



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Thursday, January 8, 2008 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Don Lewis Mayor
Weldon Smith Ward One
Donnie Condit Ward Two
Travis Read Ward Three
Haven Wilkinson Ward Four
Buddy Garvin Ward Five
Sam Mason Vice-Mayor, Ward Six

Mark B. Roath City Manager
Robert Ivester City Attorney
Cora M. Middleton City Clerk

This agenda has been posted at the McAlester City Hall, distributed to the appropriate news media, and posted on the City website: www.cityofmcalester.com within the required time frame.

The Mayor and City Council request that all cell phones and pagers be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to respond to a page or to conduct a phone conversation.

The McAlester City Hall is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Clerk's Office at 918.423.9300, Extension 4956.

CALL TO ORDER

Announce the presence of a Quorum.

INVOCATION & PLEDGE OF ALLEGIANCE

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ROLL CALL

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

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 December 11, 2007, Regular Meeting of the City Council.** (*Cora Middleton, City Clerk*)
- B. **Approval of Claims for the period of December 21, 2007 through January 8, 2008.** (*Sherry Alessi, Assistant City Treasurer*)

ITEMS REMOVED FROM CONSENT AGENDA

SCHEDULED BUSINESS

1. **Presentation, and accept and place on file, the Independent Auditor's Report for the McAlester Regional Health Center Authority.** (*Shawn Beggs, Hospital Administrator*)

Executive Summary

The Hospital Administrator will present the Independent Auditor's Report for the MRHCA.

2. **Consider, and act upon, a Contract for Administrative Services with KEDDO for administrative consulting services on a CDBG Small Cities water and sewer project in southwest McAlester.** (*George Marcangeli, City Engineer*)

Executive Summary

This contract involves the engagement of KEDDO to perform consulting services, in the amount of \$1,500, to administer a Community Development Block Grant Project for the City.

3. **Discussion, and possible action, on the proposed revised Charter dated December 14, 2007.** (*Tim Wynn and Weldon Smith, Charter Review Committee*)

Executive Summary

The Charter Review Committee has prepared a revised City Charter, which they would like to present to the City Council.

4. **Consider, and act upon, an Ordinance amending the Code of Ordinances, Chapter 2, Article IV, Division 3, Sections 2-131 and 2-132 regarding the creation, director and duties of the Department of Public Works; providing for repealing, savings and severability clauses; and providing for an effective date.** (*Mark Roath, City Manager*)

Executive Summary

This Ordinance amends the Code of Ordinances pertaining to the Public Works Department including the head of the department.

5. **Consider, and act upon, an Ordinance repealing Code of Ordinances Chapter 2, Article IV, Section 2-146 pertaining to the Engineering Department; providing for repealing, savings and severability clauses; and providing for an effective date.** (*Mark Roath, City Manager*)

Executive Summary

This Ordinance repeals the Code of Ordinances pertaining to the Engineering Department, which the Engineering Department will become a division within the Public Works Department.

6. **Consider, and act upon, an Ordinance repealing Code of Ordinances Chapter 106, Article IV, Section 106-302 pertaining to the Sanitation Department; providing for repealing, savings and severability clauses; and providing for an effective date.** (*Mark Roath, City Manager*)

Executive Summary

This Ordinance repeals the Code of Ordinances pertaining to the Sanitation Department, which the Sanitation Department will become a division within the Public Works Department.

- 7. Consider, and act upon, an Ordinance amending the Code of Ordinances, Chapter 2, Article IV, Division 4, by adding Sections 2-146 and 2-147 regarding the creation, director and duties of the Department of Utilities; providing for repealing, savings and severability clauses; and providing for an effective date. (Mark Roath, City Manager)**

Executive Summary

This Ordinance adds new sections to the Code of Ordinances for the Utilities Department.

- 8. Consider, and act upon, an Ordinance amending the Code of Ordinances, Chapter 86, Article I, Section 86-1 regarding the creation, director and duties of the Department of Community Services; providing for repealing, savings and severability clauses; and providing for an effective date. (Mark Roath, City Manager)**

Executive Summary

This Ordinance amends the Code of Ordinances to rename the Parks and Recreation Department to the current Community Services Department and adds several additional divisions.

- 9. Consider, and act upon, an Ordinance amending the Code of Ordinances, Chapter 2, Article IV, Division 1, Sections 2-117 and 2-118 and repealing Sections 2-119 and 2-120 regarding creation, director and duties of the Department of Planning and Community Development; providing for repealing, savings and severability clauses; and providing for an effective date. (Mark Roath, City Manager)**

Executive Summary

This Ordinance amends the Codes of Ordinances to rename the Community Development Department to the Department of Planning and Community Development, including establishing the director position and setting forth the duties and responsibilities of the Department.

- 10. Consider, and act upon, a Resolution appointing George Marcangeli to serve on the Board of Directors of the Association for Landfill Financial Assurance. (Mark Roath, City Manager)**

Executive Summary

This Resolution appoints a City representative to the Board of the Association for Landfill Financial Assurance.

- 11. Consider, and act upon, Site Review and Land Use Acceptance (S.R. No. 0003) for Family Video located at 1301 Wade Watts Avenue. (Mark Roath, City Manager)**

Executive Summary

This action authorizes the City Administration to issue a building permit for Family Video located at 1301 Wade Watts Avenue.

- 12. Consider, and act upon, a Resolution amending Resolution No. 07-09 which established the budget for Fiscal Year 2007/2008; repealing all conflicting resolutions; providing for a severability clause; and providing for an effective date. (Mark Roath, City Manager)**

Executive Summary

This budget amendment is to fund the two recent legal actions against the City, which were the Jeremy Busby settlement and Steve Belcher arbitration award including the arbitrator's partial costs. In addition, this budget amendment appropriates an additional \$25,000 for demolition.

- 13. Consider, and act upon, a Resolution establishing the Southeast EXPO Center policies, procedures and current rental fee schedule. (Jerry Lynn Wilson, EXPO Manager)**

Executive Summary

This item involves the City Council ratifying the current EXPO Center policies, procedures and current rental fee schedule.

- 14. Consider, and act upon, a Resolution directing that \$5,000 be budgeted in the General Fund each fiscal year to reimburse the Southeast EXPO Center for waiver of fees meeting the criteria of Council approved EXPO Center Policy. (Robert Ivester, City Attorney)**

Executive Summary

This Resolution establishes a Council directive to budget \$5,000 annually to cover any waivers allowed by them during a fiscal year.

- 15. Consider, and act upon, a Resolution amending Resolution No. 07-09 which established the budget for Fiscal Year 2007/2008; repealing all conflicting resolutions; providing for a severability clause; and providing for an effective date. (Sam Mason, Vice-Mayor)**

Executive Summary

This budget amendment is to fund potential Council waivers of rental fees at the Southeast EXPO Center for the remainder of this fiscal year.

- 16. Consider, and act upon, an Ordinance amending Section 22-34 (7) of the McAlester Code of Ordinances and declaring an emergency. (Robert Ivester, City Attorney)**

Executive Summary

This Ordinance amends the Code section related to holding a circus including setting a fee of \$500 per day for non-profit organizations, who qualify by IRS 501(C), that hold a circus.

- 17. Consider, and act upon, a Resolution establishing the City of McAlester's policy on the waiver of fees, permits, licenses and other related charges. (Robert Ivester, City Attorney)**

Executive Summary

This Resolution sets a policy that there will be no waiver of fees, permits, licenses or other related charges.

- 18. Consider, and possible action, requesting that the City of McAlester declare certain property surplus; and then, to donate said items to the Bugtussle Fire Department. (Jim Lyles, Police Chief)**

Executive Summary

The Bugtussle Fire Department is asking the McAlester Police Department to donate certain surplus items to them.

NEW BUSINESS

Any matter not known or which could not have been reasonably foreseen prior to the time of posting the Agenda in accordance with Sec. 311.9, Title 25, Oklahoma State Statutes.

CITY MANAGER'S REPORT

REMARKS AND INQUIRIES BY CITY COUNCIL

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- **Approval of the Minutes from the December 20, 2007, Rescheduled Regular Meeting of the McAlester Airport Authority.** *(Cora Middleton, City Clerk)*
- **Confirm action taken on City Council Agenda Item B regarding the Claims for the period of December 21, 2007 through January 8, 2008.** *(Sherry Alessi, Assistant City Treasurer)*

ADJOURN MAUCONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- **Approval of the Minutes from the December 20, 2007, Rescheduled Regular Meeting of the McAlester Public Works Authority.** *(Cora Middleton, City Clerk)*
- **Confirm action taken on City Council Agenda Item 2 regarding a Contract for Administrative Services with KEDDO for administrative consulting services on a CDBG Small Cities water and sewer project in southwest McAlester.** *(George Marcangeli, City Engineer)*
- **Confirm action taken on City Council Agenda Item 4 regarding an Ordinance amending the Code of Ordinances, Chapter 2, Article IV, Division 3, Sections 2-131 and 2-132 regarding the creation, director and duties of the Department of Public Works; providing for repealing, savings and severability clauses; and providing for an effective date.** *(Mark Roath, City Manager)*
- **Confirm action taken on City Council Agenda Item 5 regarding an Ordinance repealing Code of Ordinances Chapter 2, Article IV, Section 2-146 pertaining to the Engineering Department; providing for repealing, savings and severability clauses; and providing for an effective date.** *(Mark Roath, City Manager)*
- **Confirm action taken on City Council Agenda Item 6 regarding an Ordinance repealing Code of Ordinances Chapter 106, Article IV, Section 106-302 pertaining to the Sanitation Department; providing for repealing, savings and severability clauses; and providing for an effective date.** *(Mark Roath, City Manager)*
- **Confirm action taken on City Council Agenda Item 7 regarding an Ordinance amending the Code of Ordinances, Chapter 2, Article IV, Division 4, by adding Sections 2-146 and 2-147 regarding the creation, director and duties of the Department of Utilities; providing for repealing, savings and severability clauses; and providing for an effective date.** *(Mark Roath, City Manager)*
- **Confirm action taken on City Council Agenda Item 10 regarding a Resolution appointing George Marcangeli to serve on the Board of Directors of the Association for Landfill Financial Assurance.** *(Mark Roath, City Manager)*
- **Confirm action taken on City Council Agenda Item B regarding the Claims for the period of December 21, 2007 through January 8, 2008.** *(Sherry Alessi, Assistant City Treasurer)*

ADJOURN MPWA

RECONVENE COUNCIL MEETING

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) - Discuss negotiations concerning employees and representatives of employee group: IAFF.**

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this ___ day of _____, 2007 at ___ a.m./ p.m. as required by law in accordance with Section _____ of the Oklahoma Statutes and that the appropriate news media was contacted. As a courtesy, this agenda is also posted on the City of McAlester website: www.cityofmcalester.com.

Cora M. Middleton, City Clerk