready when the contract was ready.

Mr. Ervin explained that he had made and emailed some recommended changes to Municipal Code and they had made some changes and sent those to the clerk. He stated that the Clerk had forwarded that information to him and would be ready within the next week or two (2) for final signatures.

Councilman Smith asked that the codification contain an index that could be used to find items in the Code. He commended the City and employees for the lighting display. He then wished everyone a safe and Merry Christmas.

Councilman Harrison also wished Councilman Garvin a speedy recovery. He commented that the grand opening and ribbon cutting for Great Balls of Fire had been yesterday and there had been an excellent turnout for that. He congratulated the McAlester Buffaloes for their fantastic season and the OSU Cowboys for winning the Big 12 Championship.

Vice-Mayor Browne wished the City employees and all of the citizens of McAlester a Merry Christmas. He reminded everyone about how great a town McAlester was to live in, there was so many things going on to help people. He stated how disappointed he was with less than a majority vote of the Council a message was sent that they did not want to fight for middle class jobs in the City.

Mayor Priddle thanked the City employees, specifically the City Manager for the hard work that they do and he wished everyone Safe and Merry Christmas.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Harrison 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, Mason, Smith, Harrison, Browne & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 7:41 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:44 P.M.

Councilman Mason moved to recess 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, Case No. C-06-844, 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 Smith, Harrison, Browne, Karr, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Regular Meeting was recessed at 7:45 P.M.

Executive Session

- 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.

Reconvene into Open Session

The Regular Meeting was reconvened at 8:17 P.M. Mayor Priddle 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, Case No. C-06-844. Only that matter was discussed, no action was taken, and the Council returned to open session at 8:17 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 Harrison, Browne, Smith, Mason, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:18 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk