



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, September 27, 2011 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Kevin E. Priddle.....	Mayor
Weldon Smith.....	Ward One
Steve Harrison.....	Ward Two
John Browne.....	Vice-Mayor, Ward Three
Robert Karr.....	Ward Four
Buddy Garvin.....	Ward Five
Sam Mason.....	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

Pastor David Massey, Central Christian Church

ROLL CALL

AWARD PRESENTATIONS

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- 1) Employee of the Month for August 2011 is Danny Bennett of the Fire Department.

- 2) Proclamation of Achievement for Margaret White Semi-Finalist in the National Merit Scholarship Program.

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 6, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 7, 2011 through September 20, 2011. *(Toni Ervin, Interim Chief Financial Officer)*
- C. To authorize the total expenditure of \$105.00 (\$35.00 each) for Councilman Steve Harrison, Councilman Robert Karr, and Mayor Kevin Priddle for a registration fee to attend the OML District Dinner Meeting at Pete's Place on October 6th. *(Cora Middleton, City Clerk)*
- D. To ratify the City of McAlester Code of Conduct and Ethics Governance Information Booklet. No changes proposed. *(Peter J. Stasiak, City Manager)*
- E. To ratify and authorize the Mayor to sign a rental agreement between the City of McAlester and Frankie G. Johnson for a city owned dwelling located between Talawanda Lake #1 and Lake #2, *(Peter J. Stasiak, City Manager)*
- F. Authorize Mayor to sign a Ratification of Lease on June 5, 2009, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: *(Peter J. Stasiak, City Manager)*
- One new 2008 Ford E450 Type III Ambulance with Wheeled Coach Conversion – VIN# 1FDXE45P18DA74637
- G. Authorize Mayor to sign a Ratification of Lease on July 28, 2010, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: *(Peter J. Stasiak, City Manager)*
- 2011 Freightliner M210633000#GVW Truck chassis VIN: 1FVACYBS1BDAY3398 with any and all equipment, accessories and attachments to said vehicle;
 - One new DuraPatcher Truck Mounted Style Spray Injection Road Repair Machine; and
 - One new DuraPatcher 6,000 gal. Gravity Feed Vertical Emulsion Storage Tank.

- H. Concur with Mayor's Re-Appointment of LaDell Emmons to the ADA Board for a term to expire September 2013. *(Kevin E. Priddle, Mayor)*
- I. Concur with Mayor's Re-Appointment of Ruth Harkins to the ADA Board for a term to expire September 2013. *(Kevin E. Priddle, 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 AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: LOT 29 IN TOWNSITE ADDITION NO. 4, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT)
- AN ORDINANCE TO CLOSE THE FOLLOWING PLATTED STREET: THE WEST 30' OF ELEVENTH STREET, SOUTH OF ILLINOIS AVENUE ABUTTING LOT 29, IN TOWNSITE ADDITION NO. 4, PITTSBURG COUNTY, STATE OF OKLAHOMA.
- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE VII, AMENDING SECTION 2-273 RELATED TO COMPETITIVE BIDDING; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE VII, AMENDING SECTION 2-275 RELATED TO PURCHASES BY THE OFFICE OF CENTRAL PURCHASING; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, SHORTENING THE TIME PERIODS PROVIDED FOR WARD COMMISSION ACTION; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Introduction of new Chief Executive Officer, McAlester Regional Hospital Center.
(Mayor Kevin Priddle)

Executive Summary

Introduction of new CEO, McAlester Regional Hospital.

2. Consider and act upon, an Appeal by Mr. Alan W. Martin for the rezoning of Lot 29 in the City of McAlester from R-1B (Single Family Residential District) to R-3 (Multi-Family Dwelling District) for the construction of an apartment complex. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve or disapprove and act upon changing the existing zoning from R-1B (Single Family Residential District) to R-3 (Multi-Family Dwelling District), and authorizing the Mayor to sign the attached ordinance.

3. Consider and act upon, an Appeal by Mr. Alan Martin for the closing of the west 30' of Eleventh Street, South of Illinois Avenue abutting Lot 29, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to approve or disapprove and act upon closing the west 30' of Eleventh Street, South of Illinois Avenue abutting Lot 29, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma, and authorizing the Mayor to sign the attached ordinance.

4. Consider and act upon, to adopt an ordinance of the City of McAlester, Oklahoma, amending the code of ordinances, Chapter 2, Article VII, amending Section 2-273 related to competitive bidding; providing for a severability clause; and declaring an emergency. (*Joe Ervin, City Attorney*)

Executive Summary

The City Attorney recommends that the council approve and adopt language amending this code provision to clarify the exemption of "Professional Services".

5. Consider and act upon, to adopt an ordinance of the City of McAlester, Oklahoma, amending the code of ordinances, Chapter 2, Article VII, amending Section 2-275 related to purchases by the Office of Central Purchasing; providing for a severability clause; and declaring an emergency. (*Joe Ervin, City Attorney*)

Executive Summary

The City Attorney recommends that the council approve and adopt language amending this code provision to clarify the purchase of any item or service contracted or available to the state under the provisions of the Oklahoma Central Purchasing Act (74 O.S. § 85.1 et seq.).

6. Consider and act upon, the purchase of three equipped patrol cars from Bob Hurley Ford. (*Jim Lyles, Chief of Police*)

Executive Summary

Motion to approve the purchase of three equipped Ford Crown Vics, from Bob Hurley Ford. Bob Hurley Ford has the state contract for police vehicles and they will also outfit the cars with the proper emergency equipment.

7. Consider and act upon, an ordinance of the City of McAlester, Oklahoma, shortening the time periods provided for ward commission action; repealing all conflicting ordinances;

providing for a severability clause; and declaring an emergency. (*Councilman Steve Harrison*)

Executive Summary

A motion to approve the Ordinance shortening the time periods provided for ward commission action.

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

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the September 13, 2011 Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 20, 2011. (*Toni Ervin, Interim Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item D, to ratify the City of McAlester Code of Conduct and Ethics Governance Information Booklet. No changes proposed. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 4, to adopt an ordinance of the City of McAlester, Oklahoma, amending the code of ordinances, Chapter 2, Article VII, amending Section 2-273 related to competitive bidding; providing for a severability clause; and declaring an emergency. (*Joe Ervin, City Attorney*)
- Confirm action taken on City Council Agenda Item 5, to adopt an ordinance of the City of McAlester, Oklahoma, amending the code of ordinances, Chapter 2, Article VII, amending Section 2-275 related to purchases by the Office of Central Purchasing; providing for a severability clause; and declaring an emergency. (*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 September 13, 2011 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 6, 2011. (*Toni Ervin, Interim Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item D, to ratify the City of McAlester Code of Conduct and Ethics Governance Information Booklet. No changes proposed. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item G, to authorize Mayor to sign a Ratification of Lease on July 28, 2010, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: (*Peter J. Stasiak, City Manager*)
 - 2011 Freightliner M210633000#GVW Truck chassis VIN: 1FVACYBS1BDAY3398 with any and all equipment, accessories and attachments to said vehicle;
 - One new DuraPatcher Truck Mounted Style Spray Injection Road Repair Machine; and
 - One new DuraPatcher 6,000 gal. Gravity Feed Vertical Emulsion Storage Tank.
- Confirm action taken on City Council Agenda Item 2, an Appeal by Mr. Alan W. Martin for the rezoning of Lot 29 in the City of McAlester from R-1B (Single Family Residential District) to R-3 (Multi-Family Dwelling District) for the construction of an apartment complex. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 3, an Appeal by Mr. Alan Martin for the closing of the west 30' of Eleventh Street, South of Illinois Avenue abutting Lot 29, in Townsite Addition No. 4, Pittsburg County, State of Oklahoma. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 4, to adopt an ordinance of the City of McAlester, Oklahoma, amending the code of ordinances, Chapter 2, Article VII, amending Section 2-273 related to competitive bidding; providing for a severability clause; and declaring an emergency. (*Joe Ervin, City Attorney*)
- Confirm action taken on City Council Agenda Item 5, to adopt an ordinance of the City of McAlester, Oklahoma, amending the code of ordinances, Chapter 2, Article VII, amending Section 2-275 related to purchases by the Office of Central Purchasing;

providing for a severability clause; and declaring an emergency. (*Joe Ervin, City Attorney*)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the August 23, 2011, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of September 2011. (*Toni Ervin, Interim Chief Financial Officer*)

ADJOURN MRTA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 and 307 B.4 and et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307(B)(4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844; Mary Baird v. City of McAlester, Case No. C-09-244; Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29; McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403; Bravo Construction vs. City of McAlester (Pending in Arbitration); Morris v. City of McAlester 2010-CIV-200-FHS; McCormick vs. City of McAlester 2011-CIV-166; Kozel vs. City of McAlester CJ-2011-237.
- 2) Proposed executive session pursuant to Title 25, Sec. 307(B)(2) to Discuss negotiations concerning employees and representatives of employee groups: IAFF

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

- 1) Consider, and act to approve and direct the filing of a declaratory judgment action in the District Court of Pittsburg County, Oklahoma against the IAFF to determine the issues related to the legal deficiencies and constitutionality of IAFF request to arbitrate the Collective Bargaining Agreement for FY 2010-2011.

- 2) Consider, and take action regarding recommendations for the City of McAlester/IAFF Collective Bargaining Agreement for FY 2011-2012.

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2011 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