



# McAlester City Council

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## NOTICE OF MEETING

### Revised Regular Meeting Agenda

Tuesday, July 12, 2016 – 6:00 pm  
McAlester City Hall – Council Chambers  
28 E. Washington

- John Browne ..... Mayor
- Weldon Smith ..... Ward One
- Vacant ..... Ward Two
- Travis Read ..... Ward Three
- Robert Karr, Vice Mayor ..... 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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#### **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

*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 June 14, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 22, 2016 through July 5, 2016. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorizing the Mayor to sign Public Works Project Contract(s) between the Oklahoma Department of Corrections and the City of McAlester. *(Peter Stasiak, City Manager)*
- D. Concur with the Mayor's appointment of Ms. Rachel Gronwald to serve on the Community Tree Board for a term ending September, 2017. *(John Browne, Mayor)*
- E. Consider and act upon, to ratify the attached Memorandum of Understanding with Severn Trent to fill the UTM Manager position. *(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. 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 ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

### SCHEDULED BUSINESS

- 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. Consider and act upon, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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, approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*

## Executive Summary

Motion to approve the purchase of 6 new SCBA Mask. The cost of the masks not to exceed \$5000.00. Purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

4. Consider and act upon, accepting the bid amount of \$167,610.00 from H&G Paving Contractors for the Phase 1 Street Improvements to Village Boulevard, and authorizing the Mayor to sign the Notice of Award to H&G Paving Contractors to perform the work. *(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 \$167,610.00 for the Phase 1 improvements to Village Boulevard.

5. Consider and act upon, authorization of the Mayor to hire Infrastructure Solutions Group, LLC for the Engineering to replace the High Service Motor Control Center (MCC Controls) at the Water Treatment Plant and to sign the Work Order for Professional Service in the amount of \$32,500.00. *(Peter Stasiak, City Manager)*

## Executive Summary

Staff recommends authorizing the Mayor to sign the attached agreement with Infrastructure Solutions Group, LLC in the amount of \$32,500.00, Option 2 of the attached schedule.

6. Consider and act upon, authorizing the Mayor to sign a Loan Agreement with First National Bank for the Water Plant Electrical System (MCC Controls) replacement in the amount of \$328,000 for a fixed term of 4 years. *(Toni Ervin, Chief Financial Officer, Peter Stasiak, City Manager)*

## Executive Summary

Staff recommends authorizing the Mayor to sign a Loan Agreement with First National Bank for the Water Plant Electrical System (MCC Controls) replacement in the amount of \$328,000 for a fixed term of 4 years.

7. Discussion and possible action to approve authorization for Mayor Browne and Councilman Garvin to meet with State Representatives Renegar, Condit and Department

of Corrections to formally discuss the return of the electric chair of McAlester. (*John Browne, Mayor*)

#### Executive Summary

Motion to approve the authorization of Mayor Browne and Councilman Garvin to meet with State Representatives Renegar, Condit and Department of Corrections to formally discuss the return of the electric chair to McAlester.

### **NEW BUSINESS**

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*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*

1. Consider and act upon, approval of the Taking Shape in Pittsburg County organization to hold their next event, July 16, 2016, at the Stipe Center Pool with the provision that all participants are to sign the attached Waiver & Release Form. (*Peter Stasiak, City Manager*)

### **CITY MANAGER'S REPORT (Peter J. Stasiak)**

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- Report on activities for the past two weeks.

### **REMARKS AND INQUIRIES BY CITY COUNCIL**

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### **MAYORS COMMENTS AND COMMITTEE APPOINTMENTS**

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### **RECESS COUNCIL MEETING**

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### **CONVENE AS McALESTER AIRPORT AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the June 28, 2016, Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item B, regarding claims ending July 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 June 28, 2016, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending July 5, 2016. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, authorizing the Mayor to sign Public Works Project Contract(s) between the Oklahoma Department of Corrections and the City of McAlester. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item E, ratification of the attached Memorandum of Understanding with Severn Trent to fill the UTM Manager position. *(Peter Stasiak, City Manager)*
- 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, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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 4, acceptance of the bid amount of \$167,610.00 from H&G Paving Contractors for the Phase 1 Street Improvements to Village Boulevard, and authorizing the Mayor to sign the Notice of Award to H&G Paving Contractors to perform the work. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 5, authorization of the Mayor to hire Infrastructure Solutions Group, LLC for the Engineering to replace the High Service Motor Control Center (MCC Controls) at the Water Treatment Plant and to sign the Work Order for Professional Service in the amount of \$32,500.00. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 6, authorizing the Mayor to sign a Loan Agreement with First National Bank for the Water Plant Electrical System (MCC Controls) replacement in the amount of \$328,000 for a fixed term of 4 years. *(Toni Ervin, Chief Financial Officer, Peter Stasiak, City Manager)*

ADJOURN MPWA

RECONVENE COUNCIL MEETING

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**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**



# McAlester City Council

## AGENDA REPORT

Meeting Date: July 12, 2016

Item Number: \_\_\_\_\_

Department: \_\_\_\_\_

Prepared By: Peter Stasiak, City Manager

Account Code: \_\_\_\_\_

Date Prepared: July 8, 2016

Budgeted Amount: \_\_\_\_\_

Exhibits: 1

### Subject

Consider and act upon, approval of the Taking Shape in Pittsburg County organization to hold their next event, July 16, 2016, at the Stipe Center Pool with the provision that all participants are to sign the attached Waiver & Release Form.

### Recommendation

\_\_\_\_\_

### Discussion

\_\_\_\_\_

### Approved By

	<i>Initial</i>	<i>Date</i>
Department Head	_____	_____
City Manager	P. Stasiak _____	_____

# TAKING SHAPE IN PITTSBURG COUNTY

## Waiver & Release Form

In consideration of participating in the **Taking Shape in Pittsburg County**, I represent that I understand the nature of the Taking Shape in Pittsburg County event and that I and/or my minor child am qualified, in good health, and in proper physical condition to participate in such an Activity. I acknowledge that if I and/or my minor child believe event conditions are unsafe, I and/or my minor child will immediately discontinue participation in the Activity.

I fully understand that the **Taking Shape in Pittsburg County** event involves risks of serious bodily injury, including permanent disability, paralysis, and death, which may be caused by my own actions or inactions, those of others participating in the event, the conditions in which the event takes place, or the negligence of the "releasees" named below; and that there may be other risks either not known to me or not readily foreseeable at this time; and I fully accept and assume all such risks and all responsibility for losses, costs, and damages I and /or my minor child incur as a result of my and/or my minor child's participation in the Activity. Diving or flipping into the pool/body of water is prohibited.

I hereby, and for my minor child, heirs, executors and administrators, waive, discharge, and covenant not to sue the **Taking Shape in Pittsburg County and the City of McAlester**, its respective administrations, directors, agents, officers, volunteers, employees, other participants, any sponsors, advertisers, and if applicable, owners and lessors of premises on which the Activity takes place (each considered one of the "RELEASEES" herein), from all liability, claims, demands, losses, or damages on my account and/or that of my minor child caused or alleged to be caused in whole or in part by the negligence of the "releasees" or otherwise, including negligent rescue operations; and I further agree that if, despite this release, waiver of liability, and assumption of risk, I, or anyone on my/and or my minor child's behalf, makes a claim against any of the "Releasees," I will indemnify, save, and hold harmless each of the releasees from any loss, liability, damage, or cost which any may incur as the result of such claim.

Nothing in this waiver and release form shall act as a waiver of any of the protections or immunities provided under the Oklahoma Governmental Tort Claims Act. Title 51 O.S. § 151 et. seq.

THE UNDERSIGNED ENTERS INTO THIS WAIVER AND RELEASE FORM WILLINGLY AND VOLUNTARILY, AND UNDERSTANDS THAT BY THIS SIGNATURE THE UNDERSIGNED ASSUMES RISKS AND WAIVES SUBSTANTIAL RIGHTS, AGREEING NOT TO SUE THE TAKING SHAPE IN PITTSBURG COUNTY AND THE CITY OF MCALESTER AND TO RELEASE AND HOLD THE TAKING SHAPE IN PITTSBURG COUNTY AND THE CITY OF MCALESTER HARMLESS FROM LIABILITY.

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Date

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Printed name of participant

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Signature of Participant or Legal Guardian (if participant is under age 18)