

Council Chambers
Municipal Building
May 8, 2012

The McAlester City Council met in Regular session on Tuesday, May 8, 2012, at 6:00 P.M. after proper notice and agenda was posted, April 20, 2012, at 5:15 P. M.

Call to Order

Vice-Mayor Mason called the meeting to order.

Mother Stephanie Swinnea, All-Saints Episcopal 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, Buddy Garvin, & Sam Mason
Absent: Steve Harrison
Presiding: Sam Mason, Vice-Mayor

Staff Present: Mel Priddy, Acting City Manager; Toni Ervin, Chief Finance Officer; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Citizen's Comments on Non-agenda Items

Carol Ervin addressed the Council informing them that Main Street had their first Streetscape meeting and the next meeting would be May 31, 2012 at 5:30 P.M. in the second floor conference room at City Hall. She also invited everybody to visit culturefestok.com and see all of the organizations that were involved in bringing this festival to McAlester.

Stephanie Shafer presented Councilman Karr with the 2012 Trash Tournament winner for the Ward division. She then presented the City Council with a certificate of appreciation. Ms. Shafer informed the Council that during the month of April over 293,000 pounds of trash, over 500 tires, more than a thousand vehicles had pulled through the Armory to unload items, over 1700 people had worked through out the City and they had collected more than 28,000 pounds of electronics. She stated that they were still waiting on some of the other figures for paper shredding and household hazardous waste.

Consent Agenda

- A. Approval of the Minutes from the April 10, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the April 13, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for April 18 through May 1, 2012. *(Toni Ervin, Chief Financial Officer)*
In the following amounts: General Fund - \$99,863.91; Nutrition - \$795.52; Landfill Res./Sub-Title D - \$5,641.00; Airport Grant - \$23,647.00; Tourism Fund - \$3,616.76; SE Expo Center - \$7,355.09; E-911 - \$823.47; Economic Development - \$93,143.48; CDBG Grants Fund - \$11,009.31; Fleet Maintenance - \$24,196.03 and CIP Fund - \$18,661.84.
- D. Ratify a One (1) year Lease Number 131 between City of McAlester and First National Bank for a 2009 M2-106 Freightliner tandem axle Truck VIN: 1FVHCYBS59DAN2552 and a 2009 M2-106 Freightliner tandem axle Truck VIN: 1FVHCYBS39DAN2551. *(Cora Middleton, City Clerk)*

- E. Ratify a One (1) year Lease Number 134 between City of McAlester and First National Bank for a 2006 Caterpillar D7R11WDA S/N#AEC00983 and a 2000 Al-Jon Trash Compactor S/N#13652 with all accessions and accessories. *(Cora Middleton, City Clerk)*

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

AYE: Councilman Smith, Read, Karr, Garvin & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read for a Public Hearing concerning an Ordinance amending the City of McAlester budget for fiscal year 2011-2012.

There was no discussion, or vote and the Public Hearing was opened at 6:07 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.**

There were no comments on either of the Public Hearing items and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Garvin and the vote was taken as follows:

AYE: Councilman Read, Karr, Garvin, Smith & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried and the Public Hearing was closed at 6:08 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, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

ORDINANCE NO. 2420

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 Read and seconded by Councilman Smith to approve **ORDINANCE NO. 2420.**

Before the vote, Toni Ervin addressed the Council reviewing the amendment for improvements to the Animal Control Facility.

After a brief discussion among the Council regarding the improvements and why dogs were still kept at the facility, the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Read & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried.

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

AYE: Councilman Garvin, Smith, Read, Karr & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried.

2. Submittal of the Preliminary Annual Operating Budget for FY 2012/2013. (*Toni Ervin, Chief Financial Officer for Peter J. Stasiak, City Manager*)

Executive Summary

Set a Special Workshop Session for May 15th to discuss and review the 2012/2013 Preliminary Budget.

Ms. Ervin addressed the Council informing them that the preliminary budget was balanced and had approximately \$1.8 million in Capital Projects included in the Budget. She then informed the Council of the various Capital Projects.

Vice-Mayor Mason commented that a workshop had not been scheduled at this time and then asked for a motion to schedule.

Councilman Read moved in accordance with Section 2.10 of the City of McAlester City Charter for the Council members currently present to set a Special Meeting of the City Council at 5:30 P.M. on Tuesday, May 15, 2012, in the Council Chambers to review and discuss the 2012/2013 City of McAlester Preliminary Budget. The motion was seconded by Councilman Smith.

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

AYE: Councilman Smith, Read, Karr, Garvin & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried.

3. Consider, and act upon, an Agreement with Liberty Pyrotechnics, LLC in the amount of \$13,495 for the 2012 Fireworks Display scheduled for July 4th. (*Mel Priddy, Director of Community Services*)

Executive Summary

Approve motion and sign agreement for the 2012 Firework Display with **Liberty Pyrotechnics, LLC** in the amount of \$13,495.00. Liberty is the lowest bidder and provides nearly twice the number of shots to be fired.

Mel Priddy commented that the Staff was recommending that Liberty Pyrotechnics be awarded the bid for the contract for the 2012 Fireworks Display. He stated that this would be a new vendor. He explained that this company would offer more shells during the display. Mr. Priddy explained that the original contract had requested 50% of the money up front but lowered that amount to 30%. He commented that the City Attorney had some concerns that he would address with the Council.

Attorney Ervin recommended that the following lines in the last paragraph of the contract be stricken "The parties acknowledge and agree that any legal action commenced regarding this contract or collection shall be brought in the Circuit Court of Jasper County, Missouri, and that Missouri law shall govern the determination of rights, responsibilities and remedies. Buyer shall further be entirely responsible for any attorney fees and court cost incurred by Seller in enforcing its rights under this contract and to collect any unpaid balance."

A motion was made by Councilman Read and seconded by Councilman Karr to approve the agreement with Liberty Pyrotechnics, LLC for the 2012 Fireworks Display in the amount of \$13,495.00.

There was a brief discussion among the Council, Mr. Priddy and Attorney Ervin concerning rain delays, how this company could double the number of shots and still come in lower than the other bids and if this event had funding appropriated or if the Council would have to address an amendment.

Mr. Priddy informed the Council that First National Bank had donated \$10,000.00 for the Firework display again this year and the City had budgeted for the entire show. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried.

4. Consider, and act upon, an Agreement for Engineering Services with Meshek & Associates, PLC for the analysis of the upper 640 acres of the Tributary C drainage basin of Sandy Creek. (*John D. Modzelewski, P.E. City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign an Agreement for Engineering Services with Meshek & Associates, PLC for the analysis of the upper 640 acres of the Tributary C drainage basin of Sandy Creek.

Cliff Pitner addressed the Council explaining this agreement with Meshek & Associates, PLC, if approved, would provide engineering services for the drainage study of the Sandy Creek Tributary C Drainage Study. He explained that this project was separate from the Stormwater Project that was ongoing. This Study would develop a detailed hydrology model, detailed channel hydraulics, floodplain analysis and help to address some of the street flooding that the City has experienced along Hardy Springs Road and South Ninth Street.

Councilman Smith asked what Meshek & Associates could do that the City engineers could not do and how long would this project take.

Mr. Pitner explained that the City could do small projects but was not equipped to handle a large project like this. Vice-Mayor Mason stated that the contract provided that the project be completed in ninety (90) days.

A motion to approve and authorize the Mayor to sign an agreement for Engineering Service with Meshek & Associates, PLC for the analysis of the upper 640 acres of the Tributary C drainage basin of Sandy Creek was made by Councilman Karr and seconded by Councilman Read.

Before the vote, Vice-Mayor Mason commented that this study was way overdue and that many of the problems in that area may have been avoided if a study like this had been done earlier. He also stated that the City now had an Ordinance in place the required a study of this type before any construction. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Karr, Garvin, Smith, Read & Vice-Mayor Mason

NAY: None

Vice-Mayor Mason declared the motion carried.

New Business

There was no new business.

City Manager's Report

There was no City Manager's report.

Remarks and Inquiries by City Council

Councilmen Garvin, Smith and Read had no comments for the meeting.

Councilman Karr thanked Pride In McAlester for their efforts in helping to clean McAlester. He commended the City Manager and Mr. Priddy. He commented that the Street Patcher had been working in Fourth Ward and had patched several potholes

Mayor's Comments and Committee Appointments

Vice-Mayor Mason had no comments for the meeting.

Recess Council Meeting

Vice-Mayor Mason asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Garvin moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read.

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

AYE: Councilman Karr, Garvin, Smith, Read & Vice-Mayor Mason
NAY: None

Vice-Mayor Mason declared the motion carried and the meeting was recessed at 6:26 P.M.

Reconvene Council Meeting

Vice-Mayor Mason asked for a motion to adjourn the McAlester Public Works Authority and reconvene the Regular Council Meeting.

A motion was made by Councilman Smith and seconded by Councilman Read to adjourn the McAlester Public Works Authority and reconvene the Regular Council Meeting.

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

AYE: Councilman Karr, Garvin, Smith, Read & Vice-Mayor Mason
NAY: None

Vice-Mayor Mason declared the motion carried and the Regular Meeting was reconvened at 6:30 P.M.

Adjournment

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

AYE: Councilman Read, Karr, Garvin, Smith & Vice-Mayor Mason
NAY: None

Vice-Mayor Mason declared the motion carried, and the meeting was adjourned at 6:31 P.M.

ATTEST:

Sam Mason, Vice-Mayor

Cora Middleton, City Clerk