

Council Chambers  
Municipal Building  
July 8, 2008

The McAlester City Council met in regular session on Tuesday, July 8, 2008, at 6:00 P.M. after proper notice and agenda was posted July 2, 2008, at 1:00 P.M.

### **CALL TO ORDER**

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

Present: Chris Fiedler, Donnie Condit, John Browne, Haven Wilkinson, Buddy Garvin,  
Sam Mason & Mayor Priddle

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: George Marcangeli, City Engineer/Public Works Director; David Medley, Utility  
Director; Cora Middleton, City Clerk; Sherry Alessi, Assistant City Treasurer and  
Mark Roath, City Manager

### **INVOCATION & PLEDGE OF ALLEGIANCE**

- **Gaetano Franzese, Chaplain, Oklahoma State Prison**

Mayor Priddle led the Pledge of Allegiance.

### **CITIZENS' COMMENTS ON NON-AGENDA ITEMS**

Steve Harrison addressed the Council stating that he had three items that he wanted to comment on. The first of the items was the status of the new City Charter and that the citizens had a right to have more information on how close it was to being approved by the Governor. The second item was status of the information gathered by Deanna Crawford regarding the 2.3 million dollars in possibly allowable expenditures from the 3.2 million dollars identified by the BKD audit and the third item was the audit by Ms. Rheba Henderson of the excess one cent sales tax receipts.

### **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 June 23, 2008, Special Meeting of the City Council and Audit and Finance Advisory Committee. (Cora Middleton, City Clerk)**
- Approval of the Minutes from the June 24, 2008, Regular Meeting of the City Council. (Cora Middleton, City Clerk)**

- C. **Approval of the Minutes from the June 26, 2008, Special Meeting of the City Council and Audit and Finance Advisory Committee.** *(Cora Middleton, City Clerk)*
- D. **Approval of the Minutes from the June 30, 2008, Special Meeting of the City Council and Audit and Finance Advisory Committee.** *(Cora Middleton, City Clerk)*
- E. **Authorize the Mayor to sign Pledge and Guarantee, shown as Exhibit B to the Participation Agreement for FY 2008-2009 with the Association for Landfill Financial Assistance (ALFA).** *(George Marcangeli, City Engineer and Public Works Director)*
- F. **Authorize the Mayor to sign an Engagement Letter with Crawford and Associates, P.C., for accounting and consulting services for the period from July 1, 2008 through June 30, 2009.** *(Mark B. Roath, City Manager)*
- G. **Approval of Claims for the period of June 25, 2008 through June 30, 2008.** *(Sherry Alessi, Assistant City Treasurer)*
- H. **Approval of Claims for the period of July 1, 2008 through July 8, 2008.** *(Sherry Alessi, Assistant City Treasurer)* In the amounts of: General Fund - \$49,392.29; Nutrition - \$674.93; SE Expo Center/Tourism Fund - \$2,619.33 and Economic Development - \$282.50.

Mayor Priddle commented item "G" was to be pulled for individual consideration; there had been a problem with two payments.

Councilman Browne moved to approve the Consent Agenda less item "G". The motion was seconded by Councilman Fiedler.

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

AYE: Councilman Fiedler, Condit, Browne, Garvin, Mason & Mayor Priddle  
 NAY: None

Mayor Priddle declared the motion carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

- G. **Approval of Claims for the period of June 25, 2008 through June 30, 2008.** *(Sherry Alessi, Assistant City Treasurer)* In the amount of: General Fund - \$63,603.45; Revolving Evidence - \$6,630.00; SE Expo Center/Tourism Fund - \$12,975.45; E-911 - \$52.00 and CDBG Grants - \$1,570.00.

Councilman Condit moved for approval of item "G" from the Consent Agenda. The motion was seconded by Councilman Mason.

Before the vote, Mark Roath commented that there were three items that needed to be withdrawn from the claims. The first was a refund to Stuart Public Schools. He stated that this should not

have been placed on the claims since it was a partial refund of funds that had been paid to the City for participation in the summer softball program. The second was a payment to Chris Morris and Blue Zebra. He stated that it had been brought to his attention that as a City employee Chris Morris could not contract with the City and this situation had been taken care of and the check would be voided and reissued to Blue Zebra. He added that Mr. Morris had signed an affidavit stating that he would not receive any payment for his performance with the band. The final item was a payment to Extreme Inflatables. He explained that the company had lowered their price.

Councilman Mason commented that Chris Morris was Blue Zebra and by issuing a check to the group the City was still issuing a check to Chris Morris. He commented that this was in direct violation of the Charter. He suggested that individual checks should be issued to the other members of the band and exclude Chris Morris.

There was discussion among the Council and Mark Roath regarding the contract that had originally been signed, the new contract that was just with the members of the Blue Zebra band and that by writing individual checks any incorrect perception would be cleared up.

Mayor Priddle moved that separate checks be written to the individual members of Blue Zebra excluding Chris Morris. The motion was seconded by Councilman Condit.

Before the vote, Councilman Garvin asked if there could be any legal problems with this contract.

Mr. Roath stated that they had met with Robert Ivester and he had reviewed the new contract and the affidavit that had been signed by Chris Morris.

Councilman Browne clarified the idea that Chris Morris was Blue Zebra. He stated that Blue Zebra had been a band before Chris Morris joined them.

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

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried

### **SCHEDULED BUSINESS**

**1. Presentation of Non-Uniform Employee of the Month for June, 2008.** *(Cliff Pitner, Chairperson, Non-Uniform Committee)*

*Executive Summary*

*The Non-Uniform Committee has selected Jered Weeks as Employee of the Month for June, 2008.*

Mayor Priddle asked Cliff Pitner, Chairman of the Non-Uniformed Employees, to make the presentation of Employee of the Month.

Cliff Pitner addressed the Council explaining the procedure for someone to be nominated as employee of the month. He then introduced Jered Weeks and commented on Jered's nomination. Mr. Pitner stated that during the months of April through June Jered had been a one man show in the Facility Maintenance Department. He explained that Jered's supervisor had knee surgery and that during that time Jered had been responsible for maintaining all of the City's facilities and had made sure that all nine of the pool chlorinators were working properly on a daily basis. He stated that Jered was very deserving of this honor. He then introduced Jered Weeks to the Council.

Mayor Priddle congratulated Mr. Weeks and presented him with a certificate, a savings bond and a pen and pencil set.

**2. Discussion, and possible action, on appointing a Council Subcommittee to negotiate a contract with McAlester Economic Development Service, Inc., for the period July 1, 2008 through June 30, 2009. (Kevin E. Priddle, Mayor)**

Executive Summary

*This agenda item involves the appointment of a Council Subcommittee to negotiate a contract with the McAlester Economic Development Service, Inc., for the period July 1, 2008 through June 30, 2009.*

Mayor Priddle explained that the City of McAlester had a contract with MEDS that expired June 30<sup>th</sup> and it needed to be renegotiated. He commented that last year the two Councilmen that were on the subcommittee were Mason and Condit. He added that this year he would be assisting them with the negotiations and they would start that process as soon as some dates could be scheduled.

There was no vote on this item.

**3. Consider, and act upon, Site Review and Land Use Acceptance for Legends Beauty Salon, on Lots 1 and 2 in Block 419 and the North ½ of adjacent vacant alley, generally located in the 1100 Block of E. Cherokee. (Mark B. Roath, City Manager)**

Executive Summary

*This agenda item involves accepting the Planning Commission recommendation concerning the site review and land use acceptance for Legends Beauty Salon located in the 1100 Block of E. Cherokee.*

Councilman Wilkinson moved to approve the Site Review and Land Use Acceptance for Legends Beauty Salon. The motion was seconded by Councilman Browne.

Before the vote, Mark Roath explained that this item had been considered by the Planning Commission on June 17 and had been approved unanimously.

Michelle Morris addressed the Council stating that they had purchased two lots and were planning on constructing the building and an eight thousand square foot parking lot.

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

AYE: Councilman Wilkinson, Garvin, Mason, Fiedler, Condit, Browne & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

- 4. Consider, and act upon, the City Manager’s appointment of the firm of Ervin and Ervin, L.L.P. as “City Attorney” and to authorize the Mayor to sign an Agreement for Legal Services with said firm. (Mark B. Roath, City Manager)**

Executive Summary

*This agenda item involves the City Manager’s appointment of Ervin and Ervin, L.L.P. as “City Attorney” and ratification of said appointment by the City Council in accordance with Article 5, Section 5.1 of the McAlester City Charter and authorization by the Mayor to sign an Agreement for Legal Services with said firm.*

Councilman Condit moved for approval of the City Manager’s appointment of the firm of Ervin and Ervin, L.L.P. as “City Attorney” and to authorize the Mayor to sign an Agreement for Legal Services with said firm. The motion was seconded by Councilman Mason.

Before the vote, Mayor Priddle explained that in the current Charter the City Manager recommended the City Attorney, City Judge and City Prosecutor with confirmation by the Council.

Mark Roath explained the steps that had been taken to make this recommendation. He then asked both attorneys in the firm to step forward and introduce themselves.

William J. Ervin, Sr. and William J. Ervin, Jr. introduced themselves to the Council expressing their appreciation of the recommendation.

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

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried.

After the vote, William J. Ervin, Jr. took the seat of the City Attorney.

- 5. Consider, and act upon, authorizing the Mayor to sign an Agreement for Engineering Services with Meshek and Associates, L.L.C. in an amount not to exceed \$75,000.00, for Year 3 requirements of the approved Phase II Stormwater Management Plan for the City of McAlester. (George Marcangeli, City Engineer and Public Works Director)**

Executive Summary

*This agenda item involves an engineering agreement with Meshek and Associates, L.L.C., in an amount not to exceed \$75,000.00, to perform consultant services related to Phase II Stormwater Management Plan Year 3 requirements.*

Cliff Pitner explained that the City was in the third year of a five year state mandated program and this was just a contract continuation.

Councilman Fiedler moved to authorize the Mayor to sign an Agreement for Engineering Services with Meshek and Associates, L.L.C. in an amount not to exceed \$75,000.00, for Year 3 requirements of the approved Phase II Stormwater Management Plan for the City of McAlester. The motion was seconded by Councilman Condit.

Before the vote, Mayor Priddle commented that the blanks on the first page would need to be filled in and on page five of the contract in section nineteen the following wording needed to be amended, “may, in the Director’s discretion”. He stated that the contract should say “shall be referred to the City Manager.”

Councilman Fiedler asked if the \$75,000.00 included the \$10,000.00 in flood plane management.

Mr. Pitner stated that this was two different items.

Mike Thomas addressed the Council explaining the problems he was having with his property.

Mayor Priddle commented that Mr. Thomas should meet with George Marcangeli, the City Manager, Mr. Browne, the City Attorney and himself and they could discuss what could be done.

Councilman Mason commented that this property was outside the City limits and they may need to get the County involved.

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

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

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

AYE: Councilman Mason, Fiedler, Condit, Browne, Wilkinson, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

- 6. Consider, and act upon, award of bid for water treatment plant modifications (enhanced coagulation) and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney’s Office, with Northern Equipment Company, Inc., in an amount not to exceed \$676,599.99. (David Medley, Utilities Director)**

Executive Summary

*This agenda item involves awarding a bid to Northern Equipment Company, Inc.; in an amount not to exceed that shown above, for enhanced coagulation modifications at the water treatment*

*plant and authorize the Mayor to enter into a construction contract after all required documents are completed by said Company and reviewed by the City Attorney's Office.*

Councilman Fiedler moved for approval of the award of bid for water treatment plant modifications (enhanced coagulation) and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Northern Equipment Company, Inc., in an amount not to exceed \$676,599.99. The motion was seconded by Councilman Browne.

Before the vote, Councilman Mason commented the he thought the wording "not to exceed" was in error because there could be a change order to increase or decrease the amount. He commented that this item had been bid on and this was the lowest and only bid. He commented that he thought the words "not to exceed" should be stricken.

Mark Roath stated that this was worded so that any change orders would have to be brought before the Council.

Mayor Priddle asked Councilman Mason if he wanted this to be an amendment to change the wording to "in the amount of". He then asked for a second.

Councilman Mason stated that he did want this to be an amendment and Councilman Condit seconded the amendment.

The vote was taken as follows:

AYE: Councilman Condit, Browne, Wilkinson, Garvin, Mason, Fiedler & Mayor Priddle

NAY: None

Mayor Priddle declared the amending motion carried.

Mayor Priddle then explained that this was the award for the water treatment plant improvements and it was the first step toward improving the quality of the water in the City of McAlester.

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

AYE: Councilman Fiedler, Condit, Browne, Wilkinson, Garvin, Mason & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried

### **NEW BUSINESS**

None

### **CITY MANAGER'S REPORT**

Mark Roath thanked the new Mayor and Council on behalf of the City Administration and stated that he looked forward to working with them. He also thanked the members of the Council that

have served and wished them well. Mr. Roath then wished Mr. Irvin and the firm well and explained that they were hired for their knowledge and skills.

**REMARKS AND INQUIRIES BY CITY COUNCIL**

Councilman Fiedler stated that he was looking forward to working with the City staff and he thanked Mr. Roath for having his door open any time he had a question.

Councilman Condit congratulated the new members of the Council and he thanked Mayor Lewis and Councilmen Read and Smith for their work. He added that he looked forward to the next two years.

Councilman Browne thanked Mayor Lewis for the job he had done. He commented that it was time to look to the future and move forward. He added that the City had many great assets including the Police and Fire Departments and the non-uniformed employees.

Councilman Wilkinson congratulated the new members and thanked the former members for their work.

Councilman Garvin thanked the Fifth Ward voters for their confidence in him. He commented that he looked forward to working with the new Council and he expressed his appreciation to Councilman Mason for the job he had done as Vice-Mayor.

Councilman Mason congratulated the new Councilmen and Mayor. He commented that the City had come a long way in the last two years and if they could accomplish as much in the next two years they would have accomplished something. He stated that Mr. Roath had been instructed to make an inquiry to the Governor's Office about the new Charter and had not received an answer yet. He then commented that he had asked Representative Renegar during the intermission to inquire on the status of the Charter.

Mayor Priddle agreed with Councilman Mason's comments about the accomplishments of the past Council and stated that the City needed to continue to move forward. He commented that this could be a thankless job at times but everyone would do their best.

Mr. Ervin thanked Mr. Ivester for his service to the community. He added that he felt if you challenged the people of McAlester they would rise to that challenge.

**RECESS COUNCIL MEETING**

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

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

AYE: Councilman Browne, Wilkinson, Garvin, Mason, Fiedler, Condit & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 6:54 P.M.

**RECONVENE COUNCIL MEETING**

Councilman Browne moved to reconvene the Council meeting, seconded by Councilman Fiedler. The vote was taken as follows:

AYE: Councilman Garvin, Mason, Fiedler, Condit, Browne, Wilkinson & Mayor Priddle  
NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was reconvened at 6:56 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 Priddle declared the motion carried, and the meeting was adjourned at 6:57P.M.

ATTEST:

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Kevin E. Priddle, Mayor

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Cora Middleton, City Clerk