

Council Chambers
Municipal Building
February 10, 2009

The McAlester City Council met in regular session on Tuesday, February 10, 2009, at 6:00 P.M. after proper notice and agenda was posted, February 6, 2009, at 3:25 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Scott Walker, Director of Shared Blessings**

ROLL CALL

Council Roll Call was as follows:

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

Staff Present: Mark Roath, City Manager; George Marcangeli, City Engineer/Public Works Director; David Medley, Utilities Director; William J. Ervin, Sr., City Attorney and Cora Middleton, 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. Place on File Mayor's "State of the City Address" given on Tuesday, January 20, 2009. (Kevin E. Priddle, Mayor)**
- B. Place on File The Oklahomans for Independent Living Quarterly Report for the months of October, November and December 2008. (Mike Ward, Executive Director)**
- C. Approval of Claims for January 28, 2009 through February 10, 2009. (Sherry Alessi, Assistant City Financial Officer)** In the following amounts: General Fund - \$78,163.02; Nutrition - \$648.20; Airport Grant - \$32,111.75; SE Expo Center/Tourism Fund - \$6,411.73 and Economic Development - \$282.50.

Councilman Fiedler moved to approve the Consent Agenda. The motion was seconded by Councilman Wilkinson.

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

AYE: Councilman Fiedler, Wilkinson, Garvin & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

SCHEDULED BUSINESS

1. Presentation of Monthly Financial Report for December, 2008. *(Kevin E. Priddle, Mayor)*

Executive Summary

This agenda item involves the financial report for the month of December, 2008.

Mayor Priddle briefly reviewed the financial report for December 31, 2008, stating that as of that date, the City was looking well. He commented that Fund No. 42 was where the City should receive money from a DEA sale of land that was related to drugs. He added that we did not know if we would receive the funds this fiscal year or next fiscal year. Mayor Priddle stated that the transfers between funds were now being made monthly instead of in one lump sum. He commented that all of the departments were handling their budgets very well. He added that the Emergency Reserve Fund was at \$3,250,000.00 and the City was within a couple of hundred thousand dollars of the amount that was suggested by the Charter.

Mr. Roath commented that in this tight economy the City was fortunate to have an emergency fund available. He hoped that the City would not need to draw on it. He added that the City would need to continue to find ways to conserve. He stated that with the budget adjustment that the Council had recently received, there was only about a two percent (2%) cushion for the City to operate with.

Mayor Priddle commented that January sales tax had been an increase and February had been a decrease of about \$10,000.00.

2. Presentation of Mid-Year Report of the McAlester Economic Development Service, Inc. *(Dr. Kenneth Miller, President and Jim Mills, Executive Director)*

Executive Summary

This agenda item involves accomplishments by MEDS for the first two quarters of the fiscal year.

Vice-Mayor Garvin moved to open the floor for the Mid-Year Report of the McAlester Economic Development Service, Inc. The motion was seconded by Councilman Fiedler.

Dr. Miller addressed the Council presenting the Mid-Year report of the MEDS activities. He stated that Jim Mills reported monthly to the board and those reports were then reviewed. Dr.

Miller commented that he and Mr. Mills had recently interviewed with Buff T.V. for an informational series. He commented on the six (6) month plan that had been set up by the Council Sub-Committee and the MEDS committee. He stated that Mr. Mills visited regularly with local industry and that MEDS had worked with the Mayor and City Manager on the King Ranch Property.

Mr. Mills addressed the Council regarding the five (5) goals that had been established for MEDS. He commented that there had been two (2) definite results in the last two (2) months. Mr. Mills added that the biggest problems were finishing the year financially, the need for a shell building and the need for more affordable housing. He commented that in the future the City may have to partner with prospective businesses.

Mayor Priddle indicated that the trip to Florida had not cost the City anything. MEDS paid for the hotel and he had paid for the rest.

Councilman Fiedler stated that Kiamichi Vo-Tech was working on the MEDS website at no cost to the City.

There was no vote.

Councilman Mason arrived at 6:37 P.M.

3. Presentation of the Cable Changes Affecting Allegiance Communications. (*Chris Fiedler, Councilmember and by Allegiance Communications, Sean Hendrix, Vice President of Operations*)

Executive Summary

This agenda item involves a presentation on new rate changes, fees, and an update on digital TV transition.

Councilman Fiedler moved to open the discussion of the Cable Changes Affecting Allegiance Communications. The motion was seconded by Councilman Wilkinson.

Sean Hendrix, Vice President of Operations addressed the Council regarding the changes in T.V. and how those changes would affect Allegiance Communications. He commented that these were challenging times with some of the stations switching to digital in February and others waiting on the extended deadline of June 12th. He added that Allegiance customers would not be affected by this. Mr. Hendrix stated that Allegiance was expecting an increase of 5.5 % and that amount would not include the broadcast fee. He commented that the local broadcasters had started asking to be paid for the signal they send to the cable company.

Joyce Carlson addressed the Council stating that she did not think the increase was small and she did not think the customers were getting their monies worth.

Mr. Hendrix stated that McAlester borders two (2) designated market areas and they are charging for their signal. He added that those fees were going back to the broadcasters.

Councilman Fiedler commented about some of the problems with service that had been addressed when the contract was renewed. He stated that it appeared that those issues had not

been addressed and there seemed to be a communication problem. He also asked about the possibilities of expansion.

Mr. Hendrix stated that the topic of expansion had been discussed at a meeting with the Mayor and Mr. Roath. He also added that the company had to look at their return on investment to see where they would be able to expand.

There was no vote on this item.

Mayor Priddle stated that the next agenda item required a Public Hearing and he asked for a motion to open the 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 Wilkinson.

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

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

NAY: None

Mayor Priddle declared the motion carried, and the Public Hearing was opened at 6:59 P.M.

Steve Harrison addressed the Council expressing his concerns about the wording of Ordinance No. 2312. He stated that it did not contain the information necessary for the public to make an intelligent decision. He added that the proposition was not specific and there were no controls stated in either the ordinance or the proposition. He recommended that the Council slow down and rethink the ordinance.

There were no other comments made regarding the Ordinance by the audience or the Council.

Councilman Fiedler moved to close the Public Hearing. The motion was seconded by Councilman Wilkinson, and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 7:05 P.M.

- 4. Consider, and act upon, approval of an Ordinance relating to the City of McAlester Sales Tax; amending Ordinance No. 2144 relating to the purpose of the One Percent Sales Tax approved at an election held on May 14, 2002; ratifying and approving the expenditures by the McAlester Public Works Authority. (William Ervin, City Attorney)**

Executive Summary

This agenda item involves an amendment to Ordinance No. 2144 as set forth in said proposal legislation.

Councilman Fiedler moved to approve Ordinance No. 2312, relating to the City of McAlester Sales Tax; amending Ordinance No. 2144 relating to the purpose of the One Percent Sales Tax approved at an election held on May 14, 2002; ratifying and approving the expenditures by the McAlester Public Works Authority. The motion was seconded by Vice-Mayor Garvin.

Before the vote, Councilman Mason stated that in the meeting this past Thursday, he had raised the same concerns that Mr. Harrison had just expressed.

There was discussion among the Council and Mr. Ervin regarding the wording, the Councils' intent concerning past expenditures, whether those past expenditures could be identified and that this issue may have been rushed forward without proper planning.

Councilman Mason commented that it might be proper to table this matter for further study and discussion.

Councilman Wilkinson inquired as to when the next election would be available.

Mr. Roath commented that the Council had already adopted the resolution placing this on the ballot and the ordinance was a companion piece. He stated that he was concerned with some clarity with this legislation and some clarity with the proposition itself. He added that it might be to the City's advantage to postpone this for two (2) weeks and allow Mr. Ervin to work with one of the Bond Counsel that the City had used in the recent past. Mr. Roath suggested that Mr. Brooks had worked with Mr. Ervin in the past and that might be someone to consider.

Mayor Priddle stated that the worst thing one wanted to do was to screw up a fix and if the City Manager had a concern with this it might be wise to wait. He then seconded Mr. Mason's motion to table this item until the next Council meeting.

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

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

NAY: None

Mayor Priddle declared the motion carried and the item was tabled.

- 5. Consider, and act upon, a standard Contract for Engineering Services and a Work Order with Mehlburger Brawley for professional engineering services on two (2) Economic Development Fund water and sewer extension projects in southeast McAlester.** (*George Marcangeli, City Engineer/Public Works Director and David Medley, Utility Director*)

Executive Summary

This agenda item involves approval of a contract and work order for engineering services for two (2) Economic Development Fund utility extension projects along US 69.

Councilman Mason moved for approval of a standard Contract for Engineering Services and a Work Order with Mehlburger Brawley for professional engineering services on two (2) Economic Development Fund water and sewer extension projects in southeast McAlester. The motion was seconded by Councilman Wilkinson.

Before the vote, George Marcangeli explained that on November 4, 2008, the City Council approved the construction of two (2) water and sewer extension projects from the Economic Development Fund. He stated that the total estimated cost of these projects was \$491,100.00, which included survey, engineering, inspection and construction costs. He added that approximately \$135,550.00 of the total cost was to be paid by the developer for the Village Boulevard sewer project. Mr. Marcangeli stated that the Engineering Division had solicited a proposal from the local engineering firm, Mehlburger Brawley, for the necessary services and the work order, which had been included in the agenda, in the amount of \$62,300.00 would control that particular project.

Councilman Wilkinson asked about the January 15, 2008 date and if the price was still good. Councilman Mason asked if at some point there would be a signed contract with the developer.

Mayor Priddle asked if the City obtained quotes from other firms for the various projects.

Mr. Marcangeli stated that, yes, the City did use other firms at times but if they used the same firm for both projects it would be a lower cost.

Councilman Mason stated that engineering firms used a standard statewide fee curve and there wasn't any particular variance in the fees.

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

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, approval of a supplemental agreement (change order) to the existing contract with KATCON, Inc. for construction of AIP Project 3-40-0057-009-2008 at McAlester Regional Airport. (George Marcangeli, City Engineer/Public Works Director)

Executive Summary

This agenda item involves a supplemental agreement with KATCON.

Councilman Mason moved for approval of a supplemental agreement (change order) to the existing contract with KATCON, Inc. for construction of AIP Project 3-40-0057-009-2008 at McAlester Regional Airport. The motion was seconded by Councilman Fiedler.

Before the vote, George Marcangeli explained that this was the final housekeeping to finalize this project. He commented this project was basically \$6,000.00 below the projected cost and

would not cost the City any additional money. He added that most of the money had already been reimbursed to the City for this project.

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

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, declaring certain City equipment and vehicles as surplus property and authorize the City Manager to hold an auction to sell said items. (Mark Roath, City Manager)

Executive Summary

This agenda item involves the City declaring surplus property and sale by auction.

Councilman Mason moved to approve declaring certain City equipment and vehicles as surplus property and authorize the City Manager to hold an auction to sell said items. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Roath explained how the list was produced and what steps were taken to finalize the list. He commented that funds received from the auction would go back into the General Fund and MPWA. He added that this would help free up space and create some additional funds.

There was discussion among the Council concerning if any of the equipment or vehicles worked, if any of them could be repaired, and if a polygraph could be sold as surplus.

Mr. Ervin commented that the polygraph could be sold as surplus.

Mr. Roath stated that many of the items would cost more to fix than sell and try to replace.

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

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

NAY: None

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath commented that this was the first meeting after the new detailed memo that had been sent out to coincide with the agenda and he hoped to continue to do that. He mentioned that on February 23rd the new Planning and Community Development Director would come on board. He complimented the new Non-Uniform Pension Plan Committee that had recently been formed.

He informed the Council that Staff was working on the identity theft program and the Council would have something before the deadline. He stated that Staff was working on developing a list of unused City property for the Council to review. Mr. Roath mentioned that the auditors would be wrapping up their in-house work this week for the last fiscal year audit. He stated that the Mid-Year Budget Amendment that the Council had received would be on the agenda for the next Council meeting. He mentioned that the Fire Chief had recently promoted Eric Giles to EMS Instructor and Alfred Bennett to Driver/Operator. He added that the Police Chief had promoted Wendell Henry to Lieutenant and Greg Read to Sergeant.

Mr. Roath stated that the police department was to meet tomorrow with Devon Energy about the Wise Eyes Program and the Stormwater Utility Program Ordinance had been drafted and the City Attorney's Office was reviewing it. He hoped to have it on the next agenda for Council consideration.

REMARKS AND INQUIRIES BY CITY COUNCIL

Vice-Mayor Garvin stated that the Fifth Ward meeting was set for next Tuesday, February 17th at the Whistle Stop Bistro in North Town at 6:00 P.M.

Councilman Mason commented on the proposed reward for information about vandalism that had been mentioned in Mr. Roath's report.

Mayor Priddle stated that he had spoken with the City Manager about this and discussed having Crime Stoppers do this.

Councilman Fiedler thanked the City Manager and Department Heads for the list of surplus items.

Councilman Wilkinson thanked the City staff for cleaning up the streets in 4th Ward along west Electric.

Mayor Priddle congratulated Emerson Elementary School for their Second Place Oklahoma Academic Award. He stated that the students had earned an API of 1408 out of 1500. He mentioned that the upgrade to the water treatment plant should be completed by this Friday, ten days ahead of schedule. He added that he had toured the East Waste Water Treatment Plant with David Medley and some representatives from Boren's and Inhofe's offices. He commended the staff for the excellent shape the facility was in. He stated that he had wanted to impress on those representatives staff members that the facility was running at about 90% capacity and the additional hotels would add to the strain on the facility. Mayor Priddle commented on the progress that PSO was making on the street lights and encouraged citizens to report any outages. He remarked about the life size cattle drive on Highway 69 by the McAlester Campus of Eastern Oklahoma State College. He added that it was part of the beautification effort and it had been donated by Gary and Ruyanna Fugitt.

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 Garvin and the vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:49 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:50 P.M.

Mayor Priddle asked for a motion to recess the Regular Meeting for an Executive Session.

Councilman Wilkinson moved to recess the Regular Meeting for an Executive Session to discuss the current status of the collective bargaining negotiations with the IAFF and FOP, in accordance with Title 25, Section 307.B.2; to discuss appraisal of the tract formerly known as “The King Ranch”, in accordance with Title 25, Section 307.B.3, and to discuss pending litigation involving Joyce Ramsey, in accordance with Title 25, Section 307.B.4. The motion was seconded by Vice-Mayor Garvin.

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

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

NAY: None

Mayor Priddle declared the motion carried and the Regular Meeting was recessed at 7:51 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) (2) – Discussion concerning current status of the collective bargaining negotiations with the IAFF and FOP.**
- **Section 307 (B) (3) – Discussion concerning appraisal of tract formerly known as “The King Ranch”.**
- **Section 307 (B) (4) – Discussion concerning pending litigation involving Joyce Ramsey.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

The Regular Meeting was reconvened at 8:39 P.M.

Mayor Priddle stated that the Council had gone into Executive Session to discuss the current status of the collective bargaining negotiations with the IAFF and FOP, in accordance with Title 25, Section 307.B.2; to discuss appraisal of the tract formerly known as “The King Ranch”, in accordance with Title 25, Section 307.B.3, and to discuss pending litigation involving Joyce Ramsey, in accordance with Title 25, Section 307.B.4., only those matters had been discussed and no action had been taken.

ADJOURNMENT

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:39 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk