



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, September 27, 2016 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

John Browne	Mayor
Weldon Smith	Ward One
Cully Stevens	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 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

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 September 13, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 7, 2016 through September 21, 2016. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorization of payment to Old Town Association, Invoice 536908, in the amount of \$7,356.25 to reimburse the Association for expenses incurred for the Wild West Festival per the agreement dated June 14, 2016. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, authorization of payment to Accurate Labs & Mining Center, Invoice 6H30053, in the amount of \$ 50.00, for water testing fees related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- E. **TABLED FROM SEPTEMBER 13TH MEETING;** Consider and act upon, approval and authorizing the Mayor to sign a lease in the amount of \$1,292.50 per month for space to relocate the City of McAlester Tourism Office at 119 E. Choctaw Street, Suite 103.

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. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF McALESTER ESTABLISHING THE REGULATION OF OUTDOOR

DINING AND SIDEWALK CAFÉS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, TITLED ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES, ARTICLE I, SECTION 6-8, DEFINITIONS; SECTION 6-9, SIDEWALK CAFÉ PERMIT; SECTION 6-10, REGULATIONS AND RESTRICTIONS; SECTION 6-11, SIDEWALK CAFÉ FEES; AND, SECTION 6-12, VIOLATIONS AND REVOCATION.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE REGULATION OF BEVERAGE GARDENS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES, ARTICLE I, SECTION 6-3, DEFINITIONS; SECTION 6-4, BEVERAGE GARDEN PERMIT; SECTION 6-5, BOUNDARIES AND RESTRICTIONS; SECTION 6-6, BEVERAGE GARDEN FEES; AND, SECTION 6-7, VIOLATIONS AND REVOCATION.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE PROHIBITION OF DRUG PARAPHERNALIA WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 82, OFFENSES AND NUISANCES, ARTICLE ____, DIVISION ____, SECTION 82-__, DEFINITIONS; SECTION 82-__, MATTERS CONSIDERED IN DETERMINATION OF DRUG PARAPHERNALIA; SECTION 82-__, PROHIBITING POSSESSION, DELIVERY OR MANUFACTURE OF DRUG PARAPHERNALIA; SECTION 82-__, EXCEPTIONS; AND SECTION 82-__, PENALTIES AND FINES, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE COMMUNITY SERVICE PROGRAM WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 30 TITLED COURT, ARTICLE II, DIVISION 3, SECTION 30-66, DEFINITIONS; SECTION 30-67, PROOF OF INDIGENT STATUS; SECTION 30-68, CRITERIA FOR COMMUNITY SERVICE PROGRAM; SECTION 30-69, COMMUNITY SERVICES AGREEMENT; SECTION 30-70, COST OF FINES, NUMBER OF COMMUNITY SERVICE HOURS REQUIRED AND NUMBER OF DAYS ALLOCATED TO COMPLETE THE COMMUNITY SERVICE PROGRAM; SECTION 30-71, VIOLATIONS AND PENALTIES.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE CUSTOMER SERVICE POLICY;

**AMENDING MCALESTER CITY CODE CHAPTER 2 TITLED
ADMINISTRATION, ARTICLE I, SECTION 2-1, CUSTOMER SERVICE
STANDARDS.**

SCHEDULED BUSINESS

1. 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.

2. **TABLED FROM SEPTEMBER 13TH MEETING;** Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2016-2017 for a fee not to exceed \$72,500.

3. Consider and act upon, an ordinance of the City of McAlester establishing the regulation of outdoor dining and sidewalk cafés within the City of McAlester. *(Mayor John Browne)*

Executive Summary

Motion to pass and approve the regulation of outdoor dining and sidewalk café ordinance within the City of McAlester.

4. Consider and act upon, an ordinance of the City of McAlester establishing the regulation of Beverage Gardens within the City of McAlester. *(Mayor John Browne)*

Executive Summary

Motion to approve the regulation of Beverage Gardens within the City of McAlester.

5. Consider and act upon, an ordinance of the City of McAlester establishing the prohibition of drug paraphernalia within the City of McAlester. *(Mayor John Browne)*

Executive Summary

Motion to pass and approve an ordinance prohibiting drug paraphernalia within the City of McAlester.

6. Consider and act upon, an ordinance of the City of McAlester establishing the Community Service Program within the City of McAlester. *(Mayor John Browne)*

Executive Summary

Motion to approve the Community Service Program within the City of McAlester.

7. Consider and act upon, an ordinance of the City of McAlester establishing the Customer Service Policy; amending McAlester City Code Chapter 2 Titled Administration, Article I, Section 2-1, Customer Service Standards. *(Mayor John Browne)*

Executive Summary

Motion to approve the Customer Service Policy ordinance.

8. Consider and act upon, approval and authorization of the Mayor to sign a Quitclaim Deed exchanging 30 feet of City property to 30 feet of County property. *(Joe Ervin, City Attorney)*

Executive Summary

Motion to approve Mayor's signature regarding a Quitclaim Deed for the property located at 1212 N. West, McAlester, Oklahoma.

9. Consider and act upon, approval to purchase two new and unused 2016 Dodge Charger police vehicles. *(Darrell Miller, Deputy Police Chief)*

Executive Summary

Motion to approve the purchase of two new and unused 2016 Dodge Chargers from Bob Howard Chrysler, Jeep, Dodge, in Oklahoma City which are on the Oklahoma State Contract. State Bid.

10. Consider and act upon, approval to purchase a 2015 Chevrolet Silverado 1500 pickup. VIN 3GCUKREC1FG413746 *(Darrell Miller, Deputy Police Chief)*

Executive Summary

Motion to approve the purchase of one pre-owned 2015 Chevrolet Silverado truck.

11. Consider and act upon, authorizing the Mayor to sign the Federal-Aid Program Project Number HSIP-261A (064-065)TR Project Agreement (maintenance agreement) between the Oklahoma Department of Transportation and the City of McAlester for the installation of traffic signals along Carl Albert Parkway. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve and authorize the Mayor to sign the agreement between the Oklahoma Department of Transportation and the City of McAlester for the installation of traffic signals along Carl Albert Parkway.

12. Discussion and possible action, on 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 3 new SCBA Masks. The cost of the masks not to exceed \$3,000.00. 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.

13. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary
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 September 13, 2016, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 21, 2016. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, 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 7, an ordinance of the City of McAlester establishing the Customer Service Policy; amending McAlester City Code Chapter 2 Titled Administration, Article I, Section 2-1, Customer Service Standards. *(Mayor John Browne)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the September 13, 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 September 21, 2016. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item D, authorization of payment to Accurate Labs & Mining Center, Invoice 6H30053, in the amount of \$ 50.00, for water testing fees related to Washington Avenue Pavement Reconstruction Project 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 1, 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*)
- **TABLED FROM SEPTEMBER 13TH MEETING;** Confirm action taken on City Council Agenda Item 2, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). (*Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 7, an ordinance of the City of McAlester establishing the Customer Service Policy; amending McAlester City Code Chapter 2 Titled Administration, Article I, Section 2-1, Customer Service Standards. (*Mayor John Browne*)
- Confirm action taken on City Council Agenda Item 8, approval and authorization of the Mayor to sign a Quitclaim Deed exchanging 30 feet of City property to 30 feet of County property. (*Joe Ervin, City Attorney*)
- Confirm action taken on City Council Agenda 11, authorizing the Mayor to sign the Federal-Aid Program Project Number HSIP-261A (064-065)TR Project Agreement (maintenance agreement) between the Oklahoma Department of Transportation and the City of McAlester for the installation of traffic signals along Carl Albert Parkway. (*Peter Stasiak, City Manager*)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the August 23, 2016 Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of September, 2016. (*Toni Ervin, CFO*)

ADJOURN MRTA

RECONVENE COUNCIL MEETING

ADJOURNMENT

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.

Cora M. Middleton, City Clerk