

Council Chambers
Municipal Building
March 27, 2012

The McAlester City Council met in Regular session on Tuesday, March 27, 2012, at 6:00 P.M. after proper notice and agenda was posted, March 22, 2012, at 4:00 P. M.

Call to Order

Mayor Priddle called the meeting to order.

David Massey, Central Christian Church gave the Invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, Robert Karr, Sam Mason & Kevin Priddle

Absent: Buddy Garvin

Presiding: Steve Harrison, Mayor

Staff Present: Peter J. Stasiak, City Manager; John C. Modzelewski, City Engineer/Public Works Director; Mel Priddy, Community Services Director; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Stephanie Shafer reminded the Council of the City wide clean up and she informed them that the location would be at the former National Guard Armory, every weekend between April 7th and 28th.

Carol Ervin informed the Council that she would be sending out invitations to join the Streetscape Steering Committee and she informed the Council that Culture Fest had been slotted for August 25th. She added that a planning meeting had been scheduled for Thursday evening at 5:30 P.M.

Consent Agenda

- A. Approval of Claims for March 7 through March 20, 2012 (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$150,667.42; Parking Authority - \$105.96; Nutrition - \$1,725.51; Landfill Res./Sub-Title D - \$1,180.00; Tourism Fund - \$288.72; SE Expo Center - \$5,742.32; E-911 - \$5,490.41; Economic Development - \$8,238.86; Gifts & Contributions - \$1,063.74; Fleet Maintenance - \$7,953.98; Worker's Compensation - \$85.00 and CIP Fund - \$632,359.85.

- B. Authorize the Mayor to sign a Fulfillment Agreement between Oklahoma Tourism and Recreation Commission and City of McAlester for costs of postage to distribute the new McAlester Guide Fulfillment Program Agreement. (*Steve Harrison, Mayor*)

A motion was made by Councilman Read and seconded by Councilman Karr to approve the Consent Agenda. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

Councilman Smith moved to open a Public Hearing concerning a Community Development Block Grant – Economic Development Infrastructure Financing (CDBG-EDIF) and one (1) Ordinance. The motion was seconded by Councilman Read. There was no vote and the Public Hearing was opened at 6:06 P.M.

Public Hearing

- A PUBLIC HEARING FOR PROPOSED FY 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT – ECONOMIC DEVELOPMENT INFRASTRUCTURE FINANCING (CDBG-EDIF) FOR THE HAMPEL OIL WATERLINE/RAILROAD CROSSING PROJECT AT STEVEN TAYLOR INDUSTRIAL PARK.
- AN ORDINANCE RELATING TO ECONOMIC DEVELOPMENT WITHIN THE CITY OF McALESTER, OKLAHOMA, PROVIDING FOR MANDATORY PROVISION OF EMPLOYMENT AND BENEFICIARY INFORMATION TO BE FURNISHED BY ANY ENTITY USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED INFRASTRUCTURE IMPROVEMENTS.

Harold King addressed the Council expressing confusion about the Public Hearing.

Mayor Harrison asked Millie Vance to explain the CDBG-EDIF grant and related Ordinance that were the items in the Public Hearing.

Ms. Vance explained what this grant was for, the application requirements and how the grant processed. She then introduced Bob Hampel.

Mr. Hampel addressed the Council informing them of what Hampel Oil's business did and who it served.

There was a brief discussion among the Council including Ms. Vance and Manager Stasiak regarding the four (4) jobs that would be created, the length of time to create the jobs, the location of the project with in the Industrial Park, how the land was obtained, the length of time

to complete the project, when the project would begin, the specific items that would need to be done to complete the application and how much water Hampel Oil would need.

There was no further discussion and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Read, Karr, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Public Hearing was closed at 6:35 P.M.

Scheduled Business

1. Discussion, and possible action to expend funds to attend the McAlester Stampede in Washington D.C. (*Gene Walker, Vice Chairman, McAlester Defense Support Association (MDSA)*)

Executive Summary

The MDSA Leadership and Citizens will have meetings with Congressional staff and Senators/Representatives on specific topics related to the McAlester Army Ammunition Depot.

Mayor Harrison opened the floor for discussion, he then asked Gene Walker, Vice-Chairman of the McAlester Defense Support Association (MDSA).

Mr. Walker addressed the Council expressing appreciation to the Council for their support of MDSA. He informed the Council of the efforts that were being made around the State of Oklahoma by other communities to gain support from the Senators and Representatives. He then explained the reception and other activities that had been planned by MDSA in May to bring McAlester's story to the Senators and Representatives. He asked the Council for their support of this endeavor.

After a lengthy discussion among the Council including Mr. Walker, the City Attorney and Manager Stasiak regarding the economic impact that the McAlester Army Plant had on the area, the type of information that would be furnished for the participants at the reception, having the Mayor and the City Manager attend the reception, and what fund to use, Vice-Mayor Mason moved to approve the attendance of the Mayor and City Manager for the trip to Washington, D.C. subject to the appropriation of funds. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Mason, Smith & Mayor Harrison

NAY: None

ABSTAIN: Councilman Read

Mayor Harrison declared the motion carried.

2. Discussion, CDBG-EDIF documents, (Statement of Compliance, Ordinance Job Tracking, Resolution Accepting and Job Tracking) to be approved after notification of CDBG-EDIF Grant is funded. (*Cora Middleton, City Clerk, and Millie Vance, Private Consultant*)

Executive Summary

Discussion only of CDBG-EDIF related documents. To be considered after notification of award of Grant.

Ms. Vance addressed the Council explaining that the three (3) documents included in this item would be submitted to the Council for consideration as they were required.

There was a brief discussion among the Council including Ms. Vance regarding how and who would perform the required job tracking, Ms. Vance's contract and when the reporting requirement was needed. There was no further discussion and no vote was taken on this item.

3. Consider, and act upon, Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. (*Cora Middleton, City Clerk, and Millie Vance, Private Consultant*)

Executive Summary

Motion to approve Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

A motion was made by Councilman Read and seconded by Vice-Mayor Mason to adopt a RESOLUTION to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Before the vote, Ms. Vance explained that this was the formal statement expressing the City's intent to make the application, recognize that it is federal money and if application is successful would abide by the rules and regulations.

Mayor Harrison asked about the statement of need and a typographical error in the fifth paragraph of the Resolution.

Ms. Vance stated that the Resolution of Needs was the actual application.

Manager Stasiak commented that error could be corrected. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Mason, Smith, Read, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

4. Consider, and act upon, adopting Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. (*Cora Middleton, City Clerk, and Millie Vance, Private Consultant*)

Executive Summary

Motion to adopt Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

A motion was made by Councilman Karr and seconded by Councilman Smith to adopt a Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

Before the vote, Ms. Vance explained that this document would become the City’s Plan for Residential Anti-Displacement. She commented that there were no residents living in the area and there was no intent to displace any but it was a good idea for the City to have a plan in place.

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

AYE: Councilman Mason, Smith, Read, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

5. **Tabled from Previous Meeting.** Discussion and possible action to enter into a Participation Agreement with Today In America. (*Peter J. Stasiak, City Manager*)

Executive Summary

Discussion and possible action to enter into a Participation Agreement with Today In America for filming of a five minute segment on the attributes of McAlester Oklahoma and authorizing the Mayor to sign the appropriate documents.

A motion was made by Councilman Read and seconded by Vice-Mayor Mason to enter into a Participation Agreement with Today In America.

Before the vote, Councilman Read commented that Shari Cooper wanted to speak on this item.

Ms. Cooper informed the Council of MPower’s interest in the proposal and excitement of possibly doing a similar video.

After a lengthy discussion among the Council including Ms. Cooper regarding MPower’s interest in the project, partnering with the Choctaw Nation and the Oklahoma Department of Commerce, including the video in the marketing plan and how long it would take to complete the project, the vote was taken as follows:

AYE: None

NAY: Councilman Smith, Read, Karr, Mason & Mayor Harrison

Mayor Harrison declared the motion failed.

6. Consider and act upon awarding bid in the amount of \$51,971.98, for one new and unused tractor with flail mower to Grissom LLC of Prague, Oklahoma. (*Mel Priddy, Director of Community Services*)

Executive Summary

Motion to approve the award of bid to Grissom LLC for tractor with flail mower.

A motion was made by Vice-Mayor Mason and seconded by Councilman Karr to award a bid in the amount of \$51,971.98, for one new and unused tractor with flail mower to Grissom LLC of Prague, Oklahoma.

Before the vote, Mel Priddy addressed the Council explaining that the low bid had not met the specifications; therefore he stated that the bid from Grissom LLC had met all of the specifications and had still been under the budgeted amount.

After a brief discussion the vote was taken as follows:

AYE: Councilman Karr, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

7. Consider, and act upon approval of bid to Bob Hurley Ford of Oklahoma City, for the purchase of one (1) new and unused 2013 Ford Police Interceptor patrol car. (*Darrell Miller, Asst. Police Chief*)

Executive Summary

Motion to approve the low bid of \$27,717.00 to Bob Hurley Ford of Oklahoma City for the purchase of one (1) new and unused 2013 Ford Police Interceptor Patrol Car.

A motion was made by Councilman Read and seconded by Councilman Smith to approve a bid to Bob Hurley Ford of Oklahoma City, for the purchase of one (1) new and unused 2013 Ford Police Interceptor patrol car in the amount of \$27,717.00.

Before the vote, Chief Lyles addressed the Council explaining that this vehicle would replace a 1999 model Ford Taurus.

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

AYE: Councilman Smith, Read, Karr, Mason & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

8. Consider, and act upon, award of bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate, 40% polymer, and copper sulfate. (*David Medley, P.E., Utilities Director*)

Executive Summary

Motion to award of bid for Items 1, 6, and 8 of the March, 2012 to August, 2012 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Altivia Chemical Solutions of Houston, Texas at the unit prices per the attached bid tabulation and agreement.

Vice-Mayor Mason moved to award a bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate, 40% polymer, and copper sulfate. The motion was seconded by Councilman Karr.

Before the vote, David Medley addressed the Council explaining that there had been a typo on the agenda and the correct chemicals were aluminum sulfate, copper sulfate and poly-aluminum ferric halide Brennfloc cc 2358. He added that the contract was for six (6) months and would be rebid at that time.

After a brief discussion among the Council the vote was taken as follows:

AYE: Councilman Read, Karr, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

9. Consider, and act upon, award of bid to Southwest Chemical Service for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% caustic, polyphosphate, and 40% Polymer (Dadmac). (*David Medley, P.E., Utilities Director*)

Executive Summary

Motion to award of bid for Items 3, 4, and 6 of the March 16, 2012 to August, 2012 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Southwest Chemical Service of McAlester, Oklahoma at the unit prices per the attached bid tabulation and agreement.

A motion was made by Councilman Smith and seconded by Councilman Karr to award a bid to Southwest Chemical Service for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% caustic, polyphosphate, and 40% Polymer (Dadmac).

Before the vote, David Medley explained that the contract would be rebid after six (6) months.

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

AYE: Councilman Read, Karr, Mason, Smith & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

10. Consider, and act upon, award of bid to Brentag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine and activated carbon. (*David Medley, P.E., Utilities Director*)

Executive Summary

Motion to award of bid for Items 2, and 5 of the September, 2011 to March, 2012 to August, 2012 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Brentag Southwest of Nowata, Oklahoma at the unit prices per the attached bid tabulation and agreement.

Councilman Smith moved to award a bid to Brentag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine and activated carbon. The motion was seconded by Councilman Karr.

Before the vote, David Medley addressed the Council explaining that the contract was for six (6) months and would be rebid at that time. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Karr, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

11. Consider, and act upon, a resolution declaring a vacancy on the City Council and setting the election dates for Ward 2. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve resolution declaring a vacancy on the City Council and setting the election date for Ward 2.

A motion was made by Councilman Smith and seconded by Vice-Mayor Mason to approve RESOLUTION NO. 12-02, declaring a vacancy on the City Council and setting the election date for Ward 2.

Before the vote, City Attorney Ervin stated that after meeting with the County Election Board here were some minor corrections that needed to be made to the resolution. He explained that the filing period needed to be fifteen (15) days after receipt of the resolution and the filing period would need to be changed to "shall begin at 8:00 A.M., April 16, 2012 and expire at 5:00 P.M., April 18, 2012."

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

AYE: Councilman Mason, Smith, Read, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that Strong would be open on Thursday. He stated that the street crew had replaced 52 panels, installed new curbing and crack sealed.

Manager Stasiak reported that he would be attending the CMAO board meeting in Edmond on Friday.

Remarks and Inquiries by City Council

Councilman Smith and Vice-Mayor Mason had no comments for the evening.

Councilman Read thanked Manager Stasiak and David Medley for the tour of the facilities.

Councilman Karr commended the Community Services Department for the good cleaning job they were doing.

Mayor's Comments and Committee Appointments

Mayor Harrison commented that the Charter allowed the Mayor to appoint individuals to committees with the Council's agreement. He stated that he would like to appoint himself, Vice-Mayor Mason and Councilman Smith to the Audit and Finance Advisory Committee and appoint Vice-Mayor Mason, Councilman Garvin and Councilman Read to the MPower Committee. He then asked that MPower appoint three (3) of its members to the sub-committee.

He then asked Shari Cooper to speak. Ms. Cooper addressed the Council explaining the various associations and affiliations of MPower's board members. She updated the Council on the clean up activities at the Industrial Park, stating that the objective was to get the entire Park cleared. She mentioned the signage project and some of her recruitment efforts.

Councilman Read thanked the MPower Board members for attending the Council meeting.

Mayor Harrison appointed himself, Councilman Karr and Councilman Smith to the Charter Review Committee.

Recess Council Meeting

Mayor Harrison asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith.

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

AYE: Councilman Karr, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the meeting was recessed at 8:05 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:08 P.M.

Councilman Smith moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.2 & 4 to discuss negotiations concerning employees and representatives of employee groups: FOP; in accordance with Title 25, Sec. 307.B.2 to discuss negotiations concerning employees and representatives of employee groups: IAFF and in accordance with 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; Mary Baird v. City of McAlester, Case No. C-09-244; Jerry McCormick v. McAlester, USDC ED OK 11-CV-166; Michelle & Jerry McCormick v. McAlester, et.al., USDC ED OK 12-CV-62; Jerry Few v. McAlester, et.al., Pittsburg County, CJ-10-039; Kozel v. City of McAlester USDC ED OK 2011-CIV-361-JHP; City of McAlester vs. IAFF (Declaratory Judgment Action)(CV-2012-8); Cox et al v. City of McAlester, Oklahoma USDC ED OK 12-CV-100- KEW. The motion was seconded by Vice-Mayor Mason.

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

AYE: Councilman Mason, Smith, Read, Karr & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried and the Regular Meeting was recessed at 8:10 P.M.

Executive Session

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2 & 4) to discuss negotiations concerning employees and representatives of employee groups: FOP
- 2) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF
- 3) 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; Mary Baird v. City of McAlester, Case No. C-09-244; Jerry McCormick v. McAlester, USDC ED OK 11-CV-166; Michelle & Jerry McCormick v. McAlester, et.al., USDC ED OK 12-CV-62; Jerry Few v. McAlester, et.al., Pittsburg County, CJ-10-039; Kozel v. City of McAlester USDC ED OK 2011-CIV-361-JHP; City of McAlester vs. IAFF (Declaratory Judgment Action)(CV-2012-8); Cox et al v. City of McAlester, Oklahoma USDC ED OK 12-CV-100- KEW.

Reconvene Council Meeting

The Regular Meeting was reconvened at 10:00 P.M. Mayor Harrison reported that the Council had recessed the Regular Meeting for and Executive Session to discuss negotiations concerning employees and representatives of employee groups: FOP; in accordance with Title 25, Sec. 307.B.2 to discuss negotiations concerning employees and representatives of employee groups: IAFF and in accordance with 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; Mary Baird v. City of McAlester, Case No. C-09-244; Jerry McCormick v. McAlester, USDC ED OK 11-CV-166; Michelle & Jerry McCormick v. McAlester, et.al., USDC ED OK 12-CV-62; Jerry Few v. McAlester, et.al., Pittsburg County, CJ-10-039; Kozel v. City of McAlester USDC ED OK 2011-CIV-361-JHP; City of McAlester vs. IAFF (Declaratory Judgment Action)(CV-2012-8); Cox et al v. City of McAlester, Oklahoma USDC ED OK 12-CV-100- KEW. Only those matters were discussed, no action was taken, and the Council returned to open session at 10:00 P.M., and this constituted the Minutes of the Executive Session.

- 1) Consider, and Act Upon the Fraternal Order of Police, Lodge 97, 2012-2013 Contract.

A motion was made by Councilman Smith and seconded by Councilman Karr to approve the Fraternal Order of Police, Lodge 97, 2012-2013 Contract. Mayor Harrison stated that this would be subject to final signature of the FOP prior to the signature of the Mayor. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Mason & Mayor Harrison

NAY: None

ABSTAIN: Councilman Read

Mayor Harrison declared the motion carried.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned, seconded by Vice-Mayor Mason. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Mason, Smith, Read & Mayor Harrison

NAY: None

Mayor Harrison declared the motion carried, and the meeting was adjourned at 10:01 P.M.

ATTEST:

Steve Harrison, Mayor

Cora Middleton, City Clerk