



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 10, 2015 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

- Steve Harrison Mayor
- Weldon Smith Ward One
- John Titsworth Ward Two
- Travis Read, Vice Mayor..... Ward Three
- Robert Karr Ward Four
- Buddy Garvin Ward Five
- Jason Barnett Ward Six

- Peter J. Stasiak 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

Linda Lowber, First Baptist Church

ROLL CALL

CEREMONY AND AWARDS

Employee of the Month for January 2015 is James Klembara, Meter Reader for the City of McAlester. *(Steve Harrison, Mayor)*

Oklahoma Municipal League, Inc. – Honor Roll of Service. *(Mayor Steve Harrison)*

Recognition of a Quarter Century of Service to the City of McAlester

Shawn Smith

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 January 27, 2015, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 20, 2015 through February 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-14-06-03, in the amount of \$13,058.50 for Construction Management and Resident Project Representative Services related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- D. Consider and act upon, authorization of payment to T. McDonald Construction, Inc., Contractor's Application for Payment #3, in the amount of \$153,686.53, for the construction of road and infrastructure improvements related to CIP#3 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- E. Discussion and possible action, on approval of an agreement for mutual aid fire protection between Coalgate Fire Department/EMS, Cairo Fire Department and the McAlester Fire Department. *(Brett Brewer, Fire Chief)*
- F. Consider and place on file the Pride in McAlester 2nd Quarter Performance Report. *(Regina Peoples, Executive Director)*
- G. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 141611-KW. *(Cora Middleton, City Clerk)*

- H. Consider and act upon, authorizing the Mayor to sign Memorandum of Understanding (MOU) with the Choctaw Nation of Oklahoma. *(Peter Stasiak, City Manager)*

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.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY CREATING SECTION 62-214, DOWNTOWN AND OLD TOWN LOFT APARTMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY AMENDING SECTIONS 62-203, 62-204 AND 62-205 PERTAINING TO AUTOMOBILE SALES AND SERVICE AS A PERMITTED USE IN THE C-3 GENERAL COMMERCIAL DISTRICT, C-4 RESTRICTED COMMERCIAL DISTRICT, AND C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Presentation of the Mayor's Annual State of the City Address. *(Steve Harrison, Mayor)*

Executive Summary
Annual Mayor State of the City Address.

2. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary
Motion to approve the budget amendment ordinance.

3. Consider and act upon, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft

Apartment Overlay District; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft Apartment Overlay District; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

4. Consider and act upon, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

5. Consider and act upon, a Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district due to peculiar or exceptional extenuating circumstances where a literal enforcement of the existing Zoning Ordinance provisions of Sec. 62-197 single-family residential district would create an unnecessary and undue hardship on the applicant and allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding. *(Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Motion to act upon and based on no affirmative recommendation from the Planning Commission, not approving the Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding.

6. Consider and act upon, accepting the bid from Vermeer Equipment in the amount of \$60,600.00 for one new and unused commercial brush chipper. *(Mel Priddy, Community Services Director)*

Executive Summary

Motion to approve request to accept the bid from Vermeer Equipment.

7. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for the design of drainage improvements on Illinois

Avenue between Ninth Street and Tenth Street. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for the design of drainage improvements on Illinois Avenue between Ninth Street and Tenth Street for a fee not to exceed \$31,000.

- 8. Consider and act upon, Change Order No. 1 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 1 resulting in the addition of five (5) days and a subtraction of \$8,950.00 to the contract amount. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 1 to the contract with T. McDonald Construction, Inc. and authorizing the Mayor to sign the Change Order changing the Contract Substantial Completion to October 15, 2015 and the Contract amount to \$2,722,037.50.

- 9. Discussion on CDBG process, eligible projects, Public Hearing process and related CDBG rules and regulations. *(Millie Vance, Certified CDBG Grant Writer)*

Executive Summary

Discussion only.

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 (Peter J. Stasiak)

- Report on activities for the past two weeks.

REMARKS AND INQUIRIES BY CITY COUNCIL

MAYORS COMMENTS AND COMMITTEE APPOINTMENTS

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 27, 2015, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending February 3, 2015. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 27, 2015, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending February 3, 2015. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item D, *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-214, Downtown and Old Town Loft Apartment Overlay District; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by amending Sections 62-203, 62-204 and 62-205 pertaining to automobile sales and service as a permitted use in the C-3 general commercial district, C-4 restricted commercial district, and C-5 highway commercial and commercial recreation district; repealing all conflicting ordinances and declaring an emergency. *(Leroy Alsup, Community and Economic Development Director)*
- Confirm action taken on City Council Agenda Item 5, a Memorandum of Understanding waiving or suspending the Zoning Ordinance provisions of the Sec. 62-197 single-family residential district due to peculiar or exceptional extenuating circumstances where a literal enforcement of the existing Zoning Ordinance provisions of Sec. 62-197 single-

family residential district would create an unnecessary and undue hardship on the applicant and allowing the existing residential structure at 804 E Monroe to be used specifically for the Genesis Health and Beauty Salon in pursuant the provision of the terms set forth in the Memorandum of Understanding. (*Leroy Alsup, Community and Economic Development Director*)

- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for the design of drainage improvements on Illinois Avenue between Ninth Street and Tenth Street. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 8, Change Order No. 1 to the contract with T. McDonald Construction, Inc for the construction of Second Street Improvements and authorize the Mayor to sign Change Order No. 1 resulting in a subtraction of \$\$8,950.00 to the contract amount. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et.seq. Oklahoma Statutes, to wit:

- Proposed executive session pursuant to 25 O.S. § 307(B)(3) for the purpose of discussing the purchase or appraisal of real property, more specifically the City's possible purchase of certain real property with an existing structure to be held for economic development purposes.

RECONVENE INTO OPEN SESSION

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2015 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