

Council Chambers
Municipal Building
May 27, 2008

The McAlester City Council met in regular session on Tuesday, May 27, 2008, at 6:00 P.M. after proper notice and agenda was posted May 23, 2008, at 5:00 P.M.

CALL TO ORDER

Mayor Lewis called the meeting to order. Council Roll Call was as follows:

Present: Sam Mason, Weldon Smith, Donnie Condit, Haven Wilkinson, Buddy Garvin,
Travis Read & Mayor Lewis

Absent: None

Presiding: Don Lewis, Mayor

Staff Present: David Burke, City Treasurer; Robert Ivester, City Attorney; David Medley,
Utilities Director, George Marcangeli, City Engineer/Public Works Director, Cora
Middleton, City Clerk and Mark Roath, City Manager

INVOCATION & PLEDGE OF ALLEGIANCE

- **Scott Walker, Associate Pastor at The King's House**

Mayor Lewis led the Pledge of Allegiance.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

None

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- Approval of the Minutes from the May 13, 2008, Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- Consider, accept and place on file the Oklahoman's for Independent Living Quarterly Report for January, February and March, 2008.** *(Mike Ward, Executive Director)*
- Consider, and act upon, a request from Miller Newman, President of the Pittsburg County NAACP, to use the Michael J. Hunter Park at 147th and Chickasaw on Saturday, June 21, 2008, from 10:00 A.M. until 7:00 P.M. for the annual Juneteenth Celebration.** *(Miller Newman, President)*

- D. Approval of Claims for the period of May 14 through May 27, 2008.** (*David Burke, City Treasurer*) In the amounts of: General Fund - \$123,692.06; Parking Authority - \$204.06; Nutrition - \$239.88; C.O.P.S/Grant - \$16,759.00; Fire Improvement Grant - \$53,097.76; SE Expo Ctr/Tourism Fund - \$9,170.29 and E-911 - \$2,109.07.

Councilman Mason moved to approve the consent agenda. The motion was seconded by Councilman Read.

Before the vote, Councilman Wilkinson asked if the street on item "C" was actually 14th instead of 147th.

Mark Roath stated that, "yes it was 14th."

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

Mayor Lewis reported that he had received a request from administration to withdraw items 9, 11 and 13. He stated that item 9 would be considered at the first meeting in July and items 11 and 13 would be considered at the next meeting.

Councilman Mason asked if it was correct that item 11 would be on the next meeting.

Mr. Roath commented that he thought they could make the necessary corrections. If they were unable to make the necessary corrections, they would notify the Council in advance.

SCHEDULED BUSINESS

- 1. Consider, and act upon, an Ordinance creating Section 34-1, Municipal Court of the Code of the City of McAlester, Oklahoma and declaring an emergency.** (*Robert Ivester, City Attorney*)

Executive Summary

This agenda item creates a Municipal Court.

ORDINANCE NO. 2289

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, CREATING SECTION 34-1, MUNICIPAL COURT, AND DECLARING AN EMERGENCY.

Councilman Condit moved to approve **ORDINANCE NO. 2289**, seconded by Councilman Smith.

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

AYE: Councilman Condit, Read, Wilkinson, Garvin, Mason, Smith & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried

Councilman Mason moved to approve the EMERGENCY CLAUSE, seconded by Councilman Read.

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

AYE: Councilman Read, Wilkinson, Garvin, Mason, Smith, Condit & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

- 2. Consider, and act upon, an Ordinance creating Section 34-2, Municipal Judge, City Prosecutor; appointment and removal; of the Code of the City of McAlester, Oklahoma and declaring an emergency. (Robert Ivester, City Attorney)**

Executive Summary

This agenda item creates the positions of Municipal Judge and City Prosecutor including provision for their appointment and removal.

ORDINANCE NO. 2290

AN ORDINANCE OF THE CITY OF MCALESTER OKLAHOMA, CREATING SECTION 34-2, MUNICIPAL JUDGE, CITY PROSECUTOR; APPOINTMENT, REMOVAL, AND DECLARING AN EMERGENCY.

Councilman Mason moved to approve **ORDINANCE NO. 2290**, seconded by Councilman Condit.

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

AYE: Councilman Wilkinson, Garvin Mason, Smith, Condit, Read & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

Councilman Wilkinson moved to approve the EMERGENCY CLAUSE, seconded by Councilman Mason.

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

AYE: Councilman Garvin, Mason, Smith, Condit, Read, Wilkinson & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

Mayor Lewis stated that on the next five (5) items on the agenda he was not going to ask for a motion or second. He stated that they had been presented by Councilman Smith and he was going to ask him to comment briefly on each item starting with item 3.

3. Discussion, and possible action, concerning Section 2.10 (b) of the new Charter.
(Weldon Smith, Councilmember)

Executive Summary

This agenda item concerns Council rules, which pertains to Section 2.10 (b) of the new Charter.

Councilman Smith explained that the old Charter addressed the rules of the Council and the new Charter did not, he suggested that the Council review its rules and determine if any changes needed to be made.

Mayor Lewis stated that a Special Meeting had been scheduled for next Tuesday, June 3, 2008 with the Charter Review Committee.

Councilman Smith requested that the meeting be televised.

4. Discussion, and possible action, concerning the Section 4.05 of the new Charter.
(Weldon Smith, Councilmember)

Executive Summary

This agenda item concerns land use, development, and environmental planning, which pertains to Section 4.05 of the new Charter.

Councilman Smith explained that he had spoken with Mark Emmons the Chairman of the Planning Commission and the natural agent for this process would be the Planning Commission. He added that in the near future the Council would need to decide if they wanted the Planning Commission to do this.

5. Discussion, and possible action concerning provisions for establishment of a Board of Ethics, referenced by the new Charter in Section 7.01 (b). *(Weldon Smith, Councilmember)*

Executive Summary

This agenda item concerns a Board of Ethics, which pertains to Section 7.01 (b) of the new Charter.

Councilman Smith explained that the Council would need to primarily decide how to constitute this board and what rules they wanted it to follow. He added that he could produce a template.

6. Discussion, and possible action, concerning creation of a Code of Conduct, referenced by the new Charter in Section 7.01 (c). (Weldon Smith, Councilmember)

Executive Summary

This agenda item concerns a Code of Conduct, which pertains to Section 7.01 (c) of the new Charter.

Councilman Smith stated that he had checked with other cities and the samples that had been included in the packet would be a good start. He added that the commission could produce a template and later have a more detailed code.

7. Discussion, and possible action, concerning the review and revision of the City of McAlester's Personnel Code. (Weldon Smith, Councilmember)

Executive Summary

This agenda item concerns the Personnel Code, which pertains to Sections 8-2, 8-3 and 8-4, etc., of the new Charter.

Councilman Smith stated that the old Charter dealt with matters that the Review Committee felt should be handled in the Personnel Code. He stated that they believed the Personnel Board should be in the Personnel Policies. He added that many things in the current Personnel Policies were in conflict with the old Charter. He stated that the City Manager should be directed to review the Personnel Policies in the near future to make sure it does not conflict with the new Charter.

8. Public Hearing on the proposed Capital Program for FY 2008/09 – 2012/13 for the City of McAlester. (Mark B. Roath, City Manager)

Executive Summary

This agenda item concerns holding a public hearing on the proposed Capital Program for FY 2008/09 – 2012/13, which pertains to Sections 5.11 and 5.12 of the new Charter.

Mayor Lewis opened the Public Hearing stating that it would be discussion only and that no action would be taken at this time.

Mr. Roath stated that this was a requirement of the new Charter and the Council had asked administration to put together a Capital Program. He commented that this was a moving document and it was subject to the budget process, which is why they were not asking for approval at this time. He added that there were approximately three hundred and seventy (370) pages of backup material for the Program that was available to the public from 8:00 A.M. to 5:00 P.M., five days a week in the City Clerk's office. He added that this would be part of the discussion during the budget workshops.

There was discussion among the Council regarding the varying prices on similar items, the inclusion of the possible purchase of garbage collection trucks, the receipt of public comments on the program, the importance of prioritizing the various projects and purchases, the flexibility of the program and the need to continue working toward accomplishing the action plans that came out of the Strategic Planning Retreat. The Council also acknowledged the effort it took to put this document together.

Mayor Lewis commented that this was a good plan. It wasn't a perfect plan, but it was a good start. He then asked if there were any more questions or comments from the Council. He then closed the Hearing at 6:40 P.M.

9. **Consider, and act upon, authorizing the Mayor to enter into a contract with Interact Public Safety Systems, in an amount not to exceed \$245,788.00, for addressing and mapping Pittsburg County, including the City of McAlester, for the E-911 system.**
(Lisa Sutterfield, E-911 Coordinator)

Executive Summary

This agenda item concerns a proposed agreement for addressing and mapping of Pittsburg County including the City of McAlester for the E-911 system.

This item was withdrawn until a later meeting at the request of administration.

10. **Consider, and act upon, a proposed wholesale water rate for the City of Krebs.**
(David Medley, Utilities Director)

Executive Summary

This agenda item concerns a proposed wholesale water rate for the City of Krebs for this calendar year.

Councilman Mason moved to approve the proposed wholesale water rate for the City of Krebs. The motion was seconded by Councilman Read.

Before the vote, Councilman Condit asked if this was the same rate that was charged the rural water districts.

David Medley explained that it was the same rate as the rural water districts except it was an escalated rate. He explained that the Council Sub-Committee proposed that Krebs pay \$2.56 per 1000 gallons for the first 500,000 gallons used per month. Then they would pay \$5.12 per 1000 gallons thereafter. He added that Krebs only purchases water from the City of McAlester in emergency situations.

Councilman Smith commented that even at this rate, Krebs could make money.

Councilman Wilkinson asked if Krebs exceeded the limits.

Mr. Medley stated that they had not purchased water from McAlester since last August.

Councilman Mason commented that they were approving the Mayor to sign the contract pending its acceptance by Krebs.

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

AYE: Councilman Mason, Smith, Condit, Read, Wilkinson, Garvin & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

11. **Consider, and act upon, authorizing the Mayor to sign a professional services contract with Crawford and Associates, P.C. for the period from July 1, 2008 through June 30, 2009. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item concerns a proposed basic services contract with Crawford and Associates, P.C. for the next fiscal year.

This item was withdrawn until a later meeting at the request of administration.

12. **Consider, and act upon, authorizing the Mayor to sign a two year Grazing Lease with Virginia Ramsey for a tract of land totaling 121.8 acres. (Cora Middleton, City Clerk)**

Executive Summary

This agenda item concerns a proposed two year grazing lease.

Councilman Mason moved to authorize the Mayor to sign a two year grazing lease with Virginia Ramsey. The motion was seconded by Councilman Condit.

Before the vote, Mr. Roath stated that items 9 and 13 would be brought back for consideration at the next meeting and item 11 would actually be acted on in July instead of June.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

13. **Consider, and act upon, authorizing the Mayor to sign a Personal Service Agreement with Larry Cox for Hay Bailing on the McAlester Water Shed and the Southside Industrial Park in the amount of \$1,540.00. (Mel Priddy, Community Services Director)**

Executive Summary

This agenda item concerns a proposed hay bailing contract.

This item was withdrawn until a later meeting at the request of administration.

14. **Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community. (Dennis Lalli, Building Inspector)**

Executive Summary

This agenda item concerns a proposed list of eight dilapidated buildings to be removed for health and safety reasons.

Councilman Smith moved to approve the Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community. The motion was seconded by Councilman Wilkinson.

Before the vote, Mr. Roath stated that there were not more on the list because of the time.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried.

15. **Discussion, and possible action, authorizing the City Administration to work with the Pittsburg County Board of Commissioners to transfer ownership of certain vacant lots to the City for deeding to KiBois Community Action Foundation, Inc., to use in building affordable single family housing. (Max Holloway and R. Carroll Huggins)**

Executive Summary

This agenda item concerns a proposal to accept vacant lots from Pittsburg County to deed to KiBois Community Action Foundation, Inc., to use in building affordable single family housing.

Councilman Read moved to approve authorizing the City Administration to work with the Pittsburg County Board of Commissioners to transfer ownership of certain vacant lots to the City for deeding to KiBois Community Action Foundation, Inc., to use in building affordable single family housing. The motion was seconded by Councilman Wilkinson.

Before the vote, there was discussion among the Council, Mark Roath and Mr. Max Holloway regarding charging for the lots, if the City had liens on any of the lots, if the individual that was working with KiBois had experience with other cities, the size of the houses, how many houses could be built on the fourteen lots and how this was actually funded. The Council also discussed the value of the lots and how they would like to see more than just a legal description, preferably an address.

Councilman Garvin commented that he and Jim Mills took this to the County Commissioners because the Council wanted something done about affordable housing in the City.

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

AYE: Councilman Condit, Read, Wilkinson, Garvin, Mason, Smith & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath stated that he did not have a report at this time.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Smith commented that the clean up effort was proceeding nicely and reminded everyone that there would be a household hazardous cleanup this weekend. He stated that the cleanup committee was working with the City to establish the site and that there were a lot of groups that were helping with the cleanup.

Councilman Condit complimented the City staff with their cleanup of the vandalism that had been done.

Councilman Garvin complimented the City on their good work and stated that if anyone knows about the graffiti to contact the police. He added that if anyone wanted to paint a wall to come to 5th Ward and they could paint a mural.

Mayor Lewis thanked the citizens for their part in the cleanup.

RECESS COUNCIL MEETING

Mayor Lewis 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 Garvin and the vote was taken as follows:

AYE: Councilman Read, Wilkinson, Garvin, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 7:05 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:07 P.M.

Councilman Smith moved to recess the Regular Meeting for an Executive Session to discuss the hiring of a City Attorney in accordance with Title 25, Section 307.B.1. The motion was seconded by Councilman Condit.

Before the vote, Councilman Read asked why the Council was going into Executive Session when they were not going to discuss a specific individual.

Mr. Ivester stated that if the Council wished, they could discuss in open session. He added that someone may have an individual to consider already.

Councilman Smith added that it was possible that names could come up.

Councilman Garvin asked Mr. Ivester if they go off of the new Charter, that hasn't been approved by the Governor. Were they doing something against the law?

Mr. Ivester stated that they were not.

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

AYE: Councilman Mason, Smith, Condit, Read, Wilkinson, Garvin & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 7:12 P.M.

EXECUTIVE SESSION

*Recess into Executive Session in compliance with Section Title 25 Section 307 (B), et.seq.
Oklahoma Statutes, to wit:*

- **Section 307 (B) (1) – Discuss hiring of a City Attorney.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 7:29 P.M.

Mayor Lewis commented that the Council had gone into Executive Session for the purpose of discussing the hiring of a City Attorney in accordance with Title 25, Section 307.B.1. He reported that no action had been taken.

ADJOURNMENT

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis
NAY: None

Mayor Lewis declared the motion carried, and the meeting was adjourned at 7:30 P.M.

ATTEST:

Don R. Lewis, Mayor

Cora Middleton, City Clerk