

The McAlester City Council met in Regular session on Tuesday, November 22, 2011, at 6:00 P.M. after proper notice and agenda was posted, November 21, 2011, at 1:12 P. M.

Call to Order

Mayor Priddle called the meeting to order.

Stephanie Swinnea, All Saints Episcopal Church gave the invocation and lead 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; Toni Ervin, Interim Chief Financial Officer; David Medley, Utilities Director; Mel Priddy, Community Services Director; John C. Modzelewski, P.E., City Engineer/Public Works Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Mayor Priddle announced that he would be leaving the meeting at 6:45 P.M. to attend a Thanksgiving celebration at All Life Church.

Citizen's Comments on Non-agenda Items

Carol Ervin, Director of Main Street reminded everyone that the McAlester Christmas Parade would be on Thursday, December 1, 2011 and she urged all participants to submit their registration forms as soon as possible.

Gloria Basinger addressed the Council to commend the Fire Department for their actions that had saved her home during a grass fire this past summer.

Mike Caniglia addressed the Council commenting on the Fire Department's Contract with the City and the procedure that had been taken over the past three (3) years.

Consent Agenda

- A. Approval of the Minutes from the October 25, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of the Minutes from the November 3, 2011 Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- C. Approval of Claims for November 2, 2011 through November 15, 2011. (*Toni Ervin, Interim Chief Financial Officer*) In the following amounts: General Fund - \$1353,072.70; Parking Authority - \$128.61; Nutrition - \$1,377.37; Airport Grant - \$89,408.00; Tourism Fund - \$594.00; SE Expo Center - \$9,669.22; E-911 - \$3,108.16; Economic Development - \$5,650.00; Fleet Maintenance - \$18,657.96; Worker's Compensation - \$2,825.04 and CIP Fund - \$177,403.30.

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

Before the vote, Councilman Mason requested that item “A” be removed for individual consideration.

Mayor Priddle stated that the motion would be to approve Consent Agenda items “B and C”. 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.

Items removed from Consent Agenda

A. Approval of the Minutes from the October 25, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Councilman Karr moved to approve “Item A” and the motion was seconded by Vice-Mayor Browne.

Before the vote, Councilman Mason commented on two (2) corrections that needed to be made to the minutes. One on page three (3), Councilman Harrison’s name had been listed twice on a vote and it needed to be removed the second time and replaced with Mayor Priddle. The second correction was on page four (4), Councilman Karr voted against the Ward Redistricting Plan not Councilman Garvin and that needed to be changed. 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.

Councilman Garvin moved to open a Public Hearing to address two (2) ordinances. The motion was seconded by Vice-Mayor Browne.

There was no 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 and the Public Hearing was opened at 6:14 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.

AN ORDINANCE RESTRICTING THE USE, OCCUPATION OR LEASE OF MUNICIPAL PUBLIC PROPERTY, AND ESTABLISHING POLICIES AND PROCEDURES FOR THE AUTHORIZATION OF SUCH USES, IN GENERAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

There were no comments from either the public or the Council and Vice-Mayor Browne moved to close the Public Hearing. The motion was seconded by Councilman Harrison, 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 and the Public Hearing was closed at 6:15 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, Interim CFO*)

Executive Summary

Motion to approve the budget amendment ordinance 2392.

ORDINANCE NO. 2407

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 Vice-Mayor Browne and seconded by Councilman Harrison to approve **ORDINANCE NO. 2407.**

Before the vote, Ms. Ervin reviewed the Budget Exhibits with the Council. There was no other discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

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

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

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

NAY: None

Mayor Priddle declared the motion carried.

2. Consider, and act upon, a Partnership Request by Kellye Medley, Committee President/Event Coordinator of the Ryan McAfee Memorial Scholarship Fund, for the use of the Southeast Expo Center for the Matthew West Concert scheduled December 4, 2011 by partnering with them in the amount of \$1125.00. (*Jerry Lynn Wilson, Expo Manager*)

Executive Summary

Consider approval of Partnership Request in the amount of \$1125.00.

A motion was made by Councilman Karr and seconded by Councilman Harrison to approve a Partnership Request by Kellye Medley, Committee President/Event Coordinator of the Ryan McAfee Memorial Scholarship Fund, for the use of the Southeast Expo Center for the Matthew West Concert scheduled December 4, 2011 by partnering with them in the amount of \$1125.00.

Before the vote, Mel Priddy addressed the Council stating that this request did not meet the criteria for partnering. He requested that the Council approve funding this item with Tourism monies as it had the past year. He added that this event brought a lot of people into the City.

Mayor Priddle commented that McAlester was fortunate to have someone of this caliber come to the City. He then moved to change the funding to use Tourism dollars and the motion was seconded by Vice-Mayor Browne.

After a lengthy discussion among the Council regarding concessions during the concert, requesting financial reports from the group, how this event was not eligible for partnering, and developing rules for handling tourism events the vote was taken as follows:

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

NAY: Councilman Smith & Mason

Mayor Priddle declared the motion carried.

Manager Stasiak informed the Council that he would furnish them with preliminary information regarding how other cities handled tourism events within the next thirty (30) days.

3. Consider, and act upon, approval of Change Order No. 1 for the Water Treatment Plant Filter & Clearwell Improvements with J.S. Haren Company of Athens, Tennessee. *(David Medley, P.E., Utilities Director)*

Executive Summary

Motion to approve Change Order No. 1 for the Water Treatment Plant Filter & Clearwell Improvements increasing the original contract price by \$14,440.71 and adding an additional 7 days to the Contract time to allow for additional work.

Councilman Karr moved for approval of Change Order No. 1 for the Water Treatment Plant Filter & Clearwell Improvements with J.S. Haren Company of Athens, Tennessee increasing the original contract price by \$14,440.71 and adding an additional seven (7) days to the contract time. The motion was seconded by Councilman Harrison.

Before the vote, David Medley addressed the Council explaining that 170 linear feet of additional concrete joints had been discovered in the Clearwell and required sealing. This would add 8 cubic feet of polyurethane sealant due to the necessary removal of loose concrete material in the existing joints.

There was a lengthy discussion among the Council regarding furnishing pictures to the Council to help clarify the problem, if the Clearwell had been constructed correctly, if there would be any warranty upon completion of the repairs, why the bid had been changed from a lump sum amount to a per unit basis, and how it was difficult to perceive all problems before the repair was started.

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

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

NAY: Councilman Mason

Mayor Priddle declared the motion carried.

Mayor Priddle left the meeting at 6:45 P.M. and Vice-Mayor Browne assumed the Chair.

4. Consider, and act upon, request for addition of a 4-man Utility Maintenance Crew to the Utility Maintenance Department for repair and replacement of streets, sidewalks, and curbing upon Utility Repair Operations. *(David Medley, P.E., Utilities Director)*

Executive Summary

Motion to approve the addition of the 4 additional Utility Workmen positions, equipment and staffing changes.

Councilman Harrison moved to approve the addition of a 4-man Utility Maintenance Crew to the Utility Maintenance Department for repair and replacement of streets, sidewalks, and curbing upon Utility Repair Operations and the necessary equipment. The motion was seconded by Councilman Karr.

Before the vote, David Medley addressed the Council explaining that the addition of this crew would help solve the problem of the Utility Maintenance Department being under staffed and it would allow the Street Department to better utilize their time when scheduling repairs or upgrades to the City's streets. He added that this crew would also aid in the repair of sanitary sewer lines, operate the flush truck and perform sanitary sewer maintenance operations.

Manager Stasiak informed the Council that this would be funded through the additional sales of water and sewer. He stated that this was needed in the community and would give the Street Department the ability to focus on street improvements and allow the Utilities Department to more quickly repair the streets after line breaks.

After discussion among the Council concerning how this crew would be staffed, the type of equipment that would be needed for this crew and getting projects completed correctly the first time, the vote was taken as follows:

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

NAY: None

Vice-Mayor Browne declared the motion carried.

5. Consider, and act upon, an Ordinance restricting the use, occupation or lease of Municipal Public Property, and establishing policies and procedures for the authorization of such uses. (*Sam Mason, Ward 6 Councilman*)

Executive Summary

Motion to approve an Ordinance restricting the use, occupation or lease of Municipal Public Property, and establishing policies and procedures for the authorization of such uses in general and declaring an emergency.

Councilman Mason moved for approval of an Ordinance restricting the use, occupation or lease of Municipal Public Property, and establishing policies and procedures for the authorization of such uses. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Mason commented that he had visited with the City Attorney about an issue that was on going, in one of the City's facilities. He then asked the City Attorney to explain the ordinance and what needed to be done to be in compliance.

There was discussion among the Council and the City Attorney regarding how the ordinance had been written, how the ordinance would restrict the use of various facilities, that the Expo had its' own rules, reworking or fine tuning the ordinance, tabling the item until the next meeting, the City Attorney's attempt to address Councilman Mason's concerns and possible problems that might occur from the adoption of the ordinance.

Manager Stasiak commented that if the Council wished this ordinance adopted he requested that the Emergency Clause not be adopted to allow him time to inform the various parties of the new restrictions.

Councilman Mason moved to table the item until the next meeting. The motion to table was seconded by Councilman Smith.

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

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

NAY: None

Vice-Mayor Browne declared the motion carried.

New Business

Manager Stasiak commented that the Oklahoma Municipal League (OML) would conduct a workshop "Practical Guide: A Common Sense Workshop Targeted To Every Day Problem Solving" on Friday, December 9, 2011 in Midwest City, Oklahoma. He stated that this information had been sent to the Council to see if there was any interest in attending this Workshop and he had received notification from Councilman Harrison, after the Agenda had been posted that he would like to attend. Manager Stasiak requested that \$85.00 from the Council's travel and training budget be used to pay for Councilman Harrison to attend this workshop.

Councilman Smith moved to use \$85.00 from the Council's travel and training budget to pay for Councilman Harrison to attend the "Practical Guide Workshop." The motion was seconded by Councilman Karr.

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

AYE: Councilman Smith, Karr, Garvin, Mason & Vice-Mayor Browne
NAY: None
ABSTAIN: Councilman Harrison

Vice-Mayor Browne declared the motion carried.

City Manager's Report

Manager Stasiak reported that he had waived a \$50.00 burn permit for one of the contractors at the Industrial Park. He commented that the Allied Waste contract had been finalized and sent to Allied for review. He stated that the Auditors had been in City Hall last week, and they planned on returning the week after Thanksgiving. He added that work to move the utility lines on the bypass had started.

Remarks and Inquiries by City Council

Councilman Mason inquired about the status of the contract with MCCI for recodification of the City Code of Ordinances and he would like have the item at the next meeting.

Councilman Garvin wished everyone a Happy Thanksgiving and asked that the citizens not give up on the businesses along the bypass during the construction.

Councilman Karr commented that Pride In McAlester had a program to help clean up the streets in the City and he challenged the citizens and Council to get involved. He stated that the McAlester Buffaloes football team would be competing in the State Semi-finals game in Sapulpa on Saturday at 1:00 P.M. He urged everyone to go out and support the team and he wished everyone a Happy Thanksgiving.

Councilman Smith's statement was "Go Buffs".

Councilman Harrison commented about the Elks Road Improvements and urged everyone to be careful around the construction and he also stated "Go Buffs".

Vice-Mayor Browne thanked the Council and audience's indulgence with his nervousness. He stated that November 30, 2011 there would be a Public Meeting at the Vo Tech to discuss the closing of the local mail distribution center from 6:30 P.M. to 8:00 P.M.

Recess Council Meeting

Vice-Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Harrison 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 Harrison, Garvin, Karr, Mason, Smith & Vice-Mayor Browne
NAY: None

Vice-Mayor Browne declared the motion carried and the meeting was recessed at 7:35 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:40 P.M.

Councilman Mason moved to recess the Regular meeting for an Executive Session to discuss negotiations concerning employees and representatives of employee groups: IAFF, 2011-2012 in accordance with Title 25, Sec. 307.B.2. The motion was seconded by Councilman Harrison and the vote was taken as follows:

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

Vice-Mayor Browne declared the motion carried and the Regular Meeting was recessed at 7:40 P.M.

Executive Session

- **Section 307 (B) (2)** – Discuss negotiations concerning employees and representatives of employee groups: IAFF, 2011-2012.

Reconvene into Open Session

The Regular Meeting was reconvened at 8:25 P.M. Vice-Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive to discuss negotiations concerning employees and representatives of employee groups: IAFF, 2011-2012 in accordance with Title 25, Sec. 307.B.2. Only that matter was discussed, no action was taken and the Council returned to open session at 8:25 P.M., and this constituted the Minutes of the Executive Session.

1. Consideration and possible action to adopt a resolution calling for a special election for the purpose of allowing the voters of the City of McAlester to resolve the Collective Bargaining Agreement between the City and the International Association of Firefighter Local 2284 for Fiscal Year 2011-2012 by allowing the voters to select either the City's Last Best Offer or Local 2284's Last Best Offer as the Agreement for Fiscal Year 2011-2012.

Councilman Smith moved for approval of RESOLUTION NO. 11-21, calling for a special election for the purpose of allowing the voters of the City of McAlester to resolve the Collective Bargaining Agreement between the City and the International Association of Firefighter Local 2284 for Fiscal Year 2011-2012 by allowing the voters to select either the City's Last Best Offer or Local 2284's Last Best Offer as the Agreement for Fiscal Year 2011-2012. The motion was seconded by Councilman Harrison.

Before the vote, Councilman Karr remarked that this had been a tough vote and he hoped to come to a fair agreement for the Fire Fighters and the City. He commented that there was still an opportunity to work out a contract.

Vice-Mayor Browne commented that he was completely upset and disgruntled and he had serious issues with the attorneys used as the legal team. He hoped whatever the outcome that the City Manager and the Union representatives could get together and work out the issues. He added that this was a divisive issue for the City. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Harrison, Garvin, Mason & Karr

NAY: Vice-Mayor Browne

Vice-Mayor Browne declared the motion carried.

Adjournment

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

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

NAY: None

Vice-Mayor Browne declared the motion carried, and the meeting was adjourned at 8:30 P.M.

John Browne, Vice-Mayor

ATTEST:

Cora Middleton, City Clerk