

Council Chambers
Municipal Building
April 28, 2009

The McAlester City Council met in regular session on Tuesday, April 28, 2009, at 6:00 P.M. after proper notice and agenda was posted, April 23, 2009, at 11:25 A.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Priddle gave the invocation and led the Pledge of Allegiance.

ROLL CALL

Council Roll Call was as follows:

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

Absent: Haven Wilkinson

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; Pete Stasiak, Planning & Community Development Director; George Marcangeli, City Engineer/Public Works Director; Cliff Pitner, Engineering Inspector; Sherry Alessi, Assistant Finance Officer; William J. Ervin, Jr., City Attorney and Cora Middleton, City Clerk

Mr. Roath recognized George Marcangeli for the twenty-five (25) years of extraordinary service to the City of McAlester.

The Mayor and each of the Councilmen thanked Mr. Marcangeli for his service to the community and the professional job that he had done.

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 April 13, 2009, Rescheduled Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)**

B. Approval of Claims for April 14, 2009 through April 28, 2009. (*Sherry Alessi, Assistant Chief Financial Officer*) In the following amounts: General Fund - \$116,172.26; Parking Authority - \$118.23; Nutrition - \$783.20; Employee Retirement - \$18,618.00; C.O.P.S./Grant - \$429.95; SE Expo Ctr/Tourism Fund - \$22,788.60; E-911 - \$2,915.11 and Economic Development - \$19,196.67.

Councilman Browne requested that item “B” be removed for individual consideration.

Councilman Mason moved for approval of consent agenda item “A”. The motion was seconded by Councilman Condit. There was no discussion 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.

ITEMS REMOVED FROM CONSENT AGENDA

B. Approval of Claims for April 14, 2009 through April 28, 2009. (*Sherry Alessi, Assistant Chief Financial Officer*) In the following amounts: General Fund - \$116,172.26; Parking Authority - \$118.23; Nutrition - \$783.20; Employee Retirement - \$18,618.00; C.O.P.S./Grant - \$429.95; SE Expo Ctr/Tourism Fund - \$22,788.60; E-911 - \$2,915.11 and Economic Development - \$19,196.67.

Councilman Browne moved for approval of item “A”, claims for April 14, 2009 through April 28, 2009. The motion was seconded by Councilman Condit.

Before the vote, Councilman Browne asked about the payment to Margaret McMorro-Love. He requested a copy of the agreement between Ms. Love and the City of McAlester, and for a total of the payments for the year.

Mr. Roath stated that he would get the information and furnish it to Councilman Browne.

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.

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 stated that there were three (3) items on the agenda that required a Public Hearing.

Councilman Wilkinson moved to open a Public Hearing to consider an ordinance dealing with identity theft prevention, an ordinance establishing a Stormwater Utility and an ordinance to amend the FY 2008-2009 Budget. The motion was seconded by Councilman Fiedler.

There was no discussion 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 Public Hearing was opened at 6:11 P.M.

There were no comments on any of the items from the Council or audience 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, Browne & Mayor Priddle

NAY: None

Mayor Priddle declared the motion carried and the Public Hearing was closed at 6:12 P.M.

SCHEDULED BUSINESS

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

Executive Summary

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

Mayor Priddle explained that instead of having a property of the month for each of the wards there would only be one property of the month. He then reviewed the criteria for nominating a particular property and stated that the selection had been made by Pride In McAlester. He then announced that the award for property of the month went to Bill and Jean Staples at 1801 Wood Road.

2. Consider, and act upon, an Ordinance adopting an "Identity Theft Prevention Program" to comply with Federal Regulations Relating to Red Flags and Identity Theft; and approving administrative rules entitled "Identity Theft Prevention Program Rules"; providing for a severability clause; and declaring an emergency.

(Sherry Alessi, Assistant Chief Financial Officer)

Executive Summary

This agenda item involves adoption of an "Identity Theft Prevention Program" for the City of McAlester.

ORDINANCE NO: 2320

AN ORDINANCE ADOPTING AN "IDENTITY THEFT PREVENTION PROGRAM" TO COMPLY WITH FEDERAL REGULATIONS RELATING TO RED FLAGS AND

IDENTITY THEFT; AND APPROVING ADMINISTRATIVE RULES ENTITLED “IDENTITY THEFT PREVENTION PROGRAM RULES”; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Condit moved to approve **ORDINANCE NO. 2320**, adopting an “Identity Theft Prevention Program.” The motion was seconded by Vice-Mayor Garvin.

Before the vote, Mr. Roath noted that he had asked Chief Lyles, Chief Stewart and Sherry Alessi to develop this program, and that Ms. Alessi had taken the lead on this issue, and he thought she should explain the program.

Sherry Alessi addressed the Council explaining that this was a Federal Trade Commission mandated program and had to be adopted by May 1, 2009. She stated that this would help to protect certain information about the citizens that previously had been considered as public information. She commented that this had to be updated annually, and that any employee with access to personal information had to participate in training to meet the programs requirements. She then thanked all of the employees that had been involved in the creation of this ordinance and program rules.

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.

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

There was no discussion, 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.

- 3. Consider, and act upon, an Ordinance amending Chapter 106 of the McAlester Code of Ordinances, by adding an Article V., establishing a Stormwater Utility; providing for a severability clause; and declaring an emergency. (George Marcangeli, City Engineer and Public Works Director)**

Executive Summary

This agenda item involves an ordinance establishing a stormwater utility for the City of McAlester.

ORDINANCE NO. 2321

AN ORDINANCE AMENDING CHAPTER 106 OF THE McALESTER CODE OF ORDINANCES, BY ADDING AN ARTICLE V, ESTABLISHING A STORMWATER

UTILITY, PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Fiedler moved for approval of **ORDINANCE NO. 2321**, to establish a Stormwater Utility. The motion was seconded by Councilman Browne.

Before the vote, George Marcangeli addressed the Council stating that this ordinance would establish a new Utility Division. He commented that there had been some minor corrections in the original ordinance that had been furnished to the Council and he had corrected copies to distribute to them. He added that Federal regulations for stormwater made it necessary for the City to adopt an ordinance to regulate stormwater discharges inside the City of McAlester and for the City to stay in compliance with the DEQ requirements of the NPDES M S4 Stormwater Permit issued to the City on February 8, 2005. Mr. Marcangeli commented that the City was in the third year of the program and Cliff Pitner had done most of the work.

There was a brief discussion among the Council, Mr. Roath and Mr. Ervin regarding Mr. Pitner as the person to head the work on this program, if there were any penalties in place to enforce this ordinance, educating the citizens and businesses before beginning the enforcement process and how Mr. Pitner had already began to furnish educational information to the area schools. Mr. Roath commented that it could be advantageous to meet with the building community and educate them before enforcement of the ordinance.

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.

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

Mayor Priddle declared the motion carried.

- 4. 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 an amendment to the current fiscal year budget.

ORDINANCE NO. 2322

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. 2322**, to amend the Fiscal Year 2008-2009 Budget to fund the FOP contract and worker's compensation claims. The motion was seconded by Councilman Wilkinson.

Before the vote, Mr. Roath explained that this proposed budget amendment contained provisions to fund the proposed collective bargaining agreement with the FOP Lodge No. 97, for the portion of the personnel costs that were not in the current fiscal year budget, and to fund additional worker's compensation claims that had been made against the City.

Councilman Mason asked again about a report that furnished a running total for all of the current year budget amendments.

Mr. Roath stated that he had just overlooked that report and would furnish it to the Council.

There was no other 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.

Councilman Mason moved to approve the EMERGENCY CLAUSE, seconded by Councilman Wilkinson,

There was no discussion, 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.

- 5. Consider, and act upon, a Collective Bargaining Agreement with the Fraternal Order of Police, Lodge No. 97 for the period July 1, 2008 to June 30, 2009. (Mark B. Roath, City Manager and Jim Lyles, Chief-of-Police)**

Executive Summary

This agenda item involves a collective bargaining agreement with the FOP Lodge No. 97 for July 1, 2008 to June 30, 2009.

Councilman Condit moved for approval of a Collective Bargaining Agreement with the Fraternal Order of Police, Lodge No. 97 for the period July 1, 2008 to June 30, 2009. The motion was seconded by Vice-Mayor Garvin.

Before the discussion, City Manager Roath emphasized that this contract had clarifications to several of the articles, such as the probationary period, the union dues would be \$45.00 per month for membership, the promotion policy, the grievance process had been streamlined and made the dates more consistent, there was an across the board 4% increase to wages, clarified the two routes to becoming a Master Patrolman, clarified rest periods and sick leave, deleted the longevity pay clause, clarified the uniform payment, and added a clause for replacement of sunglasses that were damaged in the line of duty.

Councilman Browne clarified that only prescription sunglasses would be reimbursed.

Councilman Condit asked when the discussion concerning the NUC would be considered. Mr. Roath commented that he would need to coordinate that, and he would like to bring the NUC to the Council at the same time the IAFF was submitted.

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.

6. Consider, and act upon, an Agreement with Hance Pyrotechnics for the July 4th fireworks display in the amount of \$25,000. (Mel Priddy, Community Services Director)

Executive Summary

This agenda item involves the hiring of Hance Pyrotechnics for the 4th of July fireworks display.

Councilman Fiedler moved to approve an Agreement with Hance Pyrotechnics for the July 4th fireworks display in the amount of \$25,000. The motion was seconded by Councilman Condit.

Before the vote, City Manager Roath explained that this was the same company that had been used last year. He advised that some corrections had been made to the contract, and the Council had been furnished with the corrected copies.

Councilman Mason asked if the City Attorney had reviewed the contract.

Mr. Ervin stated that he had reviewed the contract and it was satisfactory.

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.

- 7. Consider, and act upon, a Service Agreement with United Safety & Claims, Inc., to administer the Worker's Compensation Claims for an annual service fee of \$14,805.**
(Mark B. Roath, City Manager)

Executive Summary

This agenda item involves an agreement to administer worker's compensation claims for a yearly service fee of \$14,805.

Councilman Browne move to approve a Service Agreement with United Safety & Claims, Inc., to administer the Worker's Compensation Claims for an annual service fee of \$14,805. The motion was seconded by Councilman Fiedler.

Before the vote, Mr. Roath commented that this agreement was the same as the previous agreement but with a five percent (5%) increase in the administrative fee. He explained that this third party handled all of the claims and they were asking for \$14,805.00.

There was a brief discussion among the Council regarding any issues that the City may have with the company, limiting the amount that was given to companies and if this was the first increase or if it increased annually.

Willie Faries commented that to his knowledge this was the first increase in this contract.

There was no further discussion, 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.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mr. Roath reported that recently there had been a meeting in regarding stimulus money that may be available to the City involving the Drinking Water State Revolving Fund and the City was currently ranked 12th for potential funding. He stated that there were some issues connected to the Charter and that bond Counsel was looking into those matters. He thanked the Council for funding the Incode software for the Municipal Court. He thanked Mr. Stasiak and Mr. Priddy for the curb painting and the pickup effort.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler thanked Shaun Beggs and Dr. Cotton for attending the 1st Ward Town Meeting. He then thanked Mr. Stasiak for the job he was doing in the Community Development Department.

Councilman Condit asked Mayor Priddle if he needed to postpone the 2nd Ward meeting until further notice. Mayor Priddle commented that he would like for it to be postponed until after the first of the fiscal year.

Councilman Browne asked Mr. Roath about the recent problems with the water plants new tanks leaking. Mr. Roath commented that the tank had been repaired and there may be more repairs. He added that this work had a one (1) year warranty on all improvements. Councilman Mason commented that the problem did not appear to be a manufacturing problem but could have been with the transfer or installation. But the manufacturer was making the repairs. Councilman Browne commented that the warranty should begin after all repairs had been made.

Councilman Wilkinson thanked Mr. Stasiak, Elaine Thomas and all of the individuals involved for the improvements to the 500 block on west Adams.

Vice-Mayor Garvin asked if Mr. Roath knew who had put the second road into the Industrial Park. He would like to send them a letter of recognition. He asked if the City could use dirt from the Industrial Park to cover the landfill and in the process possibly help in the preparations of the industrial park. Mr. Roath commented that he would look into that suggestion.

Councilman Mason commented on the improvements in the Down Town area. He added that the City was making good progress.

Mayor Priddle announced that the Armed Forces Day Banquet was scheduled for Friday, May 1, 2009. The Parade would be on Saturday, May 2, 2009. He commented that the March of Dimes walk had been on the last Saturday. He stated that the Hazardous Waste cleanup had been amazing. He thanked Mr. Stasiak and Pride In McAlester for their work and the Pittsburg County Sheriff's Department for the use of the Trustees.

Councilman Fiedler commented on the Drive Safely program that had been held at the Expo and he asked about the street lights at Main and Washington. Mr. Roath stated that he would look into that and get back to him.

Councilman Browne announced that Saturday, May 9, 2009 would be the National Letter Carriers food drive and he asked that everyone contribute. He added that the food remained in the local area.

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 Browne 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, and the Regular Meeting was recessed at 6:58 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:01 P.M.

ADJOURNMENT

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 7:01 P.M.

ATTEST:

Kevin E. Priddle, Mayor

Cora Middleton, City Clerk