

The McAlester City Council met in regular session on Tuesday, March 10, 2009, at 6:00 P.M. after proper notice and agenda was posted, March 5, 2009, at 1:10 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- Reverend Cliff House, Lakewood Church

ROLL CALL

Council Roll Call was as follows:

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

Absent: John Browne

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; George Marcangeli, City Engineer/Public Works Director; Mel Priddy, Community Services Director; David Medley, Utilities Director; Peter Stasiak, Planning & Community Development Director; William J. Ervin, Jr., 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. Approval of the Minutes from the February 10, 2009, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- B. Approval of the Minutes from the February 24, 2009, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**
- C. Concur with Mayor's appointment of Dr. Leroy Milton to the McAlester Regional Hospital Center Board for a term to expire February 2012. (Kevin E. Priddle, Mayor)**
- D. Approval of Claims for February 25, 2009 through March 10, 2009. (Sherry Alessi, Assistant City Financial Officer)** In the following amounts: General Fund - \$103,262.52; MPWA - \$25,0889.91; Airport Authority - \$6,713.52; Nutrition - \$602.75; SE Expo Center/Tourism Fund - \$1,218.56; E-911 - \$699.07 and Economic Development - \$282.50.

There was no motion taken and no discussion on the Consent Agenda. The vote was taken as follows:

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

NAY: None

Mayor Priddle declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

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.

Mayor Priddle commented that the first item on the agenda required a public hearing and he asked for a motion to open the hearing.

Councilman Wilkinson moved to open the Public Hearing to consider an ordinance to amend the FY 2008-2009 Budget. The motion was seconded by Councilman Condit.

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

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

NAY: None

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

There were no comments from the audience or the Council and Mayor Priddle asked for a motion to close the Public Hearing.

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

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

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

NAY: None

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

SCHEDULED BUSINESS

- 1. 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. (Kevin E. Priddle, Mayor)**

Executive Summary

This agenda item involves budget amendments for Crime Stoppers (\$2,500), Community Tree Board (\$2,000) and McAlester Economic Development Services, Inc. (\$24,000).

ORDINANCE NO. 2314

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 Fiedler moved for approval of **ORDINANCE NO. 2314**, seconded by Vice-Mayor Garvin.

Before the vote, Mr. Roath explained each of the exhibits to the amendment to the Council.

Councilman Mason requested that his following comments be included verbatim in the minutes of this meeting. Councilman Mason's comments were as follows. "In addressing the request by MEDS for additional funding in the amount of \$24,000.00 for the fiscal year 2008-2009 I have the following comments and questions:

1- I support Economic Development for the City of McAlester but have comments and questions that I believe this council and the taxpaying citizens deserve to hear and have answered.

2- MEDS is an independent corporation contracting with the City. As such once both parties agree to the conditions set forth in a lump sum contract, approve and sign that contract, then the conditions of that contract are binding on both parties.

3- In the council committee meeting with MEDS representatives to discuss this contract, MEDS was advised of the amount (\$150,000.00) budgeted to fund MEDS for this fiscal year. They were cautioned that they should not recommend their board approve and sign this contract if they could not perform within the proposed budget. They were further advised in council meeting on August 12, 2008 through Mr. Mills that if he felt he could not complete the contract within the confines of the proposed contract, that it should not be approved and entered into by MEDS.

4- The goals and objectives of this contract were presented as a part of this contract by MEDS, not the City.

5-MEDS has now stated that they can not complete the contract as they have agreed to and are asking for additional funds. This request is presented with no effort on their part to show any effort to meet their responsibility that they adjust their costs to fit their budget.

6-MEDS owes this council and the taxpayers exactly what they plan to use the requested funds for. Are they for raises, other personnel related costs, etc.

7-If we enter into contracts with others, as we do, with lump sum contracts, does this not mean that we are open and obligated to fund them more money simply because they say they can't complete their agreement. Absolutely not. In my mind, this is a breach of contract.

8-In his letter, Dr. Miller stated that the MEDS executive director was having to spend his time trying to find operational funds rather than searching for new jobs and new companies for our community. I wish to point out that the MEDS own by-laws (Section 4.B) give the MEDS board the duty of securing funds for economic development. The MEDS board consists of 15 leaders of this community. If the MEDS board is unwilling or unable to get significant funding from any source other than the City of McAlester, then I think they should spend a little time paring down their budget enough to cover the short fall.”

There was discussion among the Council and Mr. Roath and Mr. Mills concerning the request, when they were told it might be able to be re-visited, the type of business that MEDS was in, the perception of the public if any of the Council members were to vote no on this item, why the private donations had declined, what the citizens actually wanted from the City and that many of the citizens might not have a clue as to what MEDS does.

Mayor Priddle commented that in his opinion there was one way to survive in this economy. It was to have jobs available so people could buy houses and the other things they needed. He stated that he was impressed with the way that MEDS had cleaned up the recommendations from their audit. He added that the City did not have the money to attract businesses so they had to sell what the City did have. He mentioned that a city does economic development in three (3) ways; through a Chamber, through the City or through an outside entity. Mayor Priddle commented that he felt that McAlester had worked their relationships better in the last months than they had previously.

Mr. Roath commented that the issues were to have resources for MEDS through the remainder of the year and to target the types of industry that the City wanted. He added that the City might need to be more specific and give MEDS better direction so their funds could be used better toward those ends.

Councilman Condit asked if MEDS was planning on submitting their budget earlier this year.

Mr. Mills stated that he hoped to give it to the City Manager next week.

Mr. Roath commented that all of the groups that the City partnered with should submit their requests earlier this year. He stated that would help the City with budgeting.

Councilman Condit asked if when the Council voted, were they voting on all three (3) changes at the same time?

Councilman Mason moved to divide the changes and vote on each of the three (3) separately. The motion was seconded by Mayor Priddle and he commented that it would take a two-thirds vote to approve this motion.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Condit moved to approve the funds for Crime Stoppers in the amount of \$2,500.00. The motion was seconded by Councilman Wilkinson.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved to approve the funds for the Community Tree Board in the amount of \$2,000.00. The motion was seconded by Vice-Mayor Garvin.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Condit moved to approve the additional funds for MEDS in the amount of \$24,000.00. The motion was seconded by Councilman Wilkinson.

Before the vote, Councilman Mason stated that he would like to have answers to the various questions he had submitted. He commented that the information he had received was not detailed enough. He inquired about the amount of \$3,500.00 listed for site preparation. Councilman Mason stated that normally the City did all of the site preparation at the Industrial Park and he did not remember anyone saying they would revisit the MEDS funding. He also stated that the goals had been set by MEDS and not the Council.

Mayor Priddle stated that during this year's budget process he had commented that since the City had not given MEDS the amount they had requested that possibly after six months their funding could be reviewed. He commented that it would be appropriate to remove the \$3,500.00 from the MEDS request and that the City Manager and Mr. Stasiak would discuss any needed site preparation with MEDS. He then asked for a motion to amend the request.

Councilman Condit moved to lower the requested amount of \$24,000.00 by \$3,500.00 leaving a total of \$20,500.00. The motion was seconded by Councilman Wilkinson.

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

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

NAY: None

Mayor Priddle declared the motion carried.

Councilman Fiedler moved for approval of the EMERGENCY CLAUSE, seconded by Vice-Mayor Garvin.

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

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

NAY: None

Mayor Priddle declared the motion carried.

2. **Consider, and act upon, a bid award to Triple S Electric, in the amount of \$29,840, for the installation of 3-Phase Electric Service at the EXPO Center.** (*Mel Priddy, Community Service Director*)

Executive Summary

This agenda item involves the awarding of a bid to Triple S Electric to install 3-Phase Electric Service in the EXPO Hall within the EXPO Center.

Vice-Mayor Garvin moved to approve a bid award to Triple S Electric, in the amount of \$29,840, for the installation of 3-Phase Electric Service at the EXPO Center. The motion was seconded by Councilman Fiedler.

Before the vote, Mel Priddy explained that this project had been included in the Capital Projects for the FY 2008-2009 Budget. He commented that this would allow for greater flexibility in booking events that require this type of electrical service at the Expo Center. He added that in the past the EXPO had lost bookings because of the lack of this service. Mr. Priddy went on to explain that when quotes were received for this project, they had been over the estimated amount in the Budget and also over the amount required to be formally bid. Mr. Priddy stated that the bid had been advertised as required and several bid packages had been picked up but at the bid opening the City had received only one (1) formal bid. He commented that \$38,000.00 in the EXPO Center's Capital Outlay Fund was available for use.

Councilman Mason commented that he was surprised that only one (1) bid had been received.

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

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

NAY: None

Mayor Priddle declared the motion carried.

- 3. Consider, and act upon, award of bid to Keystone Equipment Co., in the amount of \$83,900, for the purchase of one New 2009 Industrial Rubber Tire Backhoe, and authorize the City Manager or his designee to negotiate a five year lease purchase agreement with the vendor or a financial institution for this equipment. (David Medley, Utility Director)**

Executive Summary

This agenda item involves the purchase of one new 2009 Industrial Rubber Tire Backhoe.

Councilman Condit moved to approve a bid award to Keystone Equipment Co., in the amount of \$83,900, for the purchase of one New 2009 Industrial Rubber Tire Backhoe, and authorize the City Manager or his designee to negotiate a five year lease purchase agreement with the vendor or a financial institution for this equipment. The motion was seconded by Councilman Fiedler.

Before the vote, David Medley explained to the Council that the FY 2008-2009 Budget included the lease-purchase of one Backhoe and the MPWA Interdepartmental Fund of the budget included a \$100,000.00 annual lease-purchase payment for this equipment plus two trash trucks and two front loading tractors. He stated that on February 26, 2009, the Utilities Department opened bids and two (2) were received. Mr. Medley commented that Keystone Equipment was a local dealer and that part of their bid offered a five (5) year lease-purchase agreement with an annual interest rate of 3.94% or annual payments of \$18,864.82.

Councilman Mason stated that the vote for approval should state that if a local financial institute be used the interest rate should not exceed the 3.94% rate.

Mr. Roath stated that he was in agreement with that stipulation.

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

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

NAY: None

Mayor Priddle declared the motion carried.

- 4. Consider, and act upon, award of bid to Grissoms LLC, in the amount of \$36,550.08, for the purchase of two New 2009 Diesel Tractors with Front End Loaders and authorize the City Manager or his designee to negotiate a five year**

lease purchase agreement with the vendor or a financial institution for the equipment. (David Medley, Utility Director)

Executive Summary:

This agenda item involves a purchase for two new 2009 Diesel Tractors with Front End Loaders.

Councilman Condit moved to approve a bid award to Grissoms LLC, in the amount of \$36,550.08, for the purchase of two New 2009 Diesel Tractors with Front End Loaders and authorize the City Manager or his designee to negotiate a five year lease purchase agreement with the vendor or a financial institution for the equipment. The motion was seconded by Councilman Fiedler.

Before the vote, David Medley explained that the FY 2008-2009 Budget also included the lease-purchase of two (2) new Front End Loaders and that the MPWA Interdepartmental Fund of the budget included a \$100,000.00 annual lease-purchase payment for this equipment plus two trash trucks and one backhoe. He stated that on February 26, 2009, the Utilities Department opened bids and only one bid was received. He added that the bid meets the minimum requirements of the specifications and Grissom LLC, has offered a five (5) year lease-purchase agreement with an annual interest rate of 5.57% and annual payments of \$8,171.76.

Mayor Priddle commented that this motion should have the same stipulation on the local financial institutions as the previous motion did.

There was discussion among the Council regarding what would happen to the equipment that this purchase would replace, that it was great that the City was doing business with local companies and keeping the money local. The Council also discussed the importance of performing the proper maintenance on this equipment and that this bid had been \$20,000.00 under the budgeted amount.

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

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

NAY: None

Mayor Priddle declared the motion carried.

5. Consider, and act upon, authorizing the Mayor to sign a Rental Agreement with GG/MG, Inc., d/b/a Landfill Equipment for a Rex 370 Trash Compactor for the McAlester Landfill in the amount of \$7,500 per month plus delivery cost of \$5,250. (George Marcangeli, City Engineer/Public Works Director)

Executive Summary

This agenda item involves a Rental Agreement for a Rex 370 Trash Compactor from Landfill Equipment for the McAlester Landfill.

Councilman Fiedler moved to authorize the Mayor to sign a Rental Agreement with GG/MG, Inc., d/b/a Landfill Equipment for a Rex 370 Trash Compactor for the McAlester Landfill in the amount of \$7,500 per month plus delivery cost of \$5,250. The motion was seconded by Councilman Wilkinson.

Before the vote, George Marcangeli stated that the Landfill had not a compactor for three (3) years. He explained that the compactor was needed to properly compact and push the trash after delivery by the garbage trucks, private citizens and businesses. He added that the purchase of a compactor was proposed for the next budget year, but a compactor was badly needed at this time to extend the life of the present cell and to help control the litter problem that was due to improperly compacted trash. Mr. Marcangeli stated that the Public Works staff had contacted several landfill equipment companies for rental quotes and received only two quotes. He commented that the highest was for \$12,500.00 per month and the lowest was for \$7,500.00 per month. He added that funds for this proposed rental were available in the 2008-2009 Landfill Equipment Rentals operating account.

There was discussion, among the Council, Mr. Roath and Mr. Marcangeli concerning the useful life of a compactor, how compacting the trash could extend the life of the landfill cell, how long the rental was for, how this could reduce the problems with litter blowing and buzzards and the

amount of this rental was less than what the City was paying to rent a dozer at the landfill that did not properly perform the needed work.

Mr. Roath stated that this rental agreement was only for six (6) months. He added that during the coming budget preparations, staff would see what could be done in the next budget.

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

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

NAY: None

Mayor Priddle declared the motion carried.

6. Consider, and act upon, authorizing the Mayor to sign a Municipal Lease Contract, in the amount of \$1,442.45 per month, with Xerox Corporation for two Xerox WORKCENTRE 7675 copiers. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves approving a Municipal Lease Contract with Xerox Corporation for two Xerox WORKCENTRE 7676 copiers.

Councilman Fiedler moved to authorize the Mayor to sign a Municipal Lease Contract, in the amount of \$1,442.45 per month, with Xerox Corporation for two Xerox WORKCENTRE 7675 copiers. The motion was seconded by Councilman Wilkinson.

Before the discussion, Mr. Roath explained that there were two copiers in City Hall, one on the first floor and the other on the second floor, one lease had three (3) years left and the other lease was coming up. He explained that these copiers were used by the City Manager, City Clerk, Finance, Fire, Planning and Community Development, Police and Public Works Departments and the machines were inadequate for the work required by these offices. He stated that a committee of executive assistants had worked on this project to find the best machine for the work. Mr. Roath stated that the Xerox Corporation had submitted a proposal to terminate the second floor copier lease and offer the City a Municipal lease for new copiers at less than what the City was currently paying. He added the proposal was for two (2) color Xerox WORKCENTRE 7675 copiers that will have the capability to fax, scan, 3-hole punch and function as a network printer that could be accessed from any individual computer. Mr. Roath stated that the new lease would be for \$1,442.45 per month for 60 months, which would give the City a savings of \$132.38 per month or \$7,943.00 over the life of the lease.

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

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

NAY: None

Mayor Priddle declared the motion carried.

7. Consider, and act upon, declaring additional City equipment and a vehicle as surplus property and authorize the City Manager to include them in the City Auction. (Mark B. Roath, City Manager)

Executive Summary:

This agenda item involves authorizing additional City equipment and a vehicle as surplus property to be sold at the upcoming City auction scheduled for Saturday, March 14th.

Councilman Condit moved to declare additional City equipment and a vehicle as surplus property and authorize the City Manager to include them in the City Auction. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Roath explained that additional equipment and a vehicle had been identified and staff wished to add these items to the auction. He stated that the auction would help to clean up the various sites where surplus items had been stored and would give the departments more room to organize the equipment that had been retained.

There was discussion among the Council concerning how the auction had been advertised and where the revenue would go.

Mr. Roath explained that the auction had been advertised for three (3) weeks in the local newspaper and had been mentioned at various meetings. He stated that they would try to track where the item came from so the funds could go back to that department.

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

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

NAY: None

Mayor Priddle declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath reported that he had received an email from the Auditor indicating that the 2008 Independent Audit would be received late in May or early June. He stated that previously the Council had approved the disposal of some old cell phones and those had recently been donated to the District Attorney's office to use in their Battered Women's Program.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler thanked the City Manager and the Department Heads in the clean up effort and the Auction.

Councilman Condit stated that he did not have any comments at this time.

Councilman Wilkinson reminded everyone that next week was Spring Break and to watch for the children.

Vice-Mayor Garvin commented that he did not have anything except to echo what the Mayor was going to comment on and he asked that the audience pay close attention to what the Mayor had to say.

Councilman Mason commented that he had recently made an inquiry with Mr. Roath about a company in the Industrial Park. He stated that Mr. Roath has been in conference with the City Attorney and when this is litigated through the City Attorney with his recommendations, he would like Mr. Roath to share that information with each Councilman and then forward it to MEDS. He added that they should be aware of the problems.

Mayor Priddle asked if there was going to be a Ward Meeting on the 17th.

Councilman Mason commented that the date had been set but he was concerned about the meeting. He stated that the same individuals attended every meeting and it was the same questions with the same answers. He added that he would consider the matter and get back with the Mayor this week.

Mayor Priddle reported that the sales tax for this March and it was greater than last March even before the quarter cent difference. He stated that we should be thankful for the situation we are in compared to the rest of the nation. Mayor Priddle commented that the next budget would be difficult because the economy had slowed down but he was glad that the budget would be started earlier this year. He was pleased with what was done with the Crime Stoppers matter tonight. He then stated that his car and several other cars on his block had been broken into and vandalized. He added that it can be very frustrating to have something like that happen. He then stressed that everyone stay watchful for unusual happenings in their neighborhoods and report anything out of the usual.

RECESS COUNCIL MEETING

Mayor Priddle 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 Fiedler and the vote was taken as follows:

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

Mayor Priddle declared the motion carried, and the Regular Meeting was recessed at 7:20 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:21 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 Wilkinson, Garvin, Mason, Fiedler, Condit & Mayor Priddle
NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:22 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk