

Council Chambers
Municipal Building
December 23, 2008

The McAlester City Council met in regular session on Tuesday, December 23, 2008, at 6:00 P.M. after proper notice and agenda was posted December 16, 2008, at 5:00 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Brandon Parker, New Life4Today Ministries**

ROLL CALL

Council Roll Call was as follows:

Present: Chris Fiedler, John Browne, Haven Wilkinson, Sam Mason & Mayor Priddle
Absent: Donnie Condit & Buddy Garvin
Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; George Marcangeli, City Engineer/Public Works Director; Harold Stewart, Fire Chief; William J. Ervin, Sr., City Attorney and Karen Boatright, Deputy City Clerk

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.

- A. Approval of Claims for December 10, 2008 through December 23, 2008.** *(Sherry Alessi, Assistant City Financial Officer)* In the following amounts: General Fund - \$149,138.25; Parking Authority - \$123.50; Nutrition - \$863.33; Airport Grant - \$83,539.24; SE EXPO Ctr/Tourism Fund - \$5,213.73; E-911 - \$27,523.66; Economic Development - \$24,637.51; CDBG Grants Fund - \$4,037.00 and CIP Fund - \$3,958.80.

Councilman Mason moved for approval of the consent agenda. The motion was seconded by Councilman Wilkinson.

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

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

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

Mayor Priddle stated that there were three ordinances on the agenda tonight that required a Public Hearing. He then asked for a motion to open the Public Hearing.

PUBLIC HEARING

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

Councilman Fiedler moved to open the Public Hearing, seconded by Councilman Browne.

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

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:04 P.M.

Mayor Priddle then read the titles to each ordinance. They were as follows:

Item 5. Consider, and act upon, an Ordinance amending General Zoning Ordinance No. 1843 (1989) and accompanying map by rezoning property (as described) in the ordinance from R1-B(Single-Family Residential) to R-3(Multi-Family Residential). Item 6. Consider, and act upon, an ordinance and accompanying map to null, vacate and close a platted utility easement, and Item 12. Consider, and act upon, an Ordinance amending Ordinance No. 2299, which Established the Budget for Fiscal Year 2008-2009; Repealing all conflicting Ordinances; providing for a Severability Clause; and Declaring an Emergency.

There were no comments on any of the items and Mayor Priddle asked for a motion to close the Public Hearing.

Councilman Wilkinson moved to close the Public Hearing. The motion was seconded by Councilman Fiedler.

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

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

Mayor Priddle declared the motion carried and the Public Hearing was opened at 6:05 P.M.

SCHEDULED BUSINESS

1. Presentation of the Mayor's Property of the Month by Ward. (Kevin E. Priddle, Mayor)

Executive Summary

This agenda item involves the Mayor's Property of the Month by Ward.

Mayor Priddle presented the Mayor's Properties of the Month signs and proclamations for the following properties.

- Ward 1, 1200 Keller – Gaylon and Joy Tribbey
- Ward 2, 118 Liberty Circle – Mark and Debbie Hopper
- Ward 3, Komar Park – City of McAlester
- Ward 4, 601 Short Stonewall – Tim and Carol Butler
- Ward 5, 615 E. Mill – Franklin and Charlene Parker
- Ward 6, 419 E. Miami – J.R. and Debbie Burch

2. Presentation of the Revenue and Expense Review through November, 2008. (Kevin E. Priddle, Mayor)

Executive Summary

This agenda item involves the Mayor's financial review through the month of November, 2008.

Mayor Priddle reviewed the revenue and expense for November 2008. He explained that many of the shortfalls were due to timing but overall the budget was still in good shape and the City Manager and staff had been doing a good job keeping expenses down.

Councilman Condit arrived at 6:20 P.M.

3. Presentation recognizing Leonard Howard, Planning and Community Development Department (Electrical Inspector); George Marcangeli, Public Works Department (City Engineer/Public Works Director) and Douglas Basinger, Fire Department (Lieutenant) for 25 years service to the City of McAlester. (Kevin E. Priddle, Mayor and Mark B. Roath, City Manager)

Executive Summary

This agenda item involves the recognition of 25 years of service for each of the employees listed.

Mayor Priddle and Mr. Roath presented certificates and pins to Leonard Howard, Planning and Community Development Department (Electrical Inspector); George Marcangeli, Public Works Department (City Engineer/Public Works Director) and Douglas Basinger, Fire Department (Lieutenant) in recognition of twenty-five (25) years of service to the City of McAlester.

4. Discussion, and possible action, authorizing the Mayor to sign an Engagement Agreement with Benefit Partners to undertake a Defined Benefit Retirement Plan and Trust Experience Analysis to be paid from the Defined Benefit Retirement Plan. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves an experience analysis for participants in the Defined Benefit Retirement Plan at a cost of \$8,000.00 to be paid from the plan and an optional cost of \$900.00 for Benefit Partners to calculate additional interest rate assumptions of 6.5%, 7.0% and 8.0%.

Councilman Condit moved to authorize the Mayor to sign an Engagement Agreement with Benefit Partners to undertake a Defined Benefit Retirement Plan and Trust Experience Analysis to be paid from the Defined Benefit Retirement Plan. The motion was seconded by Councilman Mason.

Before the vote, Mr. Roath explained that this issue had come before the Council on November 11, 2008 and had been remanded to the Audit and Finance Advisory Committee for their review. He added that the Audit and Finance Advisory Committee had reviewed this matter and had issued the following recommendation: "The Committee is in complete agreement for the need to conduct the evaluation/analysis offered by Benefit Partners; furthermore, the Committee believes the costs are directly related to the Retirement Plan and as such should be paid from the Plan." He added that Benefit Partners had quoted the cost to complete the analysis at \$8,000.00 but they also stated that for an additional \$900.00, they would provide 2009 funding requirements with annual interest rate assumptions of 6.5%, 7.0% and 8.0%. Mr. Roath recommended that the Council approve the analysis with the additional study at an amount of \$8,900.00.

There was a short discussion among the Council regarding the interest rate assumptions, where to get the correct figures for the interest rates and the expenses above the stated amount. There was also discussion concerning reviewing the plan itself and what changes might be made to make the plan more attractive to potential and new employees.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Mayor Priddle clarified that the motion had been with the additional amount for the additional study.

- 5. Consider, and act upon, an Ordinance amending General Zoning Ordinance No. 1843 (1989) and accompanying map by rezoning property (as described) in the ordinance from R1-B(Single-Family Residential) to R-3(Multi-Family Residential). (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves a rezone request from single family to multi-family residential.

ORDINANCE NO. 2308

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: LOTS 1 THRU 10 & 23 THRU 32 IN BLOCK 29; AND ALL OF BLOCK 28; AND VACATED 14TH STREET BETWEEN BLOCKS 28 & 29; AND VACATED EAST STREET FROM BUCHANAN AVENUE TO PIERCE AVENUE; AND THE EAST 422' OF THE SOUTH 40' OF VACATED BUCHANAN AVENUE FROM LOT 10 IN BLOCK 29 TO VACATED EAST STREET; AND THE EAST 250' OF VACATED ALLEY IN BLOCK 29; AND ALLEY IN BLOCK 28, City of McALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B(SINGLE-FAMILY RESIDENTIAL) TO R-3(MULTI-FAMILY RESIDENTIAL).

Councilman Fiedler moved to approve **ORDINANCE NO. 2308**, seconded by Councilman Mason.

Before the vote, Councilman Condit asked if anyone had spoken against this at the Planning Commission meeting.

Mr. Roath stated that it had been approved 8-0 by the Planning Commission.

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

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, an ordinance and accompanying map to null, vacate and close a platted utility easement. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a request to close a portion of a platted utility easement.

ORDINANCE NO. 2309

AN ORDINANCE TO ANULL, VACATE, AND CLOSE THE PLATTED ROADWAY 14TH STREET FROM SOUTH LINE OF BUCHANAN TO NORTH LINE OF PIERCE AVENUE, THE ALLEY BISECTING BLOCK 28 SOUTH McALESTER, AND EAST STREET FROM SOUTH LINE OF BUCHANAN AVENUE TO NORTH LINE OF PIERCE AVENUE, CITY OF McALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA GRANTING OWNERSHIP TO SAID PROPERTY TO THE ABUTTING PROPERTY OWNERS; AND DECLARING AN EMERGENCY.

Mr. Roath stated that this was a companion item with the previous item.

Councilman Browne moved to approve **ORDINANCE NO. 2309**, seconded by Councilman Wilkinson.

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

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

NAY: None

Mayor Priddle declared the motion carried.

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

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

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, authorizing the Mayor to sign a Memorandum of Agreement with the Choctaw Nation of Oklahoma regarding the operating and maintaining of the Fourth Fire Station. (Harold Stewart, Fire Chief)

Executive Summary

This agenda item involves a memorandum of agreement with the Choctaw Nation of Oklahoma concerning the operation and maintenance of the new fire station.

Councilman Browne moved to authorize the Mayor to sign a Memorandum of Agreement with the Choctaw Nation of Oklahoma regarding the operating and maintaining of the Fourth Fire Station. The motion was seconded by Councilman Condit.

Before the vote, Mayor Priddle stated that they had received a revised copy of the Memorandum.

Mr. Roath explained that some unnecessary language had been removed.

Councilman Condit asked what would happen after five (5) years.

Chief Stewart, Mr. Ervin and Mr. Roath explained that after five (5) years the land would be deeded back to the City and what would actually take place. They also explained that the Choctaw Nation would furnish insurance on the property.

Councilman Mason asked if there was a clause in the deed regarding the matter.

Mr. Ervin stated that they had inserted a reversionary clause in the deed to insure that the land would not be used for anything but the Fire Station.

There was no further discussion, and the vote:

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

NAY: None

Mayor Priddle declared the motion carried.

- 8. Consider, and act upon, authorizing the Mayor to sign a Quit Claim Deed to transfer ownership of Lot 11 in Block 2 in the Village Addition No. III in the City of McAlester, to the Choctaw Nation of Oklahoma, to construct a Fourth Fire Station. (Harold Stewart, Fire Chief)**

Executive Summary

This agenda item involves a Quit Claim Deed transferring title of the land upon which the new fire station will be located to the Choctaw Nation of Oklahoma.

Mayor Priddle explained that this was a companion item to the previous item.

Councilman Condit moved to authorize the Mayor to sign a Quit Claim Deed to transfer ownership of Lot 11 in Block 2 in the Village Addition No. III in the City of McAlester, to the Choctaw Nation of Oklahoma, to construct a Fourth Fire Station. The motion was seconded by Councilman Wilkinson.

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

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

NAY: None

Mayor Priddle declared the motion carried.

- 9. Consider, and act upon, an Interlocal Cooperative Agreement between the Oklahoma Department of Corrections and the City of McAlester regarding the 2009 Annual Prison Rodeo. (Helen Wheeler, Executive Director, McAlester Chamber of Commerce)**

Executive Summary

This agenda item involves an interlocal cooperative agreement with the Oklahoma Department of Corrections to hold the 2009 Annual Prison Rodeo.

Councilman Wilkinson moved to approve an Interlocal Cooperative Agreement between the Oklahoma Department of Corrections and the City of McAlester regarding the 2009 Annual Prison Rodeo. The motion was seconded by Councilman Condit.

Before the vote, Mayor Priddle stated that for this item he would act only as the moderator for the discussion and he would abstain from the vote because he was a member of the Chamber.

Mr. Roath stated that this was the same agreement as last year but there was a typographical error on page three (3) in sub-section N. He explained in the second sentence of that section the letter “n” had been left out and it needed to be placed before the “o” to make the word “no”. He

added that the next item was related to this item and it was the agreement between the Chamber and the City.

Mayor Priddle clarified that the motion was to approve an Interlocal Cooperative Agreement between the Oklahoma Department of Corrections and the City of McAlester regarding the 2009 Annual Prison Rodeo, with the addition of the letter “n”.

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

AYE: Councilman Condit, Browne, Wilkinson, Mason & Fiedler

NAY: None

ABSTAIN: (But counted as a no) Mayor Priddle

Mayor Priddle declared the motion carried.

10. Consider, and act upon, a Personal Service Agreement with the McAlester Area Chamber of Commerce and Agriculture, Inc. for the promotion of the 2009 Annual Prison Rodeo. (Helen Wheeler, Executive Director, McAlester Chamber of Commerce)

Executive Summary

This agenda item involves a Personal Service Agreement with the McAlester Area Chamber of Commerce and Agriculture, Inc., to market the 2009 Annual Prison Rodeo.

Councilman Browne moved to approve a Personal Service Agreement with the McAlester Area Chamber of Commerce and Agriculture, Inc. for the promotion of the 2009 Annual Prison Rodeo. The motion was seconded by Councilman Wilkinson.

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

AYE: Councilman Browne, Wilkinson, Mason, Fiedler & Condit

NAY: None

ABSTAIN: (But counted as a no) Mayor Priddle

Mayor Priddle declared the motion carried.

11. Discussion, and possible action, on the City of McAlester participating in the Wise Eyes Program sponsored by Devon Energy. (John Browne, City Councilmember)

Executive Summary

This agenda item involves a request for the City to participate in the Wise Eyes Program.

Councilman Fiedler moved to approve the City of McAlester participating in the Wise Eyes Program sponsored by Devon Energy. The motion was seconded by Councilman Browne.

Before the vote, Councilman Browne explained that the Wise Eyes Program was like a neighborhood watch program. He stated that if the City chose to participate Devon Energy would provide the paperwork for the program, which included flyers, bumper stickers and forms and pamphlets to collect information on crimes. He added that they would provide software for the Police Department that could send out Amber Alerts and mass emails and calls to areas of the

City. Councilman Browne stated that the program was cooperation between the Police and the citizens of the City and it would fit in with Crime Stoppers and Pride In McAlester. He commented that the Sherriff's Department was planning on participating.

Mayor Priddle agreed that this was a great program and he could not understand why the City would not want to participate.

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

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

NAY: None

Mayor Priddle declared the motion carried.

- 12. Consider, and act upon, an Ordinance amending Ordinance No. 2299, which Established the Budget for Fiscal Year 2008-2009; Repealing all conflicting Ordinances; providing for a Severability Clause; and Declaring an Emergency.**
(Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a budget amendment to appropriate a Highway Safety Office Grant, which the City Council approved on November 11, 2008. In addition, this agenda item involves an appropriation for an April, 2009 Special Election on the One Cent Sales Tax issue.

ORDINANCE NO. 2310

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2299 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2008-2009; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Condit moved to approve **ORDINANCE NO. 2310**, seconded by Councilman Wilkinson.

Before the vote, Mr. Roath explained that this amendment was for two (2) items, one (1) was a \$24,000.00 Oklahoma Highway Safety Office Grant for overtime traffic enforcement and equipment and the second item was \$13,500.00 for a possible Special Election concerning the use of the One Cent Sales Tax.

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

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

NAY: None

Mayor Priddle declared the motion carried.

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

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

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

NAY: None

Mayor Priddle declared the motion carried.

13. Discussion, and possible action, on a request of Gayle Burrows, Director of Program and Operations Caring Hands Healthcare Centers, Inc., to support a watch party for the Crystal Darkness Program at the EXPO Center. (Gayle Burrows, Caring Hands Healthcare Centers, Inc.)

Executive Summary

This agenda item involves a request for support by the above named organization in an effort to hold a watch party at the EXPO Center.

Councilman Condit moved to approve the request of Gayle Burrows, Director of Program and Operations Caring Hands Healthcare Centers, Inc., to support a watch party for the Crystal Darkness Program at the EXPO Center. The motion was seconded by Councilman Browne.

Before the vote, Tammy Randazzo addressed the Council regarding this request. Ms. Randazzo explained that she was with the Oklahoma Department of Health and she was here on behalf of the local service coalition. She stated that she had a seven (7) minute video that explained what the program was about and she would answer any questions remaining after the video.

Mayor Priddle stated that the way he understood, this program was produced for Oklahoma and it would not be the same program that was seen in other states.

Ms. Randazzo explained that this video was produced in Oklahoma with Oklahoma concerns in mind. She added that in the past this problem had always been addressed as a law enforcement problem and not a community problem. She stated that there would be two (2) watch parties on the 13th, one at the Stipe Center and the other at the EXPO and there would be refreshments at both sites. Ms. Randazzo stated that what the coalition was asking for was that the City waive the \$350.00 fee to use the east end of the EXPO on that night.

Mayor Priddle stated that he had requested this be placed on the agenda to insure that the Council had a chance to look at it. He informed Ms. Randazzo that the City of McAlester had a resolution that prohibited the City from waiving fees. He asked the City Attorney if this was okay with the resolution.

Mr. Ervin stated that there was no exception for inter-governmental participation, but the agenda item was worded broadly enough that the City could vote to pay the fee instead of waiving the fee.

Councilman Mason asked if the City was on legal ground in doing this.

Mr. Ervin stated that all the City needed to do was determine that this served a valid governmental function which drug education, awareness, crime prevention were all valid functions.

Councilman Mason asked that from here out the application process for these particular purposes be followed and the City Manager advise any person that they need to follow the procedure. He added that he fully supported this program and he wished Ms. Randazzo success in this endeavor.

Mr. Roath stated that this did not come through his office, but he did ask Ms. Wilson at the EXPO to prepare the partnership request which was mailed out to the Council this past weekend and there were enough funds for this request.

Mayor Priddle commented that this was something that the Council needed to support.

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

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

NAY: None

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath commented that the City offices would be closed Wednesday, December 24th and Thursday, December 25th but they would be open again Friday, December 26th. He wished everyone a happy and safe holiday.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Wilkinson commented on the turnout for the December Fourth Ward Meeting. He added that the City had begun working on many of the issues that had been brought up at the meeting.

Councilman Mason had no comments.

Councilman Fiedler commented on the Christmas Dinner and that they needed help with deliveries and desserts. He added that if anyone wanted to help they could call 421-2120. He commented that he had received complaints from some of the businesses about the sanitation department not picking up all of the trash around the dumpsters.

Councilman Condit wished everyone a Happy and Safe Holiday.

Councilman Browne thanked Devon Energy for contacting him about the Wise Eyes program. He thanked everyone that served on the various boards and committees for the City. He thanked the City employees and the citizens of Third Ward for allowing him to be their Councilman.

Mayor Priddle wished everyone a Merry Christmas. He commented that this had been a good six (6) months and he felt that they had gotten quite a bit accomplished. He commended the City employees for the lights on Carl Albert Parkway. Mayor Priddle stated that during the Third Ward meeting there had been a discussion concerning street lights. He stated that P.S.O. was working on a better way to report the outages and he asked if anyone noticed that a light was out to please report it. He thanked all of the individuals that were out handing out gifts and food. He reported that the Ethics Board had conducted their first meeting which had been an organizational meeting and they had scheduled their next meeting on January 9, 2009.

RECESS COUNCIL MEETING

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

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

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:26 P.M.

RECONVENE COUNCIL MEETING

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

ADJOURNMENT

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

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

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

Kevin E. Priddle, Mayor

ATTEST:

Karen Boatright, Deputy City Clerk