

The McAlester City Council met in Regular session on Tuesday, August 9, 2011, at 6:00 P.M. after proper notice and agenda was posted, August 8, 2011, at 2:27 P..M.

Call to Order

Mayor Priddle called the meeting to order.

Pastor Brandon Parker, New Life 4 Today 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; John Modzelewski, City Engineer/Public Works Director; Gayla Duke, Chief Financial Officer; Darrell Miller, Assistant Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Award Presentation

Mayor Priddle presented LaDana DeTello as July 2011 Employee of the Month. Ms. DeTello received a Certificate of Appreciation, plaque and a savings bond.

Citizen's Comments on Non-agenda Items

Victor Reneri addressed the Council to express his continued concerns with the construction of a business on Wyandotte just north of his residence.

Consent Agenda

- A. Approval of the Minutes from the July 12, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the July 21, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for July 20, 2011 through August 2, 2011. *(Gayla Duke, Chief Financial Officer)* In the following amounts: General Fund - \$78,823.98; Nutrition - \$790.71; Landfill Res./Sub-Title D - \$4,200.00; Employee Retirement - \$16,567.08; Tourism Fund - \$3,350.00; SE Expo Center - \$24,390.32; E-911 - \$5,663.50; Economic Development - \$19,021.91; Gifts & Contributions - \$800.00; CDBG Grant Fund - \$1,710.00; Fleet Maintenance - \$11,486.23; Worker's Compensation - \$941.68; Dedicated Sales Tax-MPWA - \$1,500.00 and CIP Fund - \$3,378.84.
- D. Accept and place on file Pride-In-McAlester Financial Report January-June 30, 2011. *(Justin Few, President-Pride-In-McAlester)*

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

Scheduled Business

1. Presentation of Actuarial Report as of July 1, 2011, for the City of McAlester Non-Uniform Defined Benefit Retirement Plan and Trust. (*Bruce R. Nordstrom, ASA, EA, MAAA, Principal and Senior Consulting Actuary*)

Executive Summary

Update on the City of McAlester Non-Uniform Defined Benefit Retirement Plan and Trust.

Vice-Mayor Browne moved to open the floor for the presentation of the Actuarial Report as of July 1, 2011, for the City of McAlester Non-Uniform Defined Benefit Retirement Plan and Trust. The motion was seconded by Councilman Harrison.

Bruce Nordstrom addressed the Council to present the Actuarial Report for the City of McAlester's Non-Uniform Defined Benefit Retirement Plan and Trust as of July 1, 2011. He reviewed the required annual contribution for the year ending June 30, 2012 would be around \$885,000.00. He reviewed how this contribution amount was calculated, the amortization method that was currently used and the cost of the Plan.

There was discussion among the Council including Mr. Nordstrom regarding the percentage that the Plan was funded, what the most effective percentage of funding and how close the estimate for funding had come to the actual amount of required funding.

There was no further discussion and there was no vote taken on this item.

2. Consider and accept presentation of the Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2010. (*Rheba Henderson with Hulme Rahhal Henderson, Inc.*)

Executive Summary

Motion to accept the annual audit for Fiscal Year ending June 30, 2010 for the City of McAlester.

A motion was made by Councilman Karr and seconded by Councilman Mason to accept the Audited Financial Statements and Independent Auditor's Report the Fiscal Year ending June 30, 2010.

Before the vote, Ms. Henderson addressed the Council to review the Audit for the Fiscal Year ending June 30, 2010. During her review she commented that the General Fund had come out of a deficit fund balance, the Public Works fund balance had taken a hit but was still okay and there had been improvements in internal controls. Ms. Henderson commented that there had been two (2) findings this year. One was the compliance issue with State law and the City's ordinances and the other was with some fund balance. Ms. Henderson commented that she did not have any concerns with the findings.

There was a brief discussion among the Council and Ms. Henderson concerning why she had not bid on the audit for the year ending June 30, 2011.

There was no further 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.

3. Consider and act upon, approval of the attached City of McAlester, Oklahoma, Governmental Fund Balance Policy. (*Gayla Duke, CFO*)

Executive Summary

Due to implementation of Governmental Accounting Standards Board Statement No. 54, the City of McAlester must adopt a Fund Balance Policy.

A motion was made by Councilman Harrison and seconded by Councilman Karr to approve the City of McAlester Governmental Fund Balance Policy.

Before the vote, Gayla Duke addressed the Council to explain the implementation of Governmental Accounting Standards Board Statement No. 54 (GASB 54).

There was a brief discussion among the Council concerning this policy. Manager Stasiak commented that this could be incorporated into the Administrative policies and assigned the next policy number.

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.

4. Consider and act upon, authorizing the Mayor to execute a contract for Professional Services between Robison International, Inc. and McAlester Defense Support Association and the City of McAlester to retain consultant as an independent contractor to render certain described consulting services. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve authorizing the Mayor to sign a contract for professional services between Robison International, Inc., and McAlester Defense Support Association, and the City of McAlester.

Vice-Mayor Browne moved to authorize the Mayor to execute a contract for Professional Services between Robison International, Inc. and the McAlester Defense Support Association and the City of McAlester to retain consultant as an independent contract to render certain described consulting services. The motion was seconded by Councilman Harrison.

Before the vote, City Attorney Ervin commented that he had reviewed the contract and recommended a few changes. He stated that other cities participated in this type of contract and the City would need to determine that this activity had a valid public purpose.

Gene Walker addressed the Council explaining why McAlester Defense Support Association (MDSA) existed. He stated that MDSA had been functioning since 2009. He added that it was important to know what was going on with national defense and the impact that it had on McAlester and the surrounding area. He commented that it would be a substantial impact on the community if the Army Ammunition Plant were closed or down sized in the future. He explained how Robison International, Inc. functioned and how they would bill both the City of McAlester and MDSA.

There was discussion among the Council including Mr. Ervin concerning how the City could validate this activity, where the funding could come from, why this particular company was chosen, changing the amount of funding from \$24,000.00 to \$22,000.00 and receiving quarterly updates if this is approved.

Mayor Priddle moved to amend the original motion adding “recognize lobbying for additional jobs and work for the area is a valid public purpose and the funds be expended out of the General Fund and targeted back to the Economic Development fund for pay back of the \$800,000.00.” The amendment was seconded by Vice-Mayor Browne.

There was no further 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.

5. Consider and act upon authorizing the Mayor to sign a renewal Loan Agreement #119817 with First National Bank in the amount of \$333,909.56 for an additional 5 years at 4.25% interest with a monthly payment of \$2,510.00. (*Mel Priddy, Director of Community Services*)

Executive Summary

Motion to approve authorizing the Mayor to sign a renewal Loan Agreement #119817 with First National Bank.

Councilman Harrison moved to authorize the Mayor to sign a renewal Loan Agreement #119817 with First National Bank in the amount of \$333,909.56 for an additional 5 years at 4.25% interest with a monthly payment of \$2,510.00. The motion was seconded by Councilman Karr.

Before the vote, Manager Stasiak explained that the original loan had been for \$405,325.00 and was entered into on July 11, 2006. It had been set up on monthly payments of \$2,510.00 with a balloon payment on July 15, 2011 in the amount of \$333,909.56 with the understanding that the City of McAlester could renew for an additional 5 years at maturity. He added the new loan payments would begin September 15th in the amount of \$2,510.00 and they were included in the 2011-2012 Airport Budget.

There was a brief discussion concerning the lease status of the Hangar, how much the lease payments were and furnishing the Council with more detailed information in the future.

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

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

NAY: None

Mayor Priddle declared the motion carried.

6. Discussion and possible action, on a recommendation by Councilman Sam Mason to rescind Ordinance 2391 (restriction on sales of pseudoephedrine) based on the Oklahoma Attorney General's Opinion. (*Councilman Sam Mason*)

Executive Summary

A recommendation to rescind Ordinance 2391.

Councilman Harrison moved to open the floor for discussion of a recommendation by Councilman Sam Mason to rescind Ordinance 2391 (restriction on sales of pseudoephedrine) based on the Oklahoma Attorney General's Opinion. The motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason commented that his original comment on this matter was asking if this issue had stood the test of Court system.

City Attorney Ervin stated that if the Council was of the mind to rescind the ordinance they would need an ordinance to rescind the ordinance per the Charter.

There was discussion among the Council including the City Attorney concerning steps to rescind Ordinance No, 2391, process to challenge the Attorney General's Opinion, the City not enforcing the Ordinance, the definition of rescind, what a Charter City has the authority to do, comparing this issue with the immigration issue that some of the border States had to do, what other cities were doing, and what the pharmacies could do if the City did rescind the ordinance.

There was no vote taken on this item.

7. Consider, and act upon the City Council setting appropriate charges/fees for copies of proposed Ward Redistricting Maps and related information.

Executive Summary

Motion to approve the City Council setting appropriate charges/fees for copies of proposed Ward Redistricting Maps and related information.

Vice-Mayor Browne moved to open the discussion and possible action of the City Council setting appropriate charges/fees for copies of proposed Ward Redistricting Maps and related information. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak recommended the cost of a 2'X2' map should be set at \$2.50 to reproduce and for a 33"X36" map the fee should be set at \$5.00 to reproduce.

There was discussion among the Council regarding having 8.5"X11" black and white copies, posting a map in the lobby, having it posted on the website, the Library having a map posted

along with the computer presentation, how the amounts were calculated, when this would be presented to the Council and having some available to the public so there would not be a wait for the citizens.

Mr. Ervin commented that the cost of the maps was not for the City to make money but to cover the cost of reproduction.

Mayor Priddle restated the motion to read as “City Council setting the appropriate charges/fees for copies of proposed Ward Redistricting Maps and related information, those fees as set forth by the City Manager to \$2.50 for the small 2’X2’ maps and \$5.00 for the large 33”X36” maps. There was no further 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.

8. **TABLED** - 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.

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 open the floor for consideration of a bid award to Total Radio Inc., for the purchase of thirty-eight (38) hand held radios and forty-three (43) mobile radios. The motion was seconded by Councilman Harrison.

Before the vote, City Attorney Ervin apologized to the Council, the opinion was finished but the typing had not been completed. He commented that he would be giving the Council guidance on how to read the purchasing ordinances with the State law requirement for competitive bidding and the Charters provision for competitive bidding. He added that he would be recommending two changes to the City Code for clarification purposes only. He stated that it was the opinion that the professional services contracts were not specifically required to be bid by either the State law or the City of McAlester. He stated that the use of the State contracts through Central Purchasing the City ordinance addresses the use and allows the bypass one of the Code provisions but does not reference the other Code provision. He recommended that the Council adopt language that either says that the City will not use the State Purchasing Contract or that you will allow things that have been through Central Purchasing to bypass those provisions of competitive bidding. He added that he would recommend looking at clarifying the issue with Central Purchasing prior to taking action on the Total Radio issue. But that the guidance from the City Attorney’s office would be that the professional services contracts were exempt. But if the Council wanted them to be covered by competitive bidding the ordinance would need to be changed.

There was a brief discussion among the Council concerning the use of Central Purchasing, getting the lowest bid and the bid process.

Mayor Priddle moved to table item eight (8) until the next meeting. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Harrison expressed some confusion about how some items could be gotten at a lower amount than those on the Central Purchasing list. He asked the City Manager to obtain quotes from other vendors that might have been interested in bidding to seek the best price.

City Attorney Ervin commented that the Council could not exempt specific contracts. But they can set their own rules on competitive bidding. There was no further 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.

9. **TABLED** - Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program Permit for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES).
(John C. Modzelewski, PE, City Engineer and PW Director)

Executive Summary

Motion to approve an Agreement for Engineering Services with Meshek & Associates, LLC for Phase II Stormwater Management Program activities during FY 2011-2012 for a fee not to exceed \$50,000.

Councilman Harrison moved to approve an Agreement for Engineering Services with Meshek & Associates, PLC for Phase II Stormwater Management Program Permit for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). The motion was seconded by Vice-Mayor Browne.

Before the motion, Mayor Priddle verified with the City Attorney that the Council could take action on this item.

Mr. Modzelewski stated that in July of 2008, the City Council had approved the selection of Meshek & Associate PLC as the City's engineering consultant for the Phase II Stormwater Management Program. He commented that the requirements of the first permit had been completed and that ODEQ were continuing to prepare the requirements for the next permit cycle of the NPDES Phase II Stormwater Management Program. He added that this agreement would allow Meshek & Associates PLC to continue working with the City to be in compliance with NPDES Permit Phase II requirements.

There was a brief discussion among the Council regarding the City Attorney's opinion, and how Meshek & Associates PLC had been a very reputable company. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Garvin

Mayor Priddle declared the motion carried.

10. **TABLED** - Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for the development of Storm Water Pollution Prevention Plan (SWPPP) for the East and West Wastewater Treatment Plants. This will allow the City of McAlester to continue to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES).

Executive Summary

Motion to approve an Agreement for Engineering Services with Meshek & Associates, PLC for the development of Storm Water Pollution Prevention Plan (SWPPP) for the East and West Wastewater Treatment Plants Storm Water Management Program activities during FY 2011-2012 for a fee not to exceed \$50,000.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to approve an Agreement for Engineering Services with Meshek & Associates, PLC for the development of Storm Water Pollution Prevention Plan (SWPPP) for the East and West Wastewater Treatment Plants. This will allow the City of McAlester to continue to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES).

Before the vote, Mr. Modzelewski commented that the Wastewater Treatment Plants had not been included in the initial program and this would allow Meshek & Associates PLC to continue to work with the City in developing a Storm Water Pollution Prevention Plan for the East and West Wastewater Treatment Plants Storm Water Management Program.

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

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

NAY: Councilman Garvin

Mayor Priddle declared the motion carried.

City Manager's Report

Manager Stasiak reported that work on the Sandy Creek Canal Wall had begun and was projected to be completed in seventy-five (75) days. He stated that about half of the easements had been acquired by engineering to the Elks Road project and that they anticipated having the rest of the easements this week. He commented that the "B" and Seminole water storage tank was receiving its second coat of paint and look to be completed in one or two weeks and various individuals had received training on all of the processes involved in the use of Black Board connect.

Remarks and Inquiries by City Council

Councilman Smith had no comments for the evening.

Councilman Harrison expressed his appreciation for the job that Ms. Duke had done while employed as CFO.

Vice-Mayor Browne commented on the Street Sweeper's activities and he asked if the piled up gravel could be addressed along Main Street.

Councilman Karr stated that the landfill would be open this weekend. He commented on the brush and trees in Fourth Ward and hoped that the citizens could get the debris taken to the landfill. He commented on the job that the Ward Redistricting Commission had done and expressed his concerns about including the prison population. He then commented on the strong chemical odor that was in the water.

Councilman Garvin commented on the lack of labor for the various departments. He stated that the City had purchased equipment but now there was not enough man power to do the jobs.

Councilman Mason asked if there had been any attempts to sub-contract the various repairs. He added that it was hard to hire additional personnel and then reduce those numbers when they were no longer needed.

Manager Stasiak commented that the City had gotten quotes for various projects but the prices had been deemed to high for the City.

Mayor Priddle thanked Ms. Duke for the job she had done for the City. He encouraged everyone to check on their neighbors and the elderly during the extreme heat.

Recess Council Meeting

Mayor Priddle asked for a motion to recess the Regular Meeting to convene the Authorities. Vice-Mayor Browne 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, Mason, Smith, Harrison, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the meeting was recessed at 8:11 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:14 P.M.

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:14 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk