

Council Chambers  
Municipal Building  
January 24, 2012

The McAlester City Council met in Regular session on Tuesday, January 24, 2012, at 6:00 P.M. after proper notice and agenda was posted, January 20, 2012, at 11:29 A. M.

**Call to Order**

Mayor Priddle called the meeting to order.

Linda Lowber, First Baptist 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, Chief Financial Officer; John C. Modzelewski, City Engineer/Public Works Director; David Medley, Utilities Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

**Citizen's Comments on Non-agenda Items**

There were no comments.

**Consent Agenda**

- A. Approval of the Minutes from the January 10, 2012 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for January 3, 2012 through January 17, 2012. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$113,344.51; Parking Authority - \$129.59; Nutrition - \$1,296.07; Landfill Res./Sub-Title D - \$6,378.50; Tourism Fund - \$568.00; SE Expo Center - \$12,006.12; E-911 - \$5,673.41; Economic Development - \$7,475.00; Gifts & Contributions - \$1,538.95; CDGB Grants Fund - \$6,400.00; Fleet Maintenance - \$17,139.51; Worker's Compensation - \$941.68 and CIP Fund - \$329,620.99.
- C. Accept and Place on File MPower Fiscal Year 2011-2012 2<sup>nd</sup> Quarter Report. (*Shari Cooper, Executive Director, MPower Economic Development*)

D. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31617-BJ. *(Cora Middleton, City Clerk)*

E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31570-ME. *(Cora Middleton, City Clerk)*

Vice-Mayor Browne moved to approve the Consent Agenda, seconded by Councilman Harrison.

Before the vote, Councilman Mason requested that items “D and E” be removed for individual consideration.

Mayor Priddle stated that the Consent Agenda consisted of items “A, 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**

D. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31617-BJ. *(Cora Middleton, City Clerk)*

A motion was made by Councilman Harrison and seconded by Councilman Mason to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 31617-BJ.

Before the vote, there was a brief discussion concerning the redaction of personal information including social security numbers before the information was submitted for Council consideration and the City’s policy on notifying citizens of scheduled work in their area.

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.

E. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31570-ME. *(Cora Middleton, City Clerk)*

A motion was made by Councilman Karr and seconded by Vice-Mayor Browne to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 31570-ME.

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.

Councilman Harrison moved to open a Public Hearing to address an ordinance amending the Fiscal Year 2011-2012 Budget. The motion was seconded by Vice-Mayor Browne.

There was no 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 and the Public Hearing was opened at 6:13 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 from either the public or the Council and Councilman Karr moved to close the Public Hearing. The motion was seconded by Vice-Mayor Browne, 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 Public Hearing was closed at 6:14 P.M.

### **Scheduled Business**

1. Presentation by Mr. Scott Day, Landscape Architect, Urban Development Services.  
*(Carol Ervin, Executive Director, McAlester Main Street and Scott Day, Principal Urban Development Services, San Antonio, Texas)*

Executive Summary

**Urban Development Services** specializes in design management and retail economics for commercial revitalization.

A motion was made by Vice-Mayor Browne and seconded by Councilman Harrison to open the floor for a presentation by Mr. Scott Day, Landscape Architect, Urban Development Services.

Ms. Carol Ervin addressed the Council informing them that the City had qualified for a tech visit or a Specialist in whatever area that was requested. She stated that she had requested a Specialist

regarding streetscapes to help with downtown and historic old town. She then introduced Mr. Scott Day, Principal Urban Development Services, San Antonio, Texas.

After a power point presentation, in which Mr. Day explained that the presentation was very conceptual and they were not ready to proceed with any of the recommendations, there was a brief discussion among the Council.

Mayor Priddle thanked Mr. Day for the presentation. There was no vote on this item.

2. McAlester Regional Health Center Quarterly Presentation for October-December, 2011.  
*(David Keith, FACHE, President/Chief Executive Officer)*

Executive Summary

McAlester Regional Health Center Quarterly Presentation for October-December, 2011.

A motion was made by Councilman Karr and seconded by Councilman Harrison to open the floor for a Quarterly presentation by David Keith, President/CEO, McAlester Regional Health Center (MRHC).

Mr. Keith introduced Melissa Walker, SVP/Chief Financial Officer and Danny Hardman, SVP/Patient Care Services. He informed the Council that MRHC had successfully negotiated a contract with Frank Hilburn as SVP/Chief Information Officer. Mr. Keith further reviewed the new leadership of MRHC informing the Council that Helen Wheeler was the VP/Strategic and Business Development & Foundation Director; Steven Brooks was VP/Human Resources and that Gary Bryant was VP/Support Services. Mr. Keith then reviewed some of the changes that had occurred at MRHC in the past three (3) months and the facilities strategic initiatives.

Danny Hardman reviewed the improvements in the Emergency Room area, in the quality of service and customer service that had taken place at MRHC.

Melissa Walker reviewed the Audit findings and Corrective actions taken by the administration. She then reviewed the fiscal year to date financial reports for the Council.

Mr. Keith explained to the Council that the revenues were lower but the expenses were lower also and they were working to make the Hospital more profitable.

There was a brief discussion among the Council and Mr. Keith regarding the audit, the financial reports, the Hospital's affiliation with Oklahoma State University and the improvements in the emergency room practices.

There was no vote on this item.

3. A. 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)*

- B. Consider, and Act Upon, approval of the attached Transfer of Appropriations for FY 2011-2012. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance 2392 and transfer of Appropriations for FY 2011-2012.

**ORDINANCE NO. 2412**

**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.**

Vice-Mayor Browne moved for approval of **ORDINANCE NO. 2412** and the transfer of appropriations for FY 2011-2012. The motion was seconded by Councilman Harrison.

Before the vote, Ms. Ervin reviewed the budget amendment exhibits and the transfers of appropriations with the Council.

Councilman Mason inquired about the amount of exhibit A-4, the change order on the Water Treatment Plant Filter & Clearwell Improvements. He commented that he believed that \$3,300.00 had previously been approved and asked if this was an additional \$5,300.00.

Mayor Priddle stated that Ms. Ervin would verify the actual amount to be amended. 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.

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

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.

4. Consider and Act Upon, to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities.

A motion was made by Councilman Harrison and seconded by Vice-Mayor Browne to authorize the release of funds derived from City Ordinance 2159, for the acquisition, construction or equipment of educational facilities.

Before the vote Manager Stasiak reviewed the request from the McAlester Public School Superintendent, Tom Condit for additional funds from the education bond proceeds that were in excess in our account. He added that he, Mr. Condit, the McAlester Public School Chief Financial Officer, the City of McAlester's Chief Financial Officer and the attorneys for both parties met and discussed this request. Manager Stasiak commented that Mr. Condit had been asked to provide the City with the School Systems top five (5) most critical needs. Manager Stasiak stated that the bond account had been reviewed and he furnished the Council with two (2) different scenarios; one (1) the Council could decide to pay off the bond and give the school nothing or two (2) the Council could choose to give the school the requested funds and continue the bond payments until 2018. He explained that with either scenario the ¼ cent sales tax would continue until September 2018.

After a lengthy discussion among the Council, Manager Stasiak and the City Attorney concerning the amount the school was requesting, the amount that had initially been given to the school, if this request was approved making it a one (1) time payment and not continuing payments, who had the liability of insuring that the funds were spent correctly, how the funds would be split between the three (3) school in the district, involving the City's bond attorney and making sure that the City could legally give the school system more funds from the sales tax proceeds.

Councilman Mason recommended tabling the request until all information could be gathered and the Council could meet with representatives of the McAlester Public Schools.

Mayor Priddle moved for Council support of an expenditure of \$700,000.00 from the Education fund pending the creation of a Memorandum of Understanding (MOU) with the School System that provides that the funds go for roof repair and quarterly report.

Mr. Ervin suggested that the MOU mirror the language in the sales tax ordinance. He asked if the Council wanted that MOU approved by the School prior to the Council's consideration.

After further discussion among the Council, Mayor Priddle moved that the Council support a distribution of \$700,000.00 from the educational fund subject to the creation and signing of a Memorandum of Understanding which indicates for McAlester Public Schools that it would go for roof repairs, a quarterly update and pending a budget amendment and final approval of the Memorandum of Understanding at the next Council meeting and MOU's for the other two (2) schools but no quarterly report. The motion was seconded by Councilman Mason. There was no other 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.

5. Consider and Act Upon, to approve Memorandum of Understanding with ODOT regarding the deployment and installation of fiber optic cable as part of the statewide OCAN broadband network. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve Memorandum of Understanding with ODOT regarding the deployment and installation of fiber optic cable as part of the statewide OCAN broadband network.

A motion was made by Councilman Mason and seconded by Councilman Karr to approve a Memorandum of Understanding with ODOT regarding the deployment and installation of fiber optic cable as part of the statewide OCAN broadband network.

Before the vote, Manager Stasiak explained that this was a MOU with the Oklahoma Department of Transportation for the installation of fiber optic cable as part of the statewide OCAN broadband network.

After a brief discussion regarding any possible benefit for the Industrial Park, the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider and Act Upon, authorizing the issuance of a Request for Proposals (RFP) for the development of a new Comprehensive Plan for the City of McAlester and an Economic Development Strategic Plan. *(Peter J. Stasiak, City Manager and Councilman Steve Harrison)*

Executive Summary

Motion to approve issuance of RFP.

Councilman Harrison moved to authorize the issuance of a Request for Proposals (RFP) for the development of a new Comprehensive Plan for the City of McAlester and an Economic Development Strategic Plan. The motion was seconded by Vice-Mayor Browne.

After a brief discussion among the Council and Manager Stasiak regarding the importance of a good Comprehensive Plan, considering the two (2) plans separately, and waiting to see what information came from the County Economic Development Strategic Plan meeting. Councilman Mason moved to table this item for two (2) weeks. The motion was seconded by Mayor Priddle. 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.

7. Consider, and Act Upon, Change Order No. 2 for the Water Treatment Plant Filter & Clearwell Improvements with J. S. Haren Company of Athens, Tennessee. (*David Medley, PE, Director of Utility Department.*)

Executive Summary

Motion to approve Change Order No. 2 to the Water Treatment Plant Filter & Clearwell Improvements to add \$5,300.00 to the current Contract Price of \$429,340.71 resulting in a Contract Price of \$434,640.71. This Change Order also adds an additional 45 days to the Contract time to allow time for the additional work. Substantial Completion with this Change Order is March 16, 2012.

A motion was made by Vice-Mayor Browne and seconded by Councilman Karr to approve Change Order No. 2 for the Water Treatment Plant Filter & Clearwell Improvements with J. S. Haren Company of Athens, Tennessee.

Before the vote, David Medley explained that this Change Order would change the quantities of Item No. 2, Clearwell sealing type I, due to 55 linear feet of additional concrete joints discovered in the Clearwell that required sealing at a unit price of \$60.00 per linear foot for a total of \$3,300.00. He added that the Contractor would have to construct a temporary coffer dam to prevent water from entering the work area and dry the work area before applying the sealant in the joints for a lump sum cost of \$2,000.00.

After a brief discussion among the Council concerning the justification of the extension and the filters at the Water Treatment Plant the vote was taken as follows:

AYE: Councilman Harrison, Browne, Karr & Mayor Priddle

NAY: Councilman Garvin, Mason & Smith

Mayor Priddle declared the motion carried.

**New Business**

There was no new business.

**City Manager's Report**

Manager Stasiak reported that the City had their Stormwater Plan Audit last week by DEQ and the first comment was that they were pleasantly surprised by the shape the City was in. There were no significant findings and only a few minor problems at the various facilities due to oil spillage and equipment dripping. He commented that it had been a very positive report and he was looking forward to the formal report that would be coming out in the next couple weeks. Manager Stasiak commented on the upcoming storm tonight and the next few days. He stated that large hail and significant amounts of rain had been predicted.

**Remarks and Inquiries by City Council**

Councilmen Smith, Harrison and Karr did not have comments.



Vice-Mayor Browne commented that he had attended the Council of Mayors at the State Capital last week and it had been an incredible experience.

Councilman Garvin thanked Manager Stasiak and the City employees for all of the good work that was being done around the City.

Councilman Mason inquired about the status of the canals, and the status of the Solid Waste Ordinance.

Manager Stasiak commented that to his knowledge they were all cleaned and DEQ had been happy with their condition. He stated that the Solid Waste Ordinance was down to one small item and he felt that it would be submitted to the Council at the next meeting.

Mayor Priddle commented that the State of the City address would be given this Thursday at 6:00 P.M. in the Council Chambers. On Friday, January 27, 2012 at 12:00 and 5:15 P.M. he would run a potential Councilman and Mayoral orientation in the Council Chambers.

#### 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 Harrison 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 8:56 P.M.

#### Reconvene Council Meeting

The Regular Meeting was reconvened at 9:00 P.M.

Councilman Harrison moved to recess the Regular Meeting for an Executive Session to discussion negotiations concerning employees and representatives of employee groups: IAFF in accordance with Title 25, Section 307.B.2. The motion was seconded by Vice-Mayor Browne. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the Regular Meeting was recessed at 9:01 P.M.

#### Executive Session

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF

Reconvene into Open Session

The Regular meeting was reconvened at 9:44 P.M. Mayor Priddle reported that the Council had recessed the Regular Meeting for an Executive Session to discussion negotiations concerning employees and representatives of employee groups: IAFF in accordance with Title 25, Section 307.B.2. Only that matter was discussed, no action was taken and the Council returned to open session at 9:44 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Harrison moved for the meeting to be adjourned, seconded by Vice-Mayor Browne.

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, and the meeting was adjourned at 9:44 P.M.

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Kevin E. Priddle, Mayor

ATTEST:

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Cora Middleton, City Clerk