

Council Chambers
Municipal Building
July 28, 2009

The McAlester City Council met in regular session on Tuesday, July 28, 2009, at 6:00 P.M. after proper notice and agenda was posted, July 23, 2009, at 4:00 P.M.

CALL TO ORDER

Mayor Priddle called the meeting to order.

INVOCATION & PLEDGE OF ALLEGIANCE

- **Brandon Parker, New Life 4 Today Ministry**

ROLL CALL

Council Roll Call was as follows:

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

Absent: None

Presiding: Kevin E. Priddle, Mayor

Staff Present: Mark Roath, City Manager; Pete Stasiak, Planning & Community Development Director; Harold Stewart, Fire Chief, Mel Priddy, Community Services Director; Jim Lyles, Police Chief; 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 Claims ending June 30, 2009.** (*Sherry Alessi, Assistant City Financial Officer*) In the following amounts: General Fund - \$39,090.71; SE Expo Ctr/Tourism Fund - \$1,916.59 and E-911 - \$4,149.39.
- B. Approval of Claims for July 15, 2009 through July 28, 2009.** (*Sherry Alessi, Assistant City Financial Officer*) In the following amounts: General Fund - \$162,377.52; Parking Authority - \$65.63; Nutrition - \$799.03; SE Expo Ctr/Tourism - \$6,433.39; E-911 - \$2,718.53 and Economic Development - \$2,500.00.

- C. **Concur with Mayor's appointment of Mike Kern to the Audit and Finance Advisory Committee for a term that expires February, 2011.** *(Kevin E. Priddle, Mayor)*
- D. **Consider, and act upon, a 2009-2010 Campus Police Agreement between McAlester Public Schools and the City of McAlester related to delineating responsibilities between police departments.** *(Mark B. Roath, City Manager)*

Councilman Browne moved to approve the Consent Agenda. 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

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.

Councilman Wilkinson moved to open the Public Hearing to discuss an ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010. The motion was seconded by Councilman Fiedler. There was no 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 and the Public Hearing was opened at 6:07 P.M.

- **Public Hearing: An Ordinance Amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency.**

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

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

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 closed at 6:08 P.M.

SCHEDULED BUSINESS

- 1. Consider, and act upon, a Resolution establishing a formal plan for repayment of funds identified in the BKD, LLP Forensic Accounting Report.** *(Kevin E. Priddle, Mayor, Buddy Garvin, Vice-Mayor and Donnie Condit, Councilmember)*

Executive Summary

This agenda item involves a Council Subcommittee reviewing, and then developing a formal plan to repay funds identified in the BKD Report as owed by the City.

Councilman Wilkinson moved to approve RESOLUTION NO. 09-12, establishing a formal plan for repayment of funds identified in the BKD, LLP Forensic Accounting Report. The motion was seconded by Councilman Condit.

Before the vote, Mayor Priddle reviewed a power point presentation containing detailed information from the Forensic Accounting Report. He explained the reasons for the BKD Audit, the finding and the problems related to the Audit findings. Mayor Priddle then reviewed the Resolution that was being considered to establish a repayment plan for the \$3.2 million that was noted in the Audit.

Councilman Browne objected to the repayment of \$3.2 million stating that \$618,000.00 was the only amount that had definitive proof that it was used incorrectly and the other amounts there was no proof that the money was used incorrectly. He did not feel it was correct to repay something that did not have proof that it was wrong.

There was discussion between Mayor Priddle, Councilman Browne and the City Attorney regarding the records prior to and after the transactions identified in the Audit, repaying something that had happened in the past, and there being no proof that the transactions were correct or wrong.

Steve Harrison addressed the Council thanking the Sub-Committee for bringing this Resolution to the Council. He asked how the money would be used when it was paid back and he recommended an amendment to the Resolution. He recommended an amendment if accepted by the Council would list all amounts identified in the Audit separately and according to the Fund they affected. He then distributed a document that contained the information for his recommendation.

Mayor Priddle stated that the Resolution was to establish a plan, and the Council would come back later to discuss the implementation of the plan. He then reviewed the wording of the recommended amendment and moved to include the amendment as follows in the Resolution. "Whereas, the identified bond proceeds consist of \$230,000 from the Series 1999 Revenue Bonds, \$2,261,826 from the Series 2002 Revenue Bonds and \$800,000 from the Series 2004 Revenue Bonds." The motion was seconded by Councilman Mason

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

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

NAY: Councilman Browne

Mayor Priddle declared the motion carried.

2. **Consider, and act upon, an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; 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 for certain proposed expenditures not funded in the adopted budget for this fiscal year.

ORDINANCE NO. 2329

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2327 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2009-2010; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

Councilman Browne moved to approve **ORDINANCE NO. 2329** amending the 2009-2010 Fiscal Year Budget. The motion was seconded by Councilman Wilkinson.

Before the vote, Manager Roath explained the four (4) exhibits to the amendment and informed the Council that the \$1,250 for the Tulsa State Fair would be withdrawn because an individual would be donating those funds. He included in his explanation that the ED project would be rolled from the previous budget to the current budget.

Mayor Priddle restated the motion to read approval of **ORDINANCE NO. 2329** amending the 2009-2010 Fiscal Year Budget with the removal of Exhibit A-3 in the amount of \$1,250.

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.

Councilman Fiedler moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Browne.

There was no further 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.

3. **Consider, and act upon, authorizing the Mayor to execute contract related to economic development services for fiscal year 2009/2010, between the City of McAlester and McAlester Economic Development Service, Inc. (MEDS).** (*Buddy Garvin, Vice-Mayor, Donnie Condit, Councilmember and Chris Fiedler, Councilmember*)

Executive Summary

This agenda item involves a contract with MEDS for fiscal year 2009-2010 in the amount of \$219, 849.

Councilman Wilkinson moved to authorize the Mayor to execute contract related to economic development services for fiscal year 2009/2010, between the City of McAlester and McAlester Economic Development Service, Inc. (MEDS). The motion was seconded by Councilman Browne.

Before the vote, Vice-Mayor Garvin commented that the contract before the Council was the contract that was developed by the Sub-Committee and MEDS, it was not a perfect contract but he felt it was the best that could be developed.

There was a lengthy discussion, among the Council regarding the members of the Council supporting MEDS, correcting the names of the Sub-Committee to reflect Councilman Wilkinson instead of Councilman Fiedler, the comparison of the past years contract with the proposed contract, setting goals higher than what an individual thinks they could accomplish, no measurements for evaluation, what the best means of economic development could be for the City of McAlester. During the discussion the various payments for the Economic Development bonds were reviewed, where the funding for MEDS came from, the increase in the amount of funding that MEDS requested and the development of a long term strategic plan for the City.

Councilman Mason commented that in the previous contract MEDS had developed their goals and objectives. He added that the Council has the right to know what MEDS was doing, and he didn't feel that there was still enough communication and submission of information. He further commented that he believed that economic development was best served within the City.

Mayor Priddle stated that the Council could pass what had been presented to them, amend the contract or extend the current contract to allow more time to develop a contract through a workshop. He then requested that Dr. Kenneth Miller explain how the additional funding would be used.

Dr. Miller addressed the Council explaining that the additional funding would allow more travel and updating their website. He added that the problem with confidentiality was that sometimes information gets out before it was necessary, but he felt that the concerns of the Council were valid.

Joyce Carlson addressed the Council expressing her concerns about the contract.

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

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

Mayor Priddle declared the motion carried.

4. Discussion, and possible action, on whether to authorize a study related to the remaining life of the McAlester cemetery. (John Browne, Councilmember)

Executive Summary

This agenda item involves a discussion whether a study should be conducted to determine the remaining life of the McAlester cemetery.

Councilman Browne moved to open discussion concerning a study related to the remaining life of the McAlester cemetery. The motion was seconded by Councilman Wilkinson.

Before the vote, Councilman Browne explained that he had spoken with members of the Cemetery Board and was surprised to see how quickly the Cemetery was filling. He commented that he would like for the Cemetery Sexton and Mel Priddy to meet with the Cemetery Board to discuss this matter and possibly recommend a study either in house or engage a firm to conduct a study.

Manager Roath agreed that there could be some value in a study and that it was never too early to plan for the future.

No vote was taken on this item.

5. Consider, and act upon, authorizing the Mayor to sign Tulsa State Fair Lease Agreement for booth rental space during the fair October 1 thru October 11, 2009. (Chris Fiedler, Councilmember)

Executive Summary

This agenda item involves a lease agreement, in the amount of \$1,250, with the Tulsa County Public Facilities Authority for booth space during the State Fair.

Councilman Condit moved to authorize the Mayor to sign Tulsa State Fair Lease Agreement for booth rental space during the fair October 1 thru October 11, 2009. The motion was seconded by Councilman Fiedler.

Before the vote, Councilman Fiedler commented that he had been fortunate to gather various individuals to attend the Fair to help promote the City of McAlester. He stated that many of the businesses including the local financial institutions had donated items to give away. He added that the Choctaw Nation had donated money for the drawing and individuals that won could use to gamble at the Casino. He then thanked David Donnelly with A-Okay Rail Road for donating the money for the booth rental.

Mayor Priddle asked the City Attorney if there were any changes that needed to be made to the agreement.

Mr. Ervin commented that there were some changes that needed to be made and the corrected document would be submitted for the Mayor's signature.

Vice-Mayor Garvin thanked Councilman Fiedler for putting this together. 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.

6. Discussion, and possible action, on McAlester Fire and Rescue emergency medical service billing alternatives. *(Harold Stewart, Fire Chief)*

Executive Summary

This agenda item involves a discussion related to EMS billing including the option to outsource billing to a third party.

Councilman Fiedler moved to open the discussion on the McAlester Fire and Rescue emergency medical service billing alternatives. The motion was seconded by Councilman Condit.

Before the vote, Chief Stewart briefly reviewed the information concerning the billing alternatives with the Council. He explained that there had been some problems with the EMS billing. He indicated that of the three (3) billing services the Fire Department felt that Intermedix would be the most cost effective for the City. He added that this would be such a long presentation that it could be advisable to refer this to the Audit & Finance Advisory Committee. He continued to inform the Council that Ms. Rhonda Thomas from Intermedix was available tonight to answer questions.

Ms. Rhonda Thomas addressed the Council briefly furnishing them with some background information on Intermedix. She added that she would be happy to meet with the Committee to discuss the services that her company could provide, and they would be able to tailor their services to meet the specific needs of the City.

Councilman Masson inquired as to how long it would take to get the system up and running, and if this was referred to the Audit & Finance Advisory Committee would she be available to meet with them.

Ms. Thomas stated that they would like to have approximately eight (8) weeks but it could be completed in less, and she would be available to meet with the committee.

Councilman Fiedler asked if this service was approved and later the City decide to cancel, how long would it take to get the City's data from the her company. Ms. Thomas stated that they supply a mirror of the records to the City and that they were 99% compliant with the regulations.

Mayor Priddle recommended that this be submitted to the Audit & Finance Advisory Committee for their review and recommendations. Manager Roath suggested that this be tabled until the

second meeting in August to allow the Audit & Finance Committee time to review and come back with their recommendations.

Mayor Priddle moved to table this item until the second meeting in August for the Audit & Finance Committee to review. Councilman Condit seconded the motion.

There was no vote needed on this item, per the City Attorney.

7. Consider, and act upon, the purchase of one (1) 2010 Ford F-350 Chassis Cab 4x4 truck. (Harold Stewart, Fire Chief)

Executive Summary

This agenda item involves the purchase of a 2010 Ford F-350 Chassis Cab 4x4 truck in the amount of \$22,944.

Councilman Mason moved to approve the purchase of one (1) 2010 Ford F-350 Chassis Cab 4x4 truck. The motion was seconded by Councilman Fiedler.

Mayor Priddle commented that he would like to have this item pulled and solicit bids from local vendors. Manager Roath stated that they were requesting that both this item and agenda item number 9 be pulled and bids be solicited from local vendors and then brought back to the City Council.

There was no further discussion, and the no vote was taken.

8. Consider, and act upon, the purchase of a custom aluminum flat bed, skid unit, and equipment needed to outfit a 2010 one (1) ton 4x4 grass/brush truck. (Harold Stewart, Fire Chief)

Executive Summary

This agenda item involves the purchase of apparatus to outfit the grass/rush truck.

Councilman Fiedler moved to approve the purchase of a custom aluminum flat bed, skid unit, and equipment needed to outfit a 2010 one (1) ton 4x4 grass/brush truck. The motion was seconded by Councilman Browne.

Before the vote, Chief Stewart explained that this was equipment for the vehicle that had just been pulled but they would need it when the vehicle was eventually purchased. He added that this was a specialty item. Manager Roath stated that the amount that was being requested for this was \$42,329.00 and the balance would be funded in house through a lease purchase.

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.

- 9. Consider, and act upon, accepting a State bid from Carter Chevrolet to purchase a 2009 Chevrolet Silverado 1 ton 2wd Crew Cab truck. (Mel Priddy, Community Services Director)**

Executive Summary

This agenda item involves the purchase of a 1 ton truck, through state bid, from Carter Chevrolet in the amount of \$25,632.

Mayor Priddle stated that this item had been pulled along with item #7.

- 10. Consider, and act upon, a bid award to Total Radio, Inc., for the purchase and installation of a Motorola MCC5500 Dispatch Console with three positions for the McAlester/Pittsburg County E-911 Command Center. (Jim Lyles, Police Chief)**

Executive Summary

This agenda item involves the purchase of a base station with three positions in the amount of \$119,955.

Councilman Condit moved to approve awarding a bid to Total Radio, Inc., for the purchase and installation of a Motorola MCC5500 Dispatch Console with three positions for the McAlester/Pittsburg County E-911 Command Center. The motion was seconded by Councilman Fiedler.

Before the vote, Chief Lyles distributed additional information concerning the radios to the Council and explained that this was part of the E-911 upgrade. He commented that this particular radio would allow the dispatchers to actually dispatch three (3) different positions.

There was a brief discussion among the Council and Chief Lyles regarding the number of vendors that bids were solicited from, how the bid was advertised and in what news publications, how many radio shops were in the Oklahoma City area and why the local radio shop did not submit a bid. During the discussion, Councilman Mason stated that he felt that a better job of advertising for bids could have been done

There was no further 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.

- 11. Consider, and act upon, an engineering contract with SCS Engineers of Bedford, Texas for the evaluation of the existing landfill cells. (Pete Stasiak, Interim Public Works Director)**

Executive Summary

This agenda item involves the hiring of SCS Engineering to re-permit the landfill in order to maximize the use of the current cell space at a cost not to exceed \$42,700.

Councilman Wilkinson moved to approve an engineering contract with SCS Engineers of Bedford, Texas for the evaluation of the existing landfill cells. The motion was seconded by Councilman Browne.

Before the vote, Pete Stasiak addressed the Council explaining that as of January 1, 2009, the Oklahoma Department of Environmental Quality had calculated that the remaining life of landfill cell #2 to be 1.04 years. He explained that he had contacted four (4) engineering firms and had received responses from three (3). He commented that of the three (3) firms SCS Engineers had submitted a different approach at looking at the City's opportunities. He stated that they wanted to look at our current landfill as it was and then suggested four (4) tasks which were as follows:

- Improved airspace utilization – education of current landfill employees
- Decreased cover soil consumption
- Improved planning associated with a systematic progression of the working face (unloading area); and
- Reduced size of the unloading area.

Mr. Stasiak informed the Council that the references that he had checked for SCS Engineers had nothing but good things to say about the firm and that they were not the type to come in and tell you what you needed to do but, they would help the City to develop changes that would help in the extension of life for the current cell. He then recommended that the Council approve a consulting agreement with SCS Engineers for the evaluation of the existing landfill cells in the amount of \$42,700.00

Mr. Roath commented that this company took the approach of redesigning the current landfill cell and extend the life of the landfill.

There was a brief discussion among the Council regarding the reputation of SCS Engineers, if they would recommend the type of equipment that the City really needed to operate the landfill and if this would help improve the aesthetics of the landfill.

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.

12. Consider, and act upon, authorizing the Mayor to sign a contract with McAlester Main Street Association, Inc. for a maximum amount of \$30,000. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves the Main Street Program Contract for this fiscal year.

Councilman Browne moved to authorize the Mayor to sign a contract with McAlester Street Association, Inc. for a maximum amount of \$30,000. The motion was seconded by Councilman Condit.

Before the vote, Mark explained that the Council had appropriated \$30,000, in this year's budget for the Main Street Association, Inc. He commented that this was very similar to the previous year's agreement with the dates being changed.

There was no further 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.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Manager Roath commented that he did not have a report for this evening.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Fiedler reported on the new housing being constructed in Ward1. He thanked the News-Capital and Radio for helping with the Fair project.

Councilman Condit reported that because of occupational constraints he would not be at the Special Meeting on Thursday or the Regular Meeting on August 11th. He also commented that he had received several complaints about Allegiance Communication's service since the change over to digital

Councilman Browne thanked Sherriff Kerns' for the donated inmate labor. He commented that he had received a thank you from a citizen for the help she had been given when she caught a raccoon, and he then expressed his appreciation for the renovations to the building at the corner of Fifth Street and Choctaw Avenue.

Councilman Wilkinson commented that he did not have any remarks to make this evening.

Vice-Mayor Garvin expressed his appreciation of the Animal Control Officers.

Councilman Mason stated that he had received a call about the landfill hours of operation and suggested that vital information be broadcast on the City's cable television station.

Mayor Priddle announced a Special Meeting this Thursday, July 30, 2009 at 5:30 P.M. He continued by stating that Fox 23 News would be at Chadick Park, Friday, July 31, 2009. He added the station would be broadcasting live the news and the finals of the Starry Nights Talent Show.

Manager Roath commented that he would invite the Allegiance Communications Representative to attend a future Council meeting to discuss the work the company is doing to deal with the recent problems the switch to digital has caused.

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 Wilkinson 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, and the Regular Meeting was recessed at 8:45 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 8:46 P.M.

ADJOURNMENT

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

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

NAY: None

Mayor Priddle declared the motion carried, and the meeting was adjourned at 8:47 P.M.

Kevin E. Priddle, Mayor

ATTEST:

Cora Middleton, City Clerk