

Council Chambers
Municipal Building
December 14, 2010

The McAlester City Council met in Regular session on Tuesday, December 14, 2010, at 6:00 P.M. after proper notice and agenda was posted, December 10, 2010, at 10:30 A.M.

Call to Order

Mayor Priddle called the meeting to order.

Ruth Attebury, First Methodist Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Steve Harrison, John Browne, Robert Karr & Kevin Priddle
Absent: Buddy Garvin & Sam Mason
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

Citizen's Comments on Non-agenda Items

Deborah A. Taylor addressed the Council regarding her concerns about the quality of water in McAlester.

Mayor Priddle explained the steps that had been taken by the City to improve the water and stated that he would have the City Manager contact her.

Consent Agenda

- A. Approval of the Minutes from the November 23, 2010, Special Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

- B. Approval of Claims for November 24, 2010 through December 14, 2010. (*Gayla Duke, Chief Financial Officer*) In the following amounts: General Fund - \$95,134.16; Nutrition - \$552.96; Landfill Res./Sub-Title D - \$21,390.00; Tourism Fund - \$3,150.00; SE Expo Ctr/Tourism Fund - \$10,686.00; E-911 - \$379.55; Economic Development - \$18,821.91; Gifts & Contributions - \$3,000.00; Fleet Maintenance - \$18,466.36; Worker's Compensation - \$5,018.04 and CIP Fund - \$8,908.54.

- C. Concur with Mayor's Appointment of Karen Kinkead to the McAlester Public Library Advisory Board for a term to expire December, 2015. (*Kevin E. Priddle, Mayor*)
- D. Accept and Place on File Oklahoma for Independent Living (OIL) 2nd Quarter 2010 Report. (*Mike Ward, Executive Director*)

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

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

Mayor Priddle declared the motion carried.

Councilman Harrison moved to open a Public Hearing to address an ordinance amending the Budget for Fiscal Year 2010-2011 and an ordinance concerning the Code of Conduct. The motion was seconded by Councilman Karr, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:06 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; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**
- **AN ORDINANCE OF THE CITY OF MCALESTER ENACTING A CODE OF CONDUCT PURSUANT TO ARTICLE 7, SEC. 7.01(C) (1) OF THE MCALESTER CITY CHARTER PRESCRIBING RULES FOR THE ETHICAL BEHAVIOR OF THE CITY'S OFFICIALS AND EMPLOYEES AND DECLARING AN EMERGENCY.**

There were no comments from the citizens or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

Mayor Priddle declared the motion carried, and the Public Hearing was closed at 6:08 P.M.

Scheduled Business

1. Presentation and discussion by State Representative Donnie Condit for redistricting of the City of McAlester.

Executive Summary

An update and discussion for redistricting of the City of McAlester.

Councilman Harrison moved to open the floor for a presentation and discussion by State Representative Donnie Condit for redistricting of the City of McAlester. The motion was seconded by Vice-Mayor Browne.

Before the vote, Representative Condit addressed the Council regarding the upcoming redistricting of the City of McAlester.

There was a brief discussion among the Council regarding the Charter requirements about redistricting of the wards, which citizens were actually counted and the differences between the procedures the State follows and municipalities follow.

There was no vote taken on this item.

2. 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, Chief Financial Officers*)

Executive Summary

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

ORDINANCE NO. 2378

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.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to approve **ORDINANCE NO. 2378.**

Before the vote, Ms. Duke explained that this amendment would appropriate forfeiture funds, received on November 24, 2010 to be used for capital outlay expenditures, appropriate fund balance to be used as a contribution to Hickory Ridge, Phase II, approved with Resolution No. 08-21 and correctly appropriate unused Department of Justice Grant funds. There was no other discussion and the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle commented that the vote on the Emergency Clause would have to wait until Councilman Mason arrived.

3. Consider and act upon, the purchase of seven equipped patrol cars from Bob Hurley Ford.
(Jim Lyles, Chief of Police)

Executive Summary

Motion to approve the purchase of seven equipped Ford Crown Vics, from Bob Hurley Ford. Bob Hurley Ford has the state contract for police vehicles and they will also outfit the cars with the proper emergency equipment.

Vice-Mayor Browne moved to authorize the purchase of seven (7) equipped patrol cars from Bob Hurley Ford. The motion was seconded by Councilman Karr.

Councilman Mason arrived at 6:18 P.M.

Before the vote, Assistant Police Chief Miller addressed the Council explaining that the Police Department currently had eight (8) 2000 Ford Crown Victoria patrol cars in service. Four (4) of which were still in daily use by officers and the other four (4) were assigned as pool cars. He stated that these vehicles had very high mileage and maintenance costs. He commented that the Police Department had recently received \$220,938.39 in forfeiture money and was requesting to purchase seven (7) new 2011 Ford Crown Victoria's from Bob Hurley Ford in Oklahoma City at a cost of \$28,269.66 per car. He added that the department would need to install the police radio, radar and decals. There was no other discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

Mr. Ervin asked Councilman Mason to clarify his vote on the item as he said here when called on to vote. Councilman Mason stated that he had meant to vote yes.

Mayor Priddle called for a vote on the EMERGENCY CLAUSE for **ORDINANCE NO. 2378.** Councilman Harrison moved to approve the EMEGGENCY CLAUSE, seconded by Vice-Mayor Browne. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

4. Consider and act upon, ratification of Ordinance 2336 which enacted a Code of Conduct for the City of McAlester. *(Peter J. Stasiak, City Manager)*

Executive Summary

A motion to approve ratification of the Code of Conduct pursuant to Article 7, Sec. 7.01 (C) (1) of the McAlester City Charter as written.

Vice-Mayor Browne moved to approve ratification of the Code of Conduct pursuant to Article 7, Section 7.01 (C) (1) of the McAlester City Charter as written. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that the Code of Conduct had been approved by the Council at its regularly scheduled meeting on October 27, 2009 and the Charter stated that the Code would be reviewed annually, amended as needed and re-approved by Council. He stated that he was not aware of any actions taken concerning the Code. He commented that the City currently had a grievance from the FOP and a ULP from the IAFF.

There was discussion, among the Council concerning the ratification, distribution and review of the Code of Conduct. It was asked if the Ethics Board had reviewed the Code.

Manager Stasiak stated that upon ratification the Code would be reissued to all employees and Boards. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

5. Discussion and possible action to donate up to \$66,000.00 for repair of the prison rodeo arena to restore the oldest and most successful Tourism event in McAlester. (*Mayor Kevin E. Priddle*)

Executive Summary

Discussion and possible action to donate up to \$66,000.00 from Tourism funds for repair of the prison rodeo arena due to safety concerns of the facility.

Councilman Karr moved to approve action to donate up to \$66,000.00 for repair of the prison rodeo arena to restore the oldest and most successful Tourism event in McAlester. The motion was seconded by Vice-Mayor Browne.

Before the vote, Mayor Priddle stated that he had been asked to present this for the Chamber.

There was a lengthy discussion, among the Council and the City Attorney concerning possible conflict of interest, something that would guarantee that the State would continue to hold rodeos, if the County would be asked to share in the cost of the repairs, who decided how profit from the rodeos was spent, having a new inter-local agreement for this matter and how this had always been a pass through transaction for the City.

Mr. Ervin commented that he did not find this a conflict of interest.

Councilman Harrison stated that he would like this matter to be looked into further and would move to table until the first meeting in January. Mayor Priddle seconded the motion.

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

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

Mayor Priddle declared the motion carried.

6. Discussion and possible action to donate \$750.00 from Tourism to CASA. (*Councilman, John Browne*)

Executive Summary

Discussion and possible action to donate \$750.00 from Tourism funds for the City of McAlester's 25% share in bringing the Harlem Globe Trotters to town.

Vice-Mayor Browne moved to approve action to donate \$750.00 from Tourism to CASA. The motion was seconded by Councilman Karr.

Before the vote, Vice-Mayor asked the City Attorney if anything precluded him from participating in the discussion.

Mr. Ervin commented that he perceived no conflict but he did have a problem with the way the item was presented. He then explained his reasons for his reservations.

Vice-Mayor Browne explained that the intent had not been for a donation from the City but that the governmental entities in Pittsburg County and McIntosh County to fund the event and have CASA manage the event.

Aaron Williams from CASA challenged the Council to pledge the \$750.00.

There was no vote on this item.

Vickie Brown expressed her concerns with conflicts of interest and the City Charter.

7. Presentation of the iWorQ'S Citizen Request/Complaint System by Jennifer Santino, Adm. Asst. Planning & Community Development. (*Jennifer Santino*)

Executive Summary

iWorQ Citizen Request Tracker is an easy-to-use Internet application that allows cities and counties to accept citizen requests/complaints from their homepage.

Vice-Mayor Browne moved to open the floor for the presentation of the iWorQ'S Citizen Request/Complaint System. The motion was seconded by Councilman Harrison.

Before the vote, Manager Stasiak explained that Jennifer had joined the Planning and Community Development staff on November 8, 2010 and been doing an exceptional job.

Ms. Santino demonstrated how the citizens could file concerns and complaints through the website link to iWorQ.

There was no vote on this item.

New Business

There was no new business.

City Manager's Report

Manager Stasiak reported that Utility Services were in the process of mobilizing to start repairs to the Buffalo tank and the Skyline tank. The Code Department had performed an analysis of the polycarts within the City and had issued the warning letters.

Remarks and Inquiries By City Council

Each of the Council members wished everyone a Merry Christmas.

Councilman Harrison thanked the City Manager and staff for addressing some of the issues in Second Ward.

Vice-Mayor Browne inquired about the Ordinance pertaining to the polycarts and he thanked Allied Waste for the job they had been doing.

Councilman Karr reminded the elderly citizens about the list for individuals that needed help getting their polycarts to and from the curb. He commented on the amount of the fine for leaving the polycarts at the curb. He stated that evidently there was a problem with loose dogs in an area of Fourth Ward and the mail service. He then announced that two (2) restaurants were opening in Fourth Ward. He expressed his condolences for the loss of Ms. Delta Smith.

Mayor Priddle remarked that the Christmas lights along Carl Albert Parkway were very nice and he had received comments about them. He expressed his condolences for the loss of Herman Komar. He announced the Christmas food drive for Shared Blessings through December 17th and then commented that from the 17th through the end of the month Governor-Elect Mary Falin was conducting a state-wide food drive.

Recess Council Meeting

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

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:50 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:52 P.M.

Adjournment

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:52 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk