

Council Chambers
Municipal Building
June 24, 2008

The McAlester City Council met in regular session on Tuesday, June 24, 2008, at 6:00 P.M. after proper notice and agenda was posted June 18, 2008, at 3:00 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, Buddy Garvin, Travis Read & Mayor Lewis
Absent: Haven Wilkinson
Presiding: Don Lewis, Mayor

Staff Present: David Burke, City Treasurer; Robert Ivester, City Attorney; Cora Middleton, City Clerk and Mark Roath, City Manager

INVOCATION & PLEDGE OF ALLEGIANCE

- **Ms. Maureen Harrison, McAlester**

Mayor Lewis led the Pledge of Allegiance.

Mayor Lewis commented that there a couple of announcements that needed to be made.

Mark Roath requested that the Council consider not holding an Executive Session as scheduled. He stated that a Special Meeting was scheduled for Thursday, that included tonight's proposed agenda item. He reported that the Swearing-In Ceremony would be on Tuesday, July 8th and not on Monday, June 30th. He explained that the language in the current Charter stated that the Council would take office the first Monday in July and that there would be a week that the new members would not be able to act on anything.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

Ann Autrey addressed the Council expressing her frustration with the results she had received from the salary survey and new pay plan. She commented that after calculating the effect the increase she had received on her salary, she did not feel it would be worth staying for four more years and she had submitted her resignation.

Maureen Harrison addressed the Council expressing her appreciation for them allowing the Juneteenth Celebration and that the celebration had gone very nicely.

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.

- A. Approval of the Minutes from the June 3, 2008, Special Meeting of the City Council. (Cora Middleton, City Clerk)**
- B. Approval of the Minutes from the June 9, 2008, Special Meeting of the City Council. (Cora Middleton, City Clerk)**
- C. Approval of the Minutes from the June 10, 2008, Regular Meeting of the City Council. (Cora Middleton, City Clerk)**
- D. Concur with Mayor's reappointment of Lee Anderson to the McAlester Economic Development Service, Inc., for the term to expire June, 2011. (Cora Middleton, City Clerk)**
- E. Concur with Mayor's reappointment of Terry Lanham to the McAlester Economic Development Service, Inc., for the term to expire June, 2011. (Cora Middleton, City Clerk)**
- F. Concur with Mayor's reappointment of Frank Phillips to the McAlester Economic Development Service, Inc., for the term to expire June, 2011. (Cora Middleton, City Clerk)**
- G. Concur with Mayor's reappointment of Noble Miller to the McAlester Economic Development Service, Inc., for the term to expire June, 2011. (Cora Middleton, City Clerk)**
- H. Concur with Mayor's reappointment of Anthony "Tony" Drizness to the Pittsburg County Regional EXPO Authority for the term to expire June, 2012. (Cora Middleton, City Clerk)**
- I. Consider, and act upon, authorizing the Mayor to sign an Addendum to the Public Works Project Contract between the Oklahoma Department of Corrections and the City of McAlester for the period July 1, 2008 to June 30, 2009. (Mark B. Roath, City Manager)**
- J. Approval of Claims for the period of June 11 through June 24, 2008. (David Burke, City Treasurer) In the amounts of: General Fund - \$200,257.18, Parking Authority - \$214.68, Nutrition - \$252.50, C.O.P.S./Grant - 2,490.00, SE Expo Center/Tourism - \$12,100.40, E-911 - \$2,108.19 and CDBG Grants Fund - \$11,154.01.**

Mayor Lewis stated that he had received requests to withdraw items "D" and "F".

Councilman Read requested that items "E" and "G" be removed also.

Councilman Smith commented that he had comment on the minutes, items "A" and "C".

Councilman Read moved to approve the consent agenda items B, H, I, and J. The motion was seconded by Councilman Smith.

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

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

NAY: None

Mayor Lewis declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

- A. Approval of the Minutes from the June 3, 2008, Special Meeting of the City Council.**
(Cora Middleton, City Clerk)

Councilman Smith commented that he wanted the clerk to check something for him. He stated that on the third page, halfway down the sentence "Councilman Mason questioned the use of the word shall." He asked for more clarification.

- C. Approval of the Minutes from the June 10, 2008, Regular Meeting of the City Council.**
(Cora Middleton, City Clerk)

Councilman Smith commented that on page six in the discussion of the Emergency Fund, he did not remember discussing using City personnel to work on private property.

Ms. Middleton confirmed that there had been discussion regarding the use of City personnel on private property.

- E. Concur with Mayor's reappointment of Terry Lanham to the McAlester Economic Development Service, Inc., for the term to expire June, 2011.** *(Cora Middleton, City Clerk)*

Mayor Lewis asked if Councilman Read had any comments.

Councilman Read stated that he didn't have any comments; he thought it would be appropriate to consider the appointments individually.

Councilman Condit moved to approve the reappointment of Terry Lanham to the McAlester Economic Development Service, Inc. The motion was seconded by Councilman Read.

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

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

NAY: None

Mayor Lewis declared the motion carried

- G. Concur with Mayor's reappointment of Noble Miller to the McAlester Economic Development Service, Inc., for the term to expire June, 2011. (Cora Middleton, City Clerk)**

Councilman Garvin moved to approve the reappointment of Noble Miller to the McAlester Economic Development Service, Inc. The motion was seconded by Councilman Read.

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

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

Mayor Lewis declared the motion carried.

SCHEDULED BUSINESS

- 1. 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 and Jim Lyles, Chief-of-Police)**

Executive Summary

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

Councilman Mason moved to authorize 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. The motion was seconded by Councilman Condit.

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

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

Mayor Lewis declared the motion carried.

- 2. Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, creating Section 2-68, Conflict of Interest, and declaring an emergency. (Travis Read, Councilmember)**

Executive Summary

This agenda item concerns an ordinance creating a section of the McAlester Code of Ordinances related to Conflict of Interest.

ORDINANCE NO. 2293

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, CREATING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY.

Councilman Mason moved to approve ORDINANCE NO. 2293, seconded by Councilman Read.

Before the vote, Councilman Read stated that he would like to amend the motion to insert a severability clause at the appropriate place in the Ordinance, prior to it's signing by the Mayor.

Councilman Garvin agreed with the amendment and stated that he would like the new Council to review the Ordinance. He also commented that Councilman Read had done a fine job with the Ordinance.

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

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

Mayor Lewis declared the motion carried and the Ordinance was approved with the amendment.

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

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

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

Mayor Lewis declared the motion carried.

3. **Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, creating Section 2-69, Board of Ethics, and declaring an emergency. (Travis Read, Councilmember)**

Executive Summary

This agenda item concerns an ordinance creating a section of the McAlester Code of Ordinances related to a Board of Ethics.

ORDINANCE NO. 2294

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, CREATING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY.

Councilman Mason moved to approve ORDINANCE NO. 2294, seconded by Councilman Condit.

Before the vote, Councilman Read stated that he would like to amend the motion to insert a severability clause at the appropriate place in the Ordinance, insert the word unpaid on the first page before private citizen members and on page three in paragraph 3.a.3 strike the word County before District Attorney prior to it's signing by the Mayor. He commented that he wasn't going to ask the City Clerk to read the Ordinance but he felt it was important for the preamble to be read. Councilman Read then read the preamble. He explained that the preamble clarified the

intent of the Ordinance and it was a requirement of the new Charter. He stated that he hoped this Ordinance and the Board emphasized those things and answered the questions of the citizens.

Mayor Lewis commented that new Council may want to review this Ordinance also.

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

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

NAY: None

Mayor Lewis declared the motion carried.

Councilman Smith moved to approve the EMERGENCY CLAUSE, seconded by Councilman Condit.

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

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

NAY: None

Mayor Lewis declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE, 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

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath stated that he would like to thank the members of the Council and he would like to take this opportunity to thank Mr. David Burke for his tenure and for his assistance in preparing the Budget. He added that he hated to see him go but he understood some of the reasons. He added that it had been a pleasure to work with him.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Smith asked about the status of the new Charter and requested that the City Manager make an inquiry. He mentioned the information that Deanna Crawford had submitted regarding the BKD audit and asked if that had been followed up on. He then commented on the letter received from Ms. Henderson regarding the extra penny sales tax research. He stated that Mike Crawford had indicated in a meeting that the information that Ms. Henderson could not find was available.

Mark Roath stated that Ms. Crawford had provided further information to the City Attorney and the City Attorney was in the process of seeking an outside legal opinion related to those offsets. He stated that once that opinion was received the Council would have the opportunity to decide whether to accept or reject those offsets based on that legal opinion.

Councilman Condit commented on the Juneteenth Celebration and how good the food was.

Councilman Read commented that this was his last regular meeting. He stated that it had been a pleasure serving Third Ward and the City of McAlester. He stated that it had been a pleasure working with Mr. Roath and Mr. Ivester and he wished everybody good luck.

Councilman Garvin expressed his appreciation to Mayor Lewis and Mr. Ivester.

Councilman Mason commented that he had met with Mike Crawford last Friday and that Mr. Crawford had found it unusual that those tax records were not available. He echoed Councilman Garvin's thoughts and thanked Councilman Read, Mayor Lewis, Councilman Smith and Mr. Ivester for their services.

Mr. Ivester commented that it had been a pleasure to serve the community. He stated that he appreciated city government more now and he appreciated that City employees and the Council for all their hard work.

Mayor Lewis expressed appreciation to the Council for their support. He admitted that they didn't always agree but decision had to be made and sometimes they were hard decisions to make. He expressed his appreciation for the support and help from all the employees especially the NUC. He wished Mr. Burke well and appreciated what he had done with the Budget. He welcomed the new Council members.

Mayor Lewis commented that he had also attended the Juneteenth Celebration and was very pleased with the festivities. He thanked Ms. Harrison for giving the invocation to open the meeting. He reminded everyone that there would not be an Executive Session. He finally expressed his appreciation to Ms. Middleton for the work that she did as City Clerk and all of her help.

RECESS COUNCIL MEETING

Mayor Lewis asked for a motion to recess the Regular Meeting to convene the Authorities.

Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Condit and the vote was taken as follows:

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

NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 6:36 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 6:38 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 Condit. The vote was taken as follows:

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

NAY: None

Mayor Lewis declared the motion carried, and the meeting was adjourned at 6:40 P.M.

ATTEST:

Don R. Lewis, Mayor

Cora Middleton, City Clerk