



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, April 12, 2016 – 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](http://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

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*Announce the presence of a Quorum.*

### INVOCATION & PLEDGE OF ALLEGIANCE

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### ROLL CALL

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### SWEARING-IN CEREMONY

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Judge Deborah Hackler will administer the Oath of Office to the Mayor and Council Members:

- Oath of Office – Mayor
  - John Browne

- Oath of Office – Council Members
  - Ward 1 – Weldon Smith
  - Ward 3 – Travis Read
  - Ward 5 – Buddy Garvin

### **INCOMING COUNCIL – Council Remarks - Opportunity for Council Remarks**

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- New City Council takes Office
- Selection of Vice-Mayor for the two-year term beginning April 2016 ending April 2018

### **CITIZENS COMMENTS ON NON-AGENDA ITEMS**

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*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**

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*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 March 8, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the March 22, 2016, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the March 22, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for March 16, 2016 through April 5, 2016. *(Toni Ervin, Chief Financial Officer)*
- E. Accept and place on file, the Pride in McAlester Third Quarter Report for Fiscal Year 2015-2016. *(Elizabeth Megaffin, Executive Director)*
- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-06, in the amount of \$ 2,500.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, signing a Maintenance Contract with Miller Office Supply for four (4) copiers. *(Toni Ervin, Chief Financial Officer)*
- H. Concur with the Mayor's re-appointment of Susan Kanard, 3051 South Peaceable Drive, to a new term to expire May 31, 2019; Steve Cox, 24 River Oaks, and Frank Phillips,

2215 Green Meadows Circle to new three-year terms on the Planning Commission to expire on May 31, 2019; and appointment of Anthony (Tony) Korp, 601 Lampton Lane to an unexpired term on the Planning Commission to expire on May 31, 2017.

- I. Concur with the Mayor's re-appointment of Weldon Smith, 537 E. Adams, McAlester, to the McAlester Regional Hospital Board for a new term to expire February 28, 2022.

## **ITEMS REMOVED FROM CONSENT AGENDA**

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### **PUBLIC HEARING**

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*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.*

#### **A PUBLIC HEARING ON THE PROPOSED CAPITAL PROGRAM FOR FY2015/2017-2020/2021 FOR THE CITY OF MCALESTER.**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2538 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2015-16; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE V, STORMWATER UTILITY PROGRAM, SECTION 106-401. PURPOSE; REDUCING THE EXISTING SERVICE CHARGE FOR THE CITY'S STORMWATER DRAINAGE SYSTEM; CREATING A STORMWATER ADVISORY COMMITTEE; PROVIDING FOR AN INCREMENTAL AND GRADUATED INCREASE IN THE SERVICE CHARGE RATE; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR A SEVERABILITY CLAUSE.**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; CREATING A STORMWATER DRAINAGE SYSTEM ADVISORY COMMITTEE; PROVIDING FOR THE COMPOSITION, APPOINTMENT, TERMS, AND QUALIFICATIONS OF THE MEMBERS OF THE STORMWATER DRAINAGE SYSTEM ADVISORY COMMITTEE; AND REPEALING ALL CONFLICTING ORDINANCES.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62, SECTION 246. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR, REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.**

**AN ORDINANCE ESTABLISHING THE EMERGENCY MEDICAL SERVICES REGULATION OF AMBULANCE SERVICES WITHIN THE CITY OF MCALESTER, OKLAHOMA; CREATING MCALESTER CITY CODE ARTICLE \_\_\_\_\_ SECTION \_\_\_\_, TITLED AMBULANCE SERVICE, SECTION I DEFINITIONS, SECTION II APPLICATION FOR AMBULANCE SERVICE LICENSE AND CERTIFICATION OF NECESSITY; APPLICATIONS FOR DRIVERS'; ATTENDANTS' AND ATTENDANT/DRIVERS' PERMITS; STANDARDS FOR DRIVERS'; ATTENDANTS' AND ATTENDANT DRIVERS' PERMIT; DUTIES OF THE ATTENDANT; DUTIES OF THE DRIVER; AND, AMBULANCE TRIP PROCEDURE AND CLEARANCE, SECTION III, RESPONSE TIME PERFORMANCE REQUIRED; AND, PROHIBITION AGAINST REFUSAL TO TRANSPORT; AND, SECTION IV, VIOLATIONS AND PENALTIES.**

## **SCHEDULED BUSINESS**

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1. Consider and act upon, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; 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.

2. Discussion and possible action on an Ordinance amending Chapter 106, Article V, Storm Water Utility Program, Section 106-401 Purpose; reducing the existing service charge for the City's Storm Water Drainage System; creating a Storm Water Advisory Committee; providing for an incremental and graduated increase in the service charge rate; repealing all conflicting ordinances; providing for a severability clause. *(Peter Stasiak, City Manager)*

### Executive Summary

Discussion.

3. Discussion and possible action on an Ordinance of the City of McAlester, Oklahoma; creating a Storm Water Drainage System Advisory Committee; providing for the composition, appointment, terms, and qualifications of the members of the Storm Water Drainage System Advisory Committee; and repealing all conflicting ordinances. *(Peter Stasiak, City Manager)*

### Executive Summary

Staff recommends passing the ordinance to create Storm Water Drainage System Advisory Committee.

4. Consider and act upon, amending Chapter 62, Land Development Code, Article V, Zoning, Division 4, Flood Hazard Overlay District and Flood Damage Prevention, Section 62-246, Designation of Floodplain Administrator. *(Jennifer Santino, CFM)*

Executive Summary

Motion to approve the Land Development Code, as amended, and declaring an emergency.

5. Conduct a Public Hearing on structures deemed by city Staff to be dilapidated by reason of deterioration, age, or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood. *(Leroy Alsup, Community and Economic Development Director)*
  - a. Consider and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. *(George Estrada, Building Inspector and Leroy Alsup, Community and Economic Development Director)*

Executive Summary

Upon the conclusion of the Public Hearing, motion to approve a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

6. Consider and act upon, an Ordinance amending City code regulating Emergency Medical Services. *(Cora Middleton, City Clerk)*

Executive Summary

Motion to approve Ordinance amending City Code regulating Emergency Medical Services.

7. Consider and act upon, accepting and authorizing the Mayor to sign the Change Order in the amount of (\$11,227.70) from Carstensen Contracting, Inc. for CIP #4A. *(Peter Stasiak, City Manager)*

Executive Summary

The recommendation is to agree with Carstensen Contracting, Inc. and authorize the Mayor to sign the Change Order in the amount of (\$11,227.70) to finalize CIP #4A.

8. Consider and act upon, authorizing the Mayor to sign the Final Contractor's payment No. 7 for the contract with Carstensen Contracting, Inc. for construction services on CIP # 4 6<sup>th</sup> St. and accept the project as completed. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve final payment of \$21,193.53 for CIP # 4 6<sup>th</sup> St. and accept the project as completed.

9. Consider and act upon, accepting the bid amount of \$218,475.00 from H & G Paving Contractors to repair asphalt streets and approve the Mayor to sign the Notice of Award and the Agreement to H & G Paving Contractors. *(Peter Stasiak, City Manager)*

Executive Summary

The recommendation is to enter into an agreement with H & G Paving Contractors for the Total Bid equal to \$218,475.00 to repair the asphalt streets.

10. Consider and act upon, authorization to purchase from Zoll Medical Corporation one new and unused X series Manual Monitor/Defibrillator for the Fire Department on State of Oklahoma Medical Contract SW300 pursuant to section 2-275 of the McAlester City Code. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve authorization to purchase one new and unused X Series Manual Monitor/Defibrillator from Zoll Medical Corporation, and authorize payment in the amount of \$33,224.66.

11. Presentation and discussion of the preliminary Budget for fiscal year 2016-2017. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Presentation and discussion.

**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 March 22, 2016, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending April 5, 2016. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MAA**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the March 22, 2016, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending April 5, 2016. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, authorization of payment to Infrastructure Solutions Group, LLC; dba Mehlburger Brawley, Invoice # MC-15-02-06, in the amount of \$ 2,500.00, for Professional Services related to Washington Avenue Pavement Reconstruction and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item H, concurrence with the Mayor's re-appointment of Susan Kanard, 3051 South Peaceable Drive, to a new term to expire May 31, 2019; Steve Cox, 24 River Oaks, and Frank Phillips, 2215 Green Meadows Circle to new three-year terms on the Planning Commission to expire on May 31, 2019; and appointment of Anthony (Tony) Korp, 601 Lampton Lane to an unexpired term on the Planning Commission to expire on May 31, 2017. *(Steve Harrison, Mayor)*
- Confirm action taken on City Council Agenda Item 1, an Ordinance amending Ordinance No. 2538 which established the budget for fiscal year 2015-16; 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 2, discussion and possible action on an Ordinance amending Chapter 106, Article V, Storm Water Utility Program, Section 106-401 Purpose; reducing the existing service charge for the City's Storm Water Drainage System; creating a Storm Water Advisory Committee; providing for an incremental and graduated increase in the service charge rate; repealing all conflicting ordinances; providing for a severability clause. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 3, discussion and possible action on an Ordinance of the City of McAlester, Oklahoma; creating a Storm Water Drainage System Advisory Committee; providing for the composition, appointment, terms, and qualifications of the members of the Storm Water Drainage System Advisory Committee; and repealing all conflicting ordinances. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, amendment of Chapter 62, Land Development Code, Article V, Zoning, Division 4, Flood Hazard Overlay District and

Flood Damage Prevention, Section 62-246, Designation of Floodplain Administrator.  
(*Jennifer Santino, CFM*)

- Confirm action taken on City Council Agenda Item 5, to conduct a Public Hearing on structures deemed by city Staff to be dilapidated by reason of deterioration, age, or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood. (*Leroy Alsup, Community and Economic Development Director*)
- Confirm action taken on City Council Agenda Item 7, acceptance and authorization for the Mayor to sign the Change Order in the amount of (\$11,227.70) from Carstensen Contracting, Inc. for CIP #4A. (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 8, authorization for the Mayor to sign the Final Contractor's payment No. 7 for the contract with Carstensen Contracting, Inc. for construction services on CIP # 4 6<sup>th</sup> St. and accept the project as completed. (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 9, acceptance of the bid amount of \$218,475.00 from H & G Paving Contractors to repair asphalt streets and approve the Mayor to sign the Notice of Award and the Agreement to H & G Paving Contractors. (*Peter Stasiak, City Manager*)

#### ADJOURN MPWA

#### RECONVENE COUNCIL MEETING

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#### EXECUTIVE SESSION

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

- Consider and Act to convene in Executive Session for the purpose of conferring on matters pertaining to Economic Development, including the transfer or purchase of real property and discussion of option to purchase real property per Title 25 Oklahoma Statute Sec. 307 B(3) & C(I0).

#### RECONVENE INTO OPEN SESSION

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- Consideration and possible action to approve City purchasing or entering into a contract for options to purchase real property.

#### ADJOURNMENT

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**CERTIFICATION**

*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_, 2016 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](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**