



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, October 11, 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 Bob Tate, First Indian Church

ROLL CALL

AWARD PRESENTATIONS

Employee of the Month for September 2011 is Vincent Lott of the Water Treatment Plant.

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, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 21, 2011 through October 4, 2011. *(Toni Ervin, Interim Chief Financial Officer)*
- C. To ratify and authorize the Mayor to sign the iWorQ Service Agreement between the City of McAlester and iWorQ Systems “iWorQ” located in Logan, Utah. *(Peter J. Stasiak, City Manager)*
- D. To ratify and authorize the Mayor to sign the Interagency Cooperative Agreement between the City of McAlester Police Department and Farley W. Ward, District Attorney, acting for and on behalf of the District Attorney’s Office District 18, Drug and Violent Crimes Task Force. *(Peter J. 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. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

- 1. Consider and act upon selling approximately 1.2 acres of land (224’ x 232’) located at the Southside Business Development Center for the construction of a 10,000 sq. ft. office building. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon the sale of approximately 1.2 acres of land located at the Southside Business Development Center for \$53,682.94 and authorizing the Mayor to sign the documents.

2. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Interim CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

3. Consider, and act upon, a donation for the construction of a fencing project located at the Farmer's Market parking lot. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a donation to the Pittsburg County Cooperative Extension Service of \$5,482.00 for the construction of a fencing project at the Farmer's Market parking lot.

4. Consider, and act upon, increasing the partnership contribution for the Southeast EXPO Center. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve an increase in the partnership contribution for the Southeast EXPO Center in the amount \$5,125.00 for fiscal year 2011/2012.

5. Consider, and act upon, a Partnership Request from Eastern Oklahoma State College (EOSC) and Oklahoma Employment Security Commission (OESC) for the use of the Expo Center for the Simonton Window job fair, scheduled November 12th & set up November 11th, 2011, by partnering with them in the amount of \$1,500.00. *(Jerry Lynn Wilson, Expo Manager)*

Executive Summary

Consider approval of Partnership Request in the amount of \$1,500.00.

6. Consider, and act upon, a request by Eastern Oklahoma State College (EOSC) to partner with them for the rental fee in the amount of \$1,500.00 for the use of the Expo Center on November 7th & 8th, 2011 for the 5th Annual Career and College Tour. *(Jerry Lynn Wilson, Expo Manager)*

Executive Summary

Consider approving this partnership request in the amount of \$1,500.00.

7.
 - A. Consider, and act upon, awarding a bid to Wheeled Coach, in the amount of \$123,131.00 for a new and unused Ford F350 Ambulance Type I Modular 4x4 Conversion, and to accept change order in the amount of \$2509.00, for the installation of an "Air Ride System" in the conversion. *(Brett Brewer, Fire Chief)*
 - B. Consider and act upon the purchase of one ambulance cot to be used on said ambulance in the amount of \$5059.00. *(Brett Brewer, Fire Chief)*

Total cost to City of McAlester \$130,699.00.

Executive Summary

Motion to approve a bid award to purchase one new and unused Ford F350 Ambulance Type I Modular 4x4 Conversion, in the amount of \$123,131.00 with change order in the amount of \$2509.00, and approve the purchase of one new cot to be used on said ambulance, in the amount of \$5059.00. Total cost to city, 130,699.00

8. Consider, and act upon, a bid award to Total Radio Inc., for the purchase of thirty-eight (38) hand held radios and forty-three (43) mobile radios. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to approve a \$52,483.35 bid from Total Radio, Inc. for the purchase of new radios.

9. Consider and act upon, authorizing the Chief of Police to add two additional E-911 Dispatchers. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to approve the addition of two E-911 Dispatchers.

10. Consider and act upon, authorizing the Chief of Police to add an additional employee to assist the E-911 Coordinator with her daily duties. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to approve the addition of one E-911 employee.

11. Consider and act upon, authorizing the Chief of Police to promote an E-911 Supervisor. *(Jim Lyles, Police Chief)*

Executive Summary

Motion to approve the promotion of an E-911 Supervisor.

12. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the 2010 Community Development Block Grant (CDBG) Water and Sewer Improvements. *(David Medley, Utilities Director)*

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for 2010 CDBG Water and Sewer Improvements for an estimated fee of \$23,000 upon review and approval of by the City Attorney's Office.

13. Consider, and act upon, award of bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate, 40% polymer, copper sulfate, and poly-aluminum ferric halide. *(David Medley, Utilities Director)*

Executive Summary

Motion to award of bid for Items 1, 6, 8, and 9 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Altivia Chemical Solutions of Houston, Texas at the unit prices per the attached bid tabulation and agreement.

14. Consider, and act upon, award of bid to Southwest Chemical Service for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% caustic and polyphosphate. *(David Medley, Utilities Director)*

Executive Summary

Motion to award of bid for Items 3, and 4 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Southwest Chemical Service of McAlester, Oklahoma at the unit prices per the attached bid tabulation and agreement.

15. Consider, and act upon, award of bid to Brentag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine and activated carbon. *(David Medley, Utilities Director)*

Executive Summary

Motion to award of bid for Items 2, and 5 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Brentag Southwest of Nowata, Oklahoma at the unit prices per the attached bid tabulation and agreement.

16. Consider, and act upon, award of bid to Hawkins, Inc. for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemical: sodium permanganate. *(David Medley, Utilities Director)*

Executive Summary

Motion to award of bid for Item 7 of the September, 2011 to February, 2011 Water Treatment Plant Chemical Chemicals, after review and approval by the City Attorney's Office, with Hawkins, Inc. of Fort Smith, Arkansas at the unit prices per the attached bid tabulation and agreement.

17. Consider and act upon assigning a 30 foot wide utility easement in Lot C-7 of Steven Taylor Industrial Park for the purpose of allowing the Oklahoma Turnpike Authority to construct an 8" diameter sanitary sewer to service their new Service Plaza to be located on the Indian Nation Turnpike approximately ¼ mile south of the Industrial Park. *(David Medley, Utilities Director)*

Executive Summary

Motion to assign the easement and authorize the Mayor to sign after review and approval by the City Attorney's Office.

18. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the Water Treatment Plant Residuals Handling Improvements. *(David Medley, Utilities Director)*

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Water Treatment Plant Residuals Handling Improvements for an estimated fee of \$87,300 upon review and approval of by the City Attorney's Office.

19. Consider, and act upon, award of bid to Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Sewer Project and authorize the Mayor to enter into a construction contract, in an amount of \$199,865.00. *(David Medley, Utilities Director)*

Executive Summary

Motion to award of bid for Highway 69 ODOT Utility Relocation Sewer Project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$199,865.00.

20. Consider, and act upon, award of bid to Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Water Project and authorize the Mayor to enter into a construction contract, in an amount of \$498,850.00. (*David Medley, Utilities Director*)

Executive Summary

Motion to award of bid for Highway 69 ODOT Utility Relocation Water Project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$498,850.00.

21. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of 12 inch Water Main Project at Taylor Industrial Park. (*David Medley, Utilities Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Taylor Industrial Park Water Main Improvements for an estimated fee of \$38,900 upon review and approval of by the City Attorney's Office.

22. Consider, and act upon a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of an 8 inch Water Main Project to Lot B-2 at Taylor Industrial Park. (*David Medley, Utilities Director*)

Executive Summary

Motion to approve and authorize the Mayor to sign the work order for Mehlburger Brawley to complete engineering services required for Taylor Industrial Park 8 Inch Water Main to Lot B-2 for an estimated fee of \$19,500 upon review and approval of by the City Attorney's Office.

23. Consider and act upon, authorizing the Mayor to sign a Right of Way and Easement between the City of McAlester and Public Service Company of Oklahoma, a unit of American Electric Power, 1 Riverside Plaza Columbus, OH 43215. (*Peter J. Stasiak, City Manager*)

Executive Summary

Motion to authorize Mayor to sign Right of Way and Easement to relocate a PSO transmission line.

24. Consider and act upon a Resolution of the City of McAlester supporting the development of a regional retail commercial shopping center to be located along the U.S. Highway 69 bypass corridor within the City of McAlester and declaring such development to be for the benefit of the City of McAlester and the southeast Oklahoma region. (*Councilman Steve Harrison*)

Executive Summary

Motion to approve and act upon a Resolution of the City of McAlester supporting the development of a regional retail commercial shopping center to be located along the U.S. Highway 69 bypass corridor within the City of

McAlester and declaring such development to be for the benefit of the City of McAlester and the southeast Oklahoma region.

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 27, 2011 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending October 4, 2011. *(Toni Ervin, Interim Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, to ratify an authorize the Mayor to sign the iWorQ Service Agreement between the City of McAlester and iWorQ Systems "iWorQ" located in Logan, Utah. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Interim CFO)*

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the September 27, 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 October 4, 2011. *(Toni Ervin, Interim Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, to ratify and authorize the Mayor to sign the iWorQ Service Agreement between the City of McAlester and iWorQ Systems “iWorQ” located in Logan, Utah. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 1, selling approximately 1.2 acres of land (224’ x 232’) located at the Southside Business Development Center for the construction of a 10,000 sq. ft. office building. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Interim CFO)*
- Confirm action taken on City Council Agenda Item 3, a donation for the construction of a fencing project located at the Farmer’s Market parking lot. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 12, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the 2010 Community Development Block Grant (CDBG) Water and Sewer Improvements. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 13, award of bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate, 40% polymer, copper sulfate, and poly-aluminum ferric halide. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 14, award of bid to Southwest Chemical Service for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% caustic and polyphosphate. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 15, award of bid to Brentag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine and activated carbon. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 16, award of bid to Hawkins, Inc. for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemical: sodium permanganate. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 17, assigning a 30 foot wide utility easement in Lot C-7 of Steven Taylor Industrial Park for the purpose of allowing the

Oklahoma Turnpike Authority to construct an 8" diameter sanitary sewer to service their new Service Plaza to be located on the Indian Nation Turnpike approximately ¼ mile south of the Industrial Park. *(David Medley, Utilities Director)*

- Confirm action taken on City Council Agenda Item 18, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the Water Treatment Plant Residuals Handling Improvements. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 19, award of bid to Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Sewer Project and authorize the Mayor to enter into a construction contract, in an amount of \$199,865.00. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 20, award of bid to Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Water Project and authorize the Mayor to enter into a construction contract, in an amount of \$498,850.00. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 21, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of 12 inch Water Main Project at Taylor Industrial Park. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 22, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of an 8 inch Water Main Project to Lot B-2 at Taylor Industrial Park. *(David Medley, Utilities Director)*
- Confirm action taken on City Council Agenda Item 23, authorizing the Mayor to sign a Right of Way and Easement between the City of McAlester and Public Service Company of Oklahoma, a unit of American Electric Power, 1 Riverside Plaza Columbus, OH 43215. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 24, a Resolution of the City of McAlester supporting the development of a regional retail commercial shopping center to be located along the U.S. Highway 69 bypass corridor within the City of McAlester and declaring such development to be for the benefit of the City of McAlester and the southeast Oklahoma region. *(Councilman Steve Harrison)*

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RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 and 307 B.4 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: FOP
- 2) 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.
- 3) 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 take necessary action related to negotiations with FOP.
- 2) 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.
- 3) Consider, and take action regarding recommendations for the City of McAlester/IAFF Collective Bargaining Agreement for FY 2011-2012.

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