

The McAlester City Council met in Regular session on Tuesday, March 22, 2011, at 6:00 P.M. after proper notice and agenda was posted, March 17, 2011, at 4:15 P.M.

Call to Order

Mayor Priddle called the meeting to order.

Brandon Parker of New Life Ministries gave the invocation and led 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; Gayla Duke, Chief Financial Officer; John Modzelewski, City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

There were no comments.

Consent Agenda

- A. Approval of the Minutes from the March 3, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the March 8, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of the Minutes from the March 8, 2011, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- D. Approval of Claims for March 9, 2011 through March 22, 2011. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$124,398.75; Parking Authority - \$94.96; Nutrition - \$1,151.73; Landfill Res./Sub-Title D - \$4,608.50; Tourism Fund - \$600.00; SE Expo Ctr/Tourism Fund - \$54,229.51; E-911 - \$28,401.01; Economic Development - \$1,5000.00; Gifts & Contributions - \$2,143.83; Fleet Maintenance - \$9,356.10; Dedicated Sales Tax-MPWA - \$8,218.15 and CIP Fund - \$21,490.00.
- E. Concur with Mayor's Re-Appointment of Gayla Majors to the Housing Authority for a term to expire July 2013. (*Kevin E. Priddle, Mayor*)
- F. Concur with Mayor's Re-Appointment of Robert Way to the Housing Authority for a term to expire March 2015. (*Kevin E. Priddle, Mayor*)

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

Vice-Mayor Browne moved to approve the Consent Agenda items "A, B, C, E and F". The motion was seconded by Councilman Karr.

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

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

Mayor Priddle declared the motion carried.

Items Removed from Consent Agenda

D. Approval of Claims for March 9, 2011 through March 22, 2011. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$124,398.75; Parking Authority - \$94.96; Nutrition - \$1,151.73; Landfill Res./Sub-Title D - \$4,608.50; Tourism Fund - \$600.00; SE Expo Ctr/Tourism Fund - \$54,229.51; E-911 - \$28,401.01; Economic Development - \$1,5000.00; Gifts & Contributions - \$2,143.83; Fleet Maintenance - \$9,356.10; Dedicated Sales Tax-MPWA - \$8,218.15 and CIP Fund - \$21,490.00.

Councilman Harrison moved to approve Consent Agenda item "D", seconded by Councilman Karr.

Before the vote, Councilman Mason inquired about the payment for freight to Mark's Construction, LLC and the payment to Mid-America Signal for travel and training on page 5. He inquired about the payment on page 6 to OML for the Mayor's Conference dues. He also inquired about the payments to OSSAA on pages 18 and 19.

There was a lengthy discussion among the Council, Manager Stasiak, Mr. Modzelewski and Ms. Duke regarding the freight payments, the training expense, the Mayor's Conference dues and the payments to OSSAA. At the close of the discussion, Councilman Mason commented that a lot of the City contracts had not been brought before the Council. He then stated that he had requested a list of all of the City contracts and yet to received that list. Manager Stasiak commented that the list would be produced and supplied to the Council.

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

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

Mayor Priddle declared the motion carried.

Councilman Harrison moved to open a Public Hearing to consider a proposed ordinance amending the Fiscal Year 2010-2011 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 at 6:13 P.M...

Public Hearing

- **AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVID-ING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

There were no comments from the Council or citizens. Councilman Karr moved to close the Public Hearing. The motion was seconded by Councilman Garvin 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 and the Public Hearing was closed at 6:14 P.M.

Scheduled Business

1. Consider, and act upon, approving a request from Pride in McAlester to close a street on April 30, 2011 for the Pride in McAlester's Award Festival, and the use of the Choctaw Parking lot on April 9, 2011 for their Household Hazardous Waste Clean Up. (*Justin Few, President-Pride in McAlester*)

Executive Summary

A motion to approve a request from Pride in McAlester to close a street on April 30, 2011 for the Pride in McAlester's Award Festival and the use of the Choctaw Parking lot for their Household Hazardous Waste Clean UP on April 9, 2011.

Vice-Mayor Browne moved to open the floor for consideration of the request from Pride in McAlester to close a street on April 30, 2011 for the Pride in McAlester's Award Festival, and the use of the Choctaw Parking lot on April 9, 2011 for their Household Hazardous Waste Clean Up. The motion was seconded by Councilman Garvin.

Before the vote, Justin Few addressed the Council explaining the clean up activities planned for the month of April.

There was discussion among the Council regarding the various activities and the information furnished to the Council. Mayor Priddle commented that this item did not require a vote as the City Manager had authority to close streets.

2. Consider, and act upon, authorizing the payment to GG/MG, Inc., d/b/a Landfill Equipment, to complete the necessary repairs of the Al-Jon 81K Trash Compactor. (*John C. Modzelewski, City Engineer and Public Works Director*)

Executive Summary

A motion to approve the payment of an amount to not exceed \$36,000 to complete necessary repairs of the Al-Jon 81K Trash Compactor. The repairs will be completed by GG/MG, Inc., d/b/a Landfill Equipment, upon approval and a Purchase Order authorization.

Vice-Mayor Browne moved to authorize the payment to GG/MG, Inc., d/b/a Landfill Equipment, to complete the necessary repairs of the Al-Jon 81K Trash Compactor. The motion was seconded by Councilman Harrison.

Before the vote, Mr. Modzelewski addressed the Council explaining the repairs that were needed for the trash compactor.

There was discussion among the Council including the City Attorney and the City Manager concerning the repairs, the age of the piece of equipment, the Charter requirements for purchases, if there were any Oklahoma companies that could do the repairs, where the method for competitive bidding was defined, if this qualified as an emergency and how this matter would effect the life of the landfill.

Vice-Mayor Browne moved to declare this repair as an emergency. The motion was seconded by Councilman Karr.

Before the vote, Councilman Harrison asked if this required a simple majority. Mr. Ervin affirmed that only a simple majority was required. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Mason

Mayor Priddle declared the motion carried.

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

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

NAY: Councilman Mason

Mayor Priddle declared the motion carried

3. Consider, and act upon, an Agreement for the Fireworks Display with Hance Pyrotechnics or Rainbow Fireworks, Inc. for the 2011 scheduled July 4th firework show. (*Jerry Lynn Wilson, Expo Center Manager*)

Executive Summary

Approve and sign agreement for the 2011 Firework Display with Rainbow Fireworks in the amount of \$13,905.00.

Councilman Harrison moved for approval of Agreement for the Fireworks Display with Hance Pyrotechnics or Rainbow Fireworks, Inc. for the 2011 scheduled July 4th firework show. The motion was seconded by Councilman Karr.

Before the vote, Jerry Lynn Wilson addressed the Council explaining that the City had received two (2) bids for the July 4th Firework Show. She stated that both company's would provide all the fireworks, firework equipment, display materials, all personnel who are qualified pyrotechnicians and liability insurance coverage. She added that the City had contracted with both companies in the past and they had provided great shows with responsible service. She stated that she had received confirmation that the First National Foundation would contribute \$10,000.00.

There was a lengthy discussion among the Council, Ms. Wilson, the City Attorney and Manager Stasiak concerning the number of quotes that had been received, the City policy regarding contracts and if the liability insurance was proper.

Mayor Priddle requested that this item be pulled.

4. Consider, and act upon, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, CFO*)

Executive Summary

This agenda item involves Ordinance No. 2361 which established the budget for fiscal year 2010-2011.

ORDINANCE NO. 2386

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Vice-Mayor Browne moved to approve **ORDINANCE NO. 2386**, seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that this budget amendment was to meet obligations with the FOP 2010-2011 contract, which included merit/step increases in the amount of \$42,403.37. It included funding for a one time payment to the full time regular non-uniformed employees in the amount of \$128,380.04 or 3% of the employees 2010 base salary. He explained that it did not include any incentive pay in the calculation. Manager Stasiak commented that the non-uniformed employees had for the last two (2) years had not received their merit/step increases and they had endured furlough days. He stated that they were requesting this funding come from the oil and gas revenues which were over budget 113.46%. He requested that the balance of \$26,893.00 for legal fees to help with the legal fees the City had incurred with the IAFF contract.

There was a brief discussion between Vice-Mayor Browne, Ms. Duke and Councilman Harrison regarding the support for this payment, the possibility of reinstating the step increases with the coming budget, if the amount included all Medicare and Social Security and having it allocated to the appropriate departments.

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

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

NAY: None

Mayor Priddle declared the motion carried.

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

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

NAY: None

Mayor Priddle declared the motion carried.

New Business

No new business.

City Manager's Report

Manager Stasiak reported that the Roll-off truck had gone down and would be down for probably two (2) weeks. The transmission needed to be rebuilt or replaced and it would cost about \$12,000.00. He stated that the City had received verbal quotes from Allied Waste and Triad Transport, Inc. and a P.O. had been issued to Triad Transport, Inc.

Remarks and Inquiries by City Council

Councilman Smith commented on the annual City wide clean up in April and hoped that everyone would take advantage of it.

Councilman Harrison stated that he had received a call from an individual that had been turned away from the landfill because the load was not covered. He asked about the proposed dates for the landfill workshop. He also inquired about some method of identifying vacancies on the City's various boards and commissions and about re-establishing the Park Board.

Manager Stasiak commented that it was virtually impossible to inform everyone about the tarp requirement. He stated that there was always some insert in the water bill and the sign at the landfill regarding the tarped loads had been up for some time.

Mayor Priddle stated that he and the City Clerk were working on a system to fill the board vacancies.

Vice-Mayor Browne stated that he was still receiving complaints about the trash service. He commented that he had seen extra gravel in the areas where the Dura Patcher had been operating.

Manager Stasiak and Timmy Don Adams explained that a light cover had to be placed over the repaired pot holes to help contain the emulsion and that different crews operated the equipment differently.

Councilman Karr commented about a box trailer that had been parked at "D" Street and Harrison. He stated that a speed limit sign was in the middle of a citizen's yard between Tyler and Harrison on "D" Street. He asked if the sign could be moved.

Manager Stasiak stated that he would have Mr. Modzelewski look into the sign matter.

Councilman Garvin commented that the work in Northgate was looking very good.

Councilman Mason remarked that he had received complaints about the landfill but he would reserve his comments for the workshop.

Mayor Priddle congratulated the Tree Board and the Parks Department for the variety of trees that were in the parks of the City. He thanked the City Manager and senior staff for their work on preparing the dividend payment. He stated that he thought it was very important that the staff knew the Council was behind the 100% and that they were appreciated.

Recess Council Meeting

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

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

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:25 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:28 P.M.

Mr. Ervin commented that he had received an inquiry from Councilman Harrison about the sufficiency of the agenda item for the proposed Executive Session. He explained the requirements for an Executive Session. He added that more than the bare minimum could be done. He then encouraged the Council not to call the Executive Session tonight and the matter be brought back on the second meeting of April and he would make sure that a specific list of cases would be listed on the agenda.

Councilman Harrison commented that he wanted as much as possible be made available to the public to insure them that the City was not attempting to hide anything. Councilman Mason stated that he agreed with Councilman Harrison and that he had requested the Executive Session as an update for himself and Councilman Smith.

Executive Session

Recess into Executive Session in compliance with Section Title 25

- Title 25, Sec. 307.B.4: Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action [but only] if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

There was no Executive Session called.

Adjournment

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

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

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

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:36 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk