



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, August 12, 2008 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Kevin E. Priddle.....	Mayor
Chris B. Fielder.....	Ward One
Donnie Condit.....	Ward Two
John Browne.....	Ward Three
Haven Wilkinson.....	Ward Four
Buddy Garvin.....	Vice-Mayor, Ward Five
Sam Mason.....	Ward Six
Mark B. Roath.....	City Manager
William J. Ervin.....	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

- Terren Anderson, Pastor, Life Church

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 July 22, 2008, Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- B. **Concur with Mayor's appointment of Barbara Gilbertson to the McAlester Economic Development Service, Inc. for a term to expire October, 2008.** *(Kevin E. Priddle, Mayor)*
- C. **Concur with Mayor's appointment of Amy Johns to the McAlester Economic Development Service, Inc. for a term to expire June, 2011.** *(Kevin E. Priddle, Mayor)*
- D. **Accept, and place on file, the Oklahomans for Independent Living Transportation Program for the period July 1, 2007 through June 30, 2008.** *(Mike, Ward, Executive Director, Oklahomans for Independent Living)*
- E. **Approval of Claims for Fiscal Year 2007-2008, ending June 30, 2008.** *(Mark B. Roath, City Manager and Acting Chief Financial Officer and Sherry Alessi, Assistant City Financial Officer)*
- F. **Approval of Claims for the period of July 23, 2008 through August 12, 2008.** *(Mark B. Roath, City Manager and Acting Chief Financial Officer and Sherry Alessi, Assistant City Financial Officer)*

ITEMS REMOVED FROM CONSENT AGENDA

SCHEDULED BUSINESS

1. **Consider, and act upon, a Resolution declaring support and endorsement for the formation of a county-wide Crimestoppers organization.** *(Kevin E. Priddle, Mayor)*

Executive Summary

This agenda item involves a resolution of support for the formation of a crimestoppers organization county-wide.

2. **Consider, and act upon, a Partnership Request by Eastern Oklahoma State College for the use of the Southeast EXPO Center for the College and Career Day scheduled for October 30, 2008.** *(Barbara Gilbertson and Nicole Cooke, Eastern Oklahoma State College)*

Executive Summary

This agenda item concerns a request by Eastern Oklahoma State College to partner with the City on the Second Annual Career and College Tour in the amount of \$2,250.00.

3. **Consider, and act upon, a Partnership Request by Italian Festival Committee for the use of the Southeast EXPO Center for the 39th Annual Festival scheduled for May 16 and 17, 2009.** *(Bob Lenardo, Italian Festival Committee)*

Executive Summary

This agenda item concerns a request by Italian Festival Committee to partner with the City for the 39th Annual Festival in the amount of \$2,125.00.

4. **Consider, and act upon, a Residential Planned Unit Development, known as the Brookhaven Addition, located at Douglas Avenue and Ten Springs Avenue, on a site of approximately 4.30 acres.** *(Mark B. Roath, City Manager and Acting Planning and Community Development Director and Alan Martin, applicant)*

Executive Summary

This agenda item involves a request for a residential planned unit development known as Brookhaven Addition, which involves the construction of eighteen (18) single family dwelling units on a proposed 4.30 acre site located at Douglas Avenue and Ten Springs Avenue. The developer plans to construct units with a minimum of 1,800 square feet, which will be masonry construction.

5. **Hold a Public Hearing and consider, and act upon, an Ordinance amending the General Zoning Ordinance No. 1843 by rezoning the North 78' of Lot 1, Block 491, in the City of McAlester, located at the corner of Kiowa Avenue and Seventh Street from R1-B (single family residential) to R-3 (multi-family residential).** *(Mark B. Roath, City Manager and Acting Planning and Community Development Director and Jason Barnett, applicant)*

Executive Summary

This agenda item involves a rezone request, located at Kiowa Avenue and Seventh Street, from R1-B to R-3 for the purpose of constructing apartments.

6. **Hold a Public Hearing and consider, and act upon, an Ordinance amending Ordinance No. 2287, entitled Animals, Article II, Sections 10-32; 10-46 (h) and 10-48 (1); creating a new Section 10-31.1; and providing an effective date.** *(Jim Lyles, Chief-of-Police)*

Executive Summary

This agenda item involves an amendment to Ordinance No. 2287, which relates to animals.

7. **Hold a Public Hearing and consider, and act upon, an Ordinance amending the Code of Ordinances, Chapter 102, Article I, Section 102-15, Use of Roller Skates, Skateboards, etc., on roadways and sidewalks; creating a new Section 102.15.1; and declaring an emergency.** *(Jim Lyles, Chief-of-Police)*

Executive Summary

This agenda item involves amendments to the Code of Ordinances, Chapter 102, Article I, Section 102-15 and declaring an emergency.

8. **Consider, and act upon, authorizing the Mayor to execute contract related to economic development services for fiscal year 2008/2009, between the City of McAlester and McAlester Economic Development Service, Inc. (MEDS), following submittal of said contract for review and acceptance by the MEDS Board of Directors.** *(Kevin E. Priddle, Mayor; Donnie Condit and Sam Mason, Councilmember's)*

Executive Summary

This agenda item involves a contract with MEDS to render economic development services for the fiscal year 2008-2009 in the amount of \$150,000.00.

9. **Consider, and act upon, authorizing the Mayor to execute an agreement with Oklahomans for Independent Living.** *(Mike Ward, Executive Director, Oklahomans for Independent Living)*

Executive Summary

This agenda item involves a funding request by the Oklahomans for Independent Living, in the amount of \$24,000.00, for the fiscal year 2008-2009.

10. **Consider, and act upon, authorizing the Mayor to execute an Inter-Agency Agreement with the City of Krebs for dispatch services from July 1, 2008 to June 30, 2009, following execution of the Agreement by the Mayor for the City of Krebs.** *(Jim Lyles, Chief-of-Police)*

Executive Summary

This agenda item involves a dispatch services inter-agency agreement with the City of Krebs, whereby the City of Krebs will pay the City \$18,000 for the fiscal year 2008-2009.

- 11. Consider, and act upon, authorizing the Mayor to execute an Inter-Agency Agreement with the Board of County Commissioners of Pittsburg County, Oklahoma for animal services, following execution of the Agreement by the Chairman of the Board of County Commissioners. (Jim Lyles, Chief-of-Police)**

Executive Summary

This agenda item involves an animal services inter-agency agreement with the Board of County Commissioners of Pittsburg County.

- 12. Consider, and act upon, a (reaffirmation/termination) of a Letter of Engagement with the accounting firm of Hulme, Rahhal, Henderson, Inc. for services related to performing an audit of the Schedule of Restricted Sales Tax Receipts and Debt Service Payments on the 1992, 1995, 1999, and 2002 Capital Improvement Bonds. (Mark B. Roath, City Manager and Acting Chief Financial Officer)**

Executive Summary

This agenda item involves a Letter of Engagement with the above named firm to perform an audit, which said firm has expressed, in writing, an inability to complete the task.

- 13. Consider, and act upon, authorizing the Mayor to execute a Contract with McGuire Brothers Construction, Inc., in the amount of \$136,911.00, for a water and sewer improvement project, following execution of the Contract by the contractor and review and approval by the City Attorney. (David Medley, Utilities Director)**

Executive Summary

This agenda item involves a construction contract for water and sewer improvements, which are partially funded by a CDBG grant.

- 14. Consider, and act upon, authorizing the Mayor to execute an Addendum to an Airport Hangar Lease Agreement with the Oklahoma Department of Public Safety. (Mel Priddy, Community Services Director)**

Executive Summary

This agenda item involves an addendum to an existing Airport Hangar Lease Agreement with the OSP.

- 15. Consider, and act upon, a Resolution of the City of McAlester, Oklahoma, amending Resolution No. 07-09, which established the Budget for Fiscal Year 2007/08; repealing all conflicting resolutions; providing for a severability clause; and providing for an effective date. (Mark B. Roath, City Manager and Acting Chief Financial Officer)**

Executive Summary

This agenda item involves a final budget amendment to the FY 2007/08 Budget.

- 16. Consider, and act upon, approving payment to Kirby Smith Machinery, Inc., in the amount of \$29,454.43, for repairs to a rental dozer at the McAlester Municipal Landfill. (George Marcangeli, City Engineer and Public Works Director)**

Executive Summary

This agenda item involves repairs made to a rental dozer owned by Kirby Smith Machinery, Inc.

- 17. Discussion, and possible action, on Crawford and Associates findings related to the City of McAlester Forensic Accounting Report issued by BKD, L.L.P on January 6, 2006. (Sam Mason, Councilmember)**

Executive Summary

This agenda item relates to Crawford and Associates findings that certain expenditures were allowable to offset the amount identified in the BKD Study. More specifically, this agenda item relates to the City Council's desire to obtain an independent

bond counsel's review of the Crawford and Associates findings—that is, in order to determine legally what amount is owed by the City; and thereafter, to adopt a formal repayment plan to commit the City to make said repayment. Note: The City Council, in good faith, allocated \$100,000 in this fiscal year to begin repaying the debt identified in the BKD Study.

- 18. Discussion, and possible action, on directing the City Attorney to investigate and propose a course of action to resolve the legal questions associated with the excess tax receipts on the CIP one cent sales tax. (Sam Mason, Councilmember)**

Executive Summary

This agenda item relates to the one cent sales tax. Moreover, this agenda item relates to the need for legal advice, from the City Attorney, as to the past as well as the future use of any excess monies from this revenue source.

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 July 22, 2008, Regular Meeting of the McAlester Airport Authority. (Cora Middleton, City Clerk)**
- **Confirm action taken on City Council Agenda Item 14 related to authorizing the Mayor to execute an Addendum to an Airport Hangar Lease Agreement with the Oklahoma Department of Public Safety. (Mel Priddy, Community Services Director)**
- **Confirm action taken on City Council Agenda Item E regarding the Claims for Fiscal Year 2007-2008, ending June 30, 2008. (Mark B. Roath, City Manager and Acting Chief Financial Officer and Sherry Alessi, Assistant Chief Financial Officer)**
- **Confirm action taken on City Council Agenda Item F regarding the Claims for the period of July 23, 2008 through August 12, 2008. (Mark B. Roath, City Manager and Acting Chief Financial Officer and Sherry Alessi, Assistant Chief Financial Officer)**

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- **Approval of the Minutes from the July 22, 2008, Regular Meeting of the McAlester Public Works Authority. (Cora Middleton, City Clerk)**
- **Confirm action taken on City Council Agenda Item 13 related to authorizing the Mayor to execute a Contract with McGuire Brothers Construction, Inc., in the amount of**

\$136,911.00, for a water and sewer improvement project, following execution of the Contract by the contractor and review and approval by the City Attorney. (David Medley, Utilities Director)

- **Confirm action taken on City Council Agenda Item 15 related to a Resolution of the City of McAlester, Oklahoma, amending Resolution No. 07-09, which established the Budget for Fiscal Year 2007/08; repealing all conflicting resolutions; providing for a severability clause; and providing for an effective date. (Mark B. Roath, City Manager and Acting Chief Financial Officer)**
- **Confirm action taken on City Council Agenda Item 16 related to approving payment to Kirby Smith Machinery, Inc., in the amount of \$29,454.43, for repairs to a rental dozer at the McAlester Municipal Landfill. (George Marcangeli, City Engineer and Public Works Director)**
- **Confirm action taken on City Council Agenda Item E regarding the Claims for Fiscal Year 2007-2008, ending June 30, 2008. (Mark B. Roath, City Manager and Acting Chief Financial Officer and Sherry Alessi, Assistant Chief Financial Officer)**
- **Confirm action taken on City Council Agenda Item F regarding the Claims for the period of July 23, 2008 through August 12, 2008. (Mark B. Roath, City Manager and Acting Chief Financial Officer and Sherry Alessi, Assistant Chief Financial Officer)**

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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 status of negotiations concerning employees and representatives of employee groups: IAFF and FOP.**
- **Section 307 (B) (4) – Discuss status of the City of McAlester v. Joyce Ramsey litigation.**

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 303 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