



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, September 9, 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 of 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 August 26, 2008, Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- B. **Concur with Mayor's appointment of Greg McNall to the Audit and Finance Advisory Committee for a term to expire March, 2010.** *(Kevin E. Priddle, Mayor)*
- C. **Concur with Mayor's reappointment of Steve Foster to the Audit and Finance Advisory Committee for a term to expire August 2010.** *(Kevin E. Priddle, Mayor)*
- D. **Concur with Mayor's reappointment of John Goodyear to the Audit and Finance Advisory Committee for a term to expire May 2009.** *(Kevin E. Priddle, Mayor)*
- E. **Concur with Mayor's reappointment of Tom Glenn to the Audit and Finance Advisory Committee for a term to expire February 2009.** *(Kevin E. Priddle, Mayor)*
- F. **Concur with Mayor's appointment of J.T. Collier to the Board of Ethics for a term to expire July 2012.** *(Kevin E. Priddle, Mayor)*
- G. **Concur with Mayor's appointment of James Ward to the Board of Ethics for a term to expire July 2012.** *(Kevin E. Priddle, Mayor)*
- H. **Approval of Claims for Fiscal Year 2007-2008, ending June 30, 2008.** *(Sherry Alessi, Assistant City Financial Officer)*
- I. **Approval of Claims for the period of August 27, 2008 through September 9, 2008.** *(Sherry Alessi, Assistant City Financial Officer)*

ITEMS REMOVED FROM CONSENT AGENDA

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.

SCHEDULED BUSINESS

1. **Consider, and act upon, a request by Maureen Harrison for a large dumpster and landfill vouchers to be used during the "Make a Difference Day" scheduled for Saturday, October 25, 2008.** *(Maureen Harrison, Petitioner)*

Executive Summary

This agenda item involves a request for a dumpster and free landfill dumping during "Make a Difference Day".

2. **Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, amending the Code of Ordinances, Chapter 2, Article 5, creating new Sections 2-171 and 2-172 related to the Personnel Board; providing for a severability clause; and declaring an emergency.** *(Mark B. Roath, City Manager)*

Executive Summary

This agenda item concerns the reinstatement of the Personnel Board, which was removed from the new City Charter.

3. **Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, amending 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 concerns a budget amendment for the additional principal payment on the EXPO Center Seating Loan.

4. **Consider, and act upon, authorizing the Mayor to sign a Lease Purchase Renewal with the First National Bank and Trust Company, McAlester, Oklahoma, for EXPO equipment. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves a Lease Purchase Renewal for EXPO Center Seating Loan, which the principal balance to be financed is \$259,371.58. The Lease Purchase Renewal calls for an annual payment of \$93,819.71, commencing September 16, 2009 and on the 16th of September each year thereafter with the final payment due September 16, 2011. The interest rate on the lease is a tax exempt rate of 4.20%. Note: The Renewal Lease takes into consideration the City paying the normal annual lease payment of \$103,548.70 on September 16, 2008 plus an additional \$200,000 pay down on the principal balance.

5. **Consider, and act upon, a Letter Agreement amending the Economic Agreement with Lowe's Home Centers, Inc., related to the Annual Certification being based on the calendar year. (Mark B. Roath, City Manager)**

Executive Summary

This agenda item involves a revision to the Economic Agreement with Lowe's Home Centers, Inc., and provides that the annual certification be based on the calendar year.

6. **Consider, and act upon, approving additional Cemetery Perpetual Care interest to complete road improvements at the Oak Hill Cemetery. (Mel Priddy, Community Services Director)**

Executive Summary

This agenda item involves authorization to use additional Cemetery Perpetual Care interest to supplement funds already approved for road improvements at the Oak Hill Cemetery. The additional funds are needed due to the increased cost of asphalt.

7. **Consider, and act upon, authorizing Eric D. Janzen, Steidley and Neal, P.L.L.C., to explore settlement in the case of City of McAlester v. Ramsey, No. C-07-1218 (Dist. Ct. Pittsburg County). (John Browne, Councilman)**

Executive Summary

This agenda item involves authorizing the City's legal representative in the above named case to explore settlement.

8. **Consider, and act upon, authorizing the City, through the McAlester Public Works Authority, to lease purchase a garbage truck. (John Browne, Councilman)**

Executive Summary

This agenda item involves authorizing the City, through the McAlester Public Works Authority, to lease purchase a garbage truck.

9. **Consider, and act upon, the free use of the landfill on the first Saturday of each month for residents of McAlester that show a City water bill. (Kevin E. Priddle, Mayor)**

Executive Summary

This agenda item involves free dumping at the landfill on the first Saturday of each month for McAlester residents showing a City water bill.

10. Consider, and act upon, an Ordinance of the City of McAlester, amending Section 2-42 of the McAlester City Code relating to the Order of Business; providing for severability, repealing and savings clauses; and providing for an effective date of this ordinance. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a revision to the City Council's Order of Business for Council meetings to add a public hearing section.

11. Discussion and possible action upon the adoption of a McAlester Code of Conduct for all City Council members, City officers and City employees. (Kevin E. Priddle, Mayor)

Executive Summary

This agenda item involves a proposed McAlester Code of Conduct, which is required by Article 7, Section 7.01 (c) (1), (2) and (3) of the City Charter.

12. Discussion and possible action upon the adoption of a 2008 Mission Statement for the City's Audit and Finance Advisory Committee. (Kevin E. Priddle, Mayor)

Executive Summary

This agenda item involves a proposed 2008 Mission Statement for the Audit and Finance Advisory Committee, which is required Article 5, Section 5.14 (c) of the City Charter.

13. Consider, and act upon, a Letter of Engagement with the Certified Public Accountant firm of Crawford and Associates, P.C., for consulting services related to an analysis of Restricted Sales Tax Receipts and Debt Service Payments on the 1992, 1995, 1999 and 2002 Capital Improvement Bonds. (Mark B. Roath, City Manager)

Executive Summary

This agenda item involves a Letter of Engagement with Crawford and Associates, P.C., for consulting services related to gathering documentation to allow an analysis of the sales tax receipts and debt service payments on the 1992, 1995, 1999 and 2002 capital improvement bonds. In addition, the firm is to prepare a cash basis schedule of restricted sales tax receipts and debt service payments on the 1992, 1995, 1999 and 2002 capital improvement bonds to determine any sales tax collections in excess of the debt service payments.

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 August 26, 2008, Regular Meeting of the McAlester Airport Authority. (Cora Middleton, City Clerk)

- **Confirm action taken on City Council Agenda Item H regarding the Claims for Fiscal Year 2007-2008, ending June 30, 2008.** *(Sherry Alessi, Assistant Chief Financial Officer)*
- **Confirm action taken on City Council Agenda Item I regarding the Claims for the period of August 27, 2008 through September 9, 2008.** *(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 August 26, 2008, Regular Meeting of the McAlester Public Works Authority.** *(Cora Middleton, City Clerk)*
- **Confirm action taken on City Council Agenda Item 8 related to free use of the landfill on the first Saturday of each month for residents of McAlester that show a City water bill.** *(George Marcangeli, City Engineer and Public Works Director)*
- **Confirm action taken on City Council Agenda Item H regarding the Claims for Fiscal Year 2007-2008, ending June 30, 2008.** *(Sherry Alessi, Assistant Chief Financial Officer)*
- **Confirm action taken on City Council Agenda Item I regarding the Claims for the period of August 27, 2008 through September 9, 2008.** *(Sherry Alessi, Assistant Chief Financial Officer)*

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RECONVENE COUNCIL MEETING

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