

Council Chambers  
Municipal Building  
November 21, 2011

The McAlester City Council met in Special session on Monday, November 21, 2011 at 4:00 P.M. after proper notice and agenda was posted, November 17, 2011 at 3:33 P.M.

### **CALL TO ORDER**

Mayor Priddle called the meeting to order.

### **ROLL CALL**

Council Roll Call was as follows:

Present: Weldon Smith, Steve Harrison, John Browne, Robert Karr, Sam Mason & Mayor Priddle

Absent: Buddy Garvin

Presiding: Kevin E. Priddle, Mayor

Staff Present: Pete Stasiak, City Manager, Toni Ervin, Interim Chief Financial Officer; John C. Modzelewski, City Engineer/Public Works Director and Cora Middleton, City Clerk

Vice-Mayor Browne moved to recess the Council meeting and convene as the McAlester Public Works Authority. The motion was seconded by Councilman Harrison.

There was no 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 and the Special Council meeting was recessed at 4:05 P.M.

### **Recess Council Meeting/Convene as McAlester Public Works Authority**

1. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION AUTHORIZING THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SALES TAX REVENUE REFUNDING NOTE, TAXABLE SERIES 2011 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$5,490,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A NOTE INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION, INCLUDING AN ESCROW DEPOSIT AGREEMENT; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

A motion was made by Councilman Mason and seconded by Councilman Karr to approve RESOLUTION NO. 11-19, authorizing the McAlester Public Works Authority to issue its sales tax revenue refunding note, taxable series 2011 in the aggregate principal amount of \$5,490,000.00; waiving competitive bidding and authorizing the note to be sold on a negotiated basis; approving and authorizing execution of a sales tax agreement by and between the City of McAlester, Oklahoma and the Authority pertaining

to a year-to-year pledge of certain sales tax revenue; approving and authorizing execution of a note indenture authorizing the issuance and securing the payment of the note; providing that the organizational document creating the Authority is subject to the provisions of the note indenture; authorizing and directing the execution of the note and other documents relating to the transaction, including an Escrow Deposit Agreement; and containing other provisions relating thereto.

Before the vote, Manager Stasiak introduced Jon Wolff and Nate Ellis of Municipal Finance Services, Inc.

Mr. Wolff addressed the Council explaining that his firm had sent out bid packages to seven (7) banks approximately two (2) weeks ago. As of 10:30 A.M. this morning have received four (4) bids with the lowest from First National Bank & Trust at 2.695% taxable interest rate for a period of a little under seven (7) years. He added that the cover bid was from BancFirst at 3.15%. He stated that this was a substantial economic gain for the Authority and this would save approximately \$919,000.00 over the term of the note. He recommended that the bid be awarded to First National Bank & Trust. He further stated that his firm was looking to close the transaction based on the Council's approval on December 1, 2011. He then reviewed some of the documentation that had been furnished to the Council.

Mayor Priddle stated that a motion and second had been made and seconded to approve RESOLUTION NO. 11-19, authorizing the McAlester Public Works Authority to issue its sales tax revenue refunding note, taxable Series 2011 in the aggregate principal amount of \$5,490,000.00; waiving competitive bidding and authorizing the note to be sold on a negotiated basis; approving and authorizing execution of a sales tax agreement by and between the City of McAlester, Oklahoma and the Authority pertaining to a year-to-year pledge of certain sales tax revenue; approving and authorizing execution of a note indenture authorizing the issuance and securing the payment of the note; providing that the organizational document creating the Authority is subject to the provisions of the note indenture; authorizing and directing the execution of the note and other documents relating to the transaction, including an Escrow Deposit Agreement; and containing other provisions relating thereto and to include the acceptance of the bid from First National Bank. 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.

#### **Adjourn MPWA/Reconvene Council Meeting**

A motion was made by Councilman Mason and seconded by Vice-Mayor Browne to adjourn the McAlester Public Works Authority and reconvene the Council meeting. There was no 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 and the Council meeting was reconvened at 4:11 P.M.

#### **Scheduled Business**

1. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS SALES TAX REVENUE REFUNDING NOTE, TAXABLE SERIES 2011 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO

A motion was made by Councilman Mason and seconded by Vice-Mayor Browne to approve RESOLUTION NO. 11-20, approving the incurrence of indebtedness by the McAlester Public Works Authority issuing its sales tax revenue refunding note, taxable Series 2011; providing that the organizational document creating the Authority is subject to the provisions of the note indenture authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the Authority pertaining to the sales of said note; approving and authorizing execution of a sales tax agreement by and between the City of McAlester, Oklahoma and the Authority pertaining to the year-to-year pledge of certain sales tax revenues; and containing other provisions relating thereto. There was no 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.

### **Adjournment**

There being no further business before the Council, Councilman Harrison moved for adjournment. 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 the meeting was adjourned at 4:12 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk