



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, December 13, 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 November 22, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 16, 2016 through December 6, 2016. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorization of payment to GC Rental & Sales, Invoice 43821, in the amount of \$ 930.20, for equipment rental for Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- D. Consider and act upon, authorization of payment to Utility Supply Co., Invoice 099484, in the amount of \$ 2,486.04, for waterline items for Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- E. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-05, in the amount of \$10,082.00 for Professional Services 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)*
- F. Consider and act upon, a resolution authorizing the change from Part-Time to Full Time Position of Central Purchasing Agent and placed on the Non Uniform Pay plan on pay grade 119-01 for the FY 2016-2017. *(Toni Ervin, Chief Financial Officer)*
- G. Consider and act upon, a \$150 one-time net pay for all full and part time regular employees. *(Peter Stasiak, City Manager)*
- H. Concur with the Mayor's appointment of Mr. Chan Lee to the McAlester Ward Redistricting Committee. Mr. Lee is to replace Mr. Jarred Phillips as representative for Ward 3. *(John Browne, Mayor)*

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.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR ALL OF LOT 4, BLOCK 213, IN THE CITY OF MCALESTER, NOW KNOWN AS NORTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2 TWO-FAMILY DWELLING (DUPLEX) DISTRICT.

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. Consider and act upon, approval and authorization for the Mayor to sign a Contract for Services with the McAlester Defense Support Association (MDSA) and McAlester Defense Support Services, Inc. (MDSS) for the creation of a full time office and Executive Director position for MDSS. This contract includes shared funding with the MDSA for the remainder of FY 2016-2017. *(Gene Walker, Vice Chairman, McAlester Defense Support Assoc.)*

Executive Summary

Motion to approve and authorize the Mayor to sign the Contract for Services with MDSA and MDSS for the Executive Director Position for MDSS.

3. Consider action to acquire the property at 103 Steven Taylor Blvd for the Krebs Brewing Co., Inc. expansion project for the sum of \$1,100,000 plus closing costs (estimated to be \$1,487.21), subject to the "Release of Funds" for CDBG-EDIF Grant Contract No. 16765 CDBG-ED 16 by the Oklahoma Department of Commerce. *(Leroy Alsup, Community & Economic Development Director, Millie Vance, Grant Administrator)*

Executive Summary

Motion to acquire the property at 103 Steven Taylor Blvd for the Krebs Brewing Co., Inc. expansion project for the sum of \$1,100,000 plus closing costs (estimated to be \$1,487.21), subject to the "Release of Funds" for CDBG-EDIF Grant Contract No. 16765 CDBG-ED 16 by the Oklahoma Department of Commerce and to authorize the Mayor to execute the Statement of the Basis for Determining Just Compensation and other closing documents to complete said acquisition.

4. Consider and act upon, the Triple Net Real Property Lease Agreement between the City of McAlester and Krebs Brewing Co., Inc. for the property at 103 Steven Taylor Boulevard. McAlester, OK. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to authorize the Mayor to execute the Triple Net Real Property Lease Agreement between the City of McAlester and Krebs Brewing Co., Inc. for the property at 103 Steven Taylor Boulevard. McAlester, OK, subject to the "Release of Funds" for CDBG-EDIF Grant Contract No. 16765 CDBG-ED 16 by the Oklahoma Department of Commerce and the closing on the acquisition of the property at 103 Steven Taylor Boulevard. McAlester, OK.

5. **TABLED FROM THE DECEMBER 6TH SPECIAL MEETING:** Consideration of an appeal from William R. Billy in regards to the November 2, 2016 Notice of Violation/Administrative Order to abate the nuisance on the property at 1400 E. Pierce Avenue that was tabled at the November 22, 2016 City Council Meeting. *(Leroy Alsup, Community & Economic Development Director, George Estrada, Building Inspector, James Schulz, Code Enforcement)*

Executive Summary

Motion to direct the McAlester Code Enforcement Officer and the Building Inspector to summarily abate the nuisance on the property at 1400 E. Pierce Avenue.

6. Consider and act upon, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classification of the zoning district for all of Lot 4, Block 213, in the City of McAlester, now known as North McAlester, Pittsburg County, State of Oklahoma from R1-B Single-Family Residential District to R-2 Two-Family Dwelling (Duplex) District. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning district for the property identified in the Ordinance from R1-B Single-Family Residential District to R-2 Two-Family Dwelling (Duplex) District and authorizing the Mayor to sign the ordinance.

7. Consider and act upon, a "Use Permit After Review" in the "Wade Watts Corridor" for the use of the property at 1214 E. Wade Watts Avenue as a store offering carpet and flooring sales. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve a "Use Permit After Review" in "Wade Watts Corridor" for the use of the property at 1214 E. Wade Watts Avenue as a store offering carpet and flooring sales and to authorize the Mayor to sign the "Use Permit after Review" approval form.

8. Consider and act to authorize the Mayor to execute documents necessary for assignment from DLI McAlester, LLC to UIRC-GSA VI MCALESTER OK, LLC, of DLI's interests in a certain lease recorded on February 9, 2001 with the Pittsburg County Clerk as Document No. 59897 in Book 001094, Pages 327-338 (The DEA Building). *(Joe Ervin, City Attorney)*

Executive Summary

Authorize the Mayor to execute documents necessary for assignment from DLI McAlester, LLC to UIRC-GSA VI MCALESTER OK, LLC, of DLI's interests in a certain lease recorded on February 9, 2001 with the Pittsburg County Clerk as Document No. 59897 in Book 001094, Pages 327-338 (The DEA Building).

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 November 22, 2016, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending December 6, 2016. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item G, a \$150 one-time net pay for all full and part time regular employees. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 8, authorization for the Mayor to execute documents necessary for assignment from DLI McAlester, LLC to UIRC-GSA VI MCALESTER OK, LLC, of DLI's interests in a certain lease recorded on February 9, 2001 with the Pittsburg County Clerk as Document No. 59897 in Book 001094, Pages 327-338 (The DEA Building). *(Joe Ervin, City Attorney)*

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

Majority of a Quorum required for approval

- Approval of the Minutes from the November 22, 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 December 6, 2016. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, authorization of payment to GC Rental & Sales, Invoice 43821, in the amount of \$ 930.20, for equipment rental for 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 D, authorization of payment to Utility Supply Co., Invoice 099484, in the amount of \$ 2,486.04, for waterline items for 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 E, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-05, in the amount of \$10,082.00 for Professional Services 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 G, a \$150 one-time net pay for all full and part time regular employees. *(Peter Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 6, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classification of the zoning district for all of Lot 4, Block 213, in the City of McAlester, now known as North McAlester, Pittsburg County, State of Oklahoma from R1-B Single-Family Residential District to R-2 Two-Family Dwelling (Duplex) District. *(Leroy Alsup, Community & Economic Development Director)*
- Confirm action taken on City Council Agenda Item 7, a “Use Permit After Review” in the “Wade Watts Corridor” for the use of the property at 1214 E. Wade Watts Avenue as a store offering carpet and flooring sales. *(Leroy Alsup, Community & Economic Development Director)*

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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 Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: Jeff Ketchum Settlement

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

- Consider and act to authorize settlement of the Worker’s Compensation claim of Jeff Ketchum.

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