



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 9, 2010 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Kevin E. Priddle Mayor
Chris B. Fiedler..... Ward One
Donnie Condit..... Ward Two
John Browne Ward Three
Haven Wilkinson Ward Four
Buddy Garvin Vice-Mayor, Ward Five
Sam Mason Ward Six
Peter J. Stasiak Acting 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

- Ruth Atterberry, First United Methodist

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 January 26 2010, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for January 27, 2010 through February 9, 2010. *(Gayla Duke, Chief Financial Officer)*
- C. Concur with Mayor's appointment of John Titsworth to the Audit & Finance Advisory Committee for a term that expires August 15, 2010. *(Kevin E. Priddle, Mayor)*
- D. Accept, and place on file the quarterly report for quarter ending December 31, 2009 for Oklahomans for Independent Living. *(Mike Ward, Director O.I.L.)*

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 Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and Declaring an Emergency.
- An Ordinance amending the Code of Ordinances of the City of McAlester by amending the following Sections, 18-53(2) Fees; 18-98 Electrical Inspections and Permit Fees; 18-174 Plumbing Inspections and Permit Fees; 18-250(c) Mechanical Inspection and Permit Fees; 18-348 Moving of Building Fees; Residential Swimming Pool Fees; Construct of Water Well Fees; and Declaring an Emergency.
- An Ordinance amending the Code of Ordinances of the City of McAlester by amending Section 31-75 and Section 31-76 of Chapter 31, Article III, McAlester Codes, by establishing Sanitary Sewer Connection fees for inside and outside the corporate limits, and Declaring an Emergency.

SCHEDULED BUSINESS

1. Consider, and Act Upon, a request from McAlester Main Street to have a Car Show, Cruise Night and Chili Cook-Off on September 18, 2010. *(Kathy Wall, Executive Director, McAlester Main Street and Mayor, Kevin Priddle)*

Executive Summary

This item involves a request for permission to hold a Car Show, Cruise Night and Chili Cook-off on September 18, 2010.

2. Quarterly Report Update of the McAlester Economic Development Service, Inc. (*Shari Cooper, Executive Director, MEDS; Dr. Kenneth R. Miller, President, MEDS*)

Executive Summary

This item involves a quarterly update from MEDS.

3. Consider, and act upon, a Resolution approving a Special Election on May 11, 2010, to authorize financing for the acquisition of a medical/physician office building. (*Shaun Beggs, President/CEO, MRHC*)

Executive Summary

This item involves approving a Resolution for a Special Election on May 11, 2010 for McAlester Regional Health Center.

4. **(POSTPONED)** Consider, and act upon, authorizing the Mayor to sign an Ordinance amending the Code of Ordinances of the City of McAlester for Inspections and Permit Fees, and declaring an emergency. (*Peter J. Stasiak, Acting City Manager*)

Executive Summary

This item involves authorizing the Mayor to sign an Ordinance amending the Code of Ordinances to increase building and inspections fees.

5. **(POSTPONED)** Consider, and act upon, authorizing the Mayor to sign an Ordinance amending the Code of Ordinances of the City of McAlester for Sanitary Sewer Connection Fees inside and outside the corporate limits, and declaring an emergency. (*Peter J. Stasiak, Acting City Manager*)

Executive Summary

This item involves authorizing the Mayor to sign an Ordinance amending the Code of Ordinances to increase sanitary sewer connection fees.

6. Consider, and act upon, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. (*David Medley, Utilities Director*)

Executive Summary

This item involves the Mayor to sign the work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999 (04).

7. Consider, and act upon, an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)

Exhibit A-1: Dedicated Sales Tax Fund. Need to increase budget for bond payments. Error found in the statement and calculation for last year. New amounts are calculated Feb. 1st. Main adjustment is for '99B Series.

- Exhibit A-2: Repayment Fund (CIP):** Appropriate funds for Hwy 69 Utility Relocate design. Appropriate transfer from General Fund for Carolyn Hearod settlement.
- Exhibit A-3: Juvenile Fund:** Appropriate funds for loan to Gifts and Contributions Fund for skate park.
- Exhibit A-4: Gifts & Contributions Fund:** Adjust budget for additional donation for Skate Park and appropriate loan from Juvenile Fund to complete skate park expansion.
- Exhibit A-5: General Fund:** Appropriate revenue from Carolyn Hearod settlement.

Executive Summary

This agenda item involves amending the budget for fiscal year 2009/10.

8. Consider, and act upon, approving contract with Tyler Technologies, Inc., to provide for Utility Billing On-Line and Court On-Line services. Consider, and act upon, City fees in association with On-Line and Credit Card Payments by phone. Should fees be approved, and appropriate Resolution or Ordinance will later follow. *(Gayla Duke, Chief Financial Officer)*

Executive Summary

This item involves the Mayor to sign the contract with Tyler Technologies, Inc. and associated fees.

9. Consider, and act upon, accepting a bid from American Ramp Company to purchase additional equipment for our skate park at Connelly Park. *(Mel Priddy, Director of Community Services)*

Executive Summary

This item involves accepting a bid from American Ramp Company to purchase equipment for the Connelly Park Skate Park.

10. Consider, and act upon, McAlester Airport Advisory Board Proposal to raise hangar rental rates by \$25.00 per hangar at the Airport. *(Mel Priddy, Director of Community Services)*

Executive Summary

This item involves a proposal by the McAlester Airport Advisory Board to raise hangar rental rates.

11. Consider, and act upon, McAlester Airport Advisory Board Proposal to renew the rental and fuel fee contract with Bren Air, Inc. *(Mel Priddy, Director of Community Services)*

Executive Summary

This item involves a proposal by the McAlester Airport Advisory Board to renew contract with Bren Air, Inc.

12. Discussion, and possible action, on supporting and approval of certain costs related to the new fire station from the City's portion of the quarter cent excise tax for fire services and city funds. *(Harold Stewart, Fire Chief)*

Executive Summary

This item involves approval of costs related to the new fire station.

13. Consider and act upon, authorizing the Mayor to sign a Rental Agreement for a City owned dwelling located at Talawanda Lake Number 1. *(Peter J. Stasiak, Acting City Manager)*

Executive Summary

This item involves authorizing the Mayor to sign a Rental Agreement for a City owned dwelling located at Talawanda Lake Number 1.

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

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 January 26, 2010, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B regarding claims ending February 9, 2010. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 4, authorizing the Mayor to sign an Ordinance amending the Code of Ordinances of the City of McAlester for Inspections and Permit Fees, and declaring an emergency. *(Peter J. Stasiak, Acting City Manager)*
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign an Ordinance amending the Code of Ordinances of the City of McAlester for Sanitary Sewer Connection Fees inside and outside the corporate limits, and declaring an emergency. *(Peter J. Stasiak, Acting City Manager)*
- Confirm action taken on City Council Agenda Item 10, McAlester Airport Advisory Board Proposal to raise hangar rental rates by \$25.00 per hangar at the Airport. *(Mel Priddy, Director of Community Services)*

- Confirm action taken on City Council Agenda Item 11, Airport Advisory Board Proposal to renew the rental and fuel fee contract with Bren Air, Inc. (*Mel Priddy, Director of Community Services*)

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 26, 2010, Regular Meeting of the McAlester Public Works Authority. (*Cora Middleton, City Clerk*)
- Confirm Action taken on City Council Agenda Item B regarding claims ending February 9, 2010. (*Gayla Duke, Chief Financial Officer*)
- Confirm Action taken on City Council Agenda Item 1, a request from McAlester Main Street to have a Car Show, Cruise Night and Chili Cook-Off on September 18, 2010. (*Kathy Wall, Executive Director, McAlester Main Street*)
- Confirm Action taken on City Council Agenda Item 4, an Ordinance amending the Code of Ordinances of the City for inspections and permit fees, and declaring an emergency. (*Peter J. Stasiak, Acting City Manager*)
- Confirm Action taken on City Council Agenda Item 5, an Ordinance amending the Code of Ordinances of the City for sanitary sewer connection fees inside and outside the corporate limits, and declaring an emergency. (*Peter J. Stasiak, Acting City Manager*)
- Confirm Action taken on City Council Agenda Item 6, a Work Order for Mehlburger Brawley Corporation for engineering services required for the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999 (04) as required by the Oklahoma Department of Transportation. (*David Medley, Utilities Director*)
- Confirm Action taken on City Council Agenda Item 7 an Ordinance amending Ordinance No. 2327 which established the budget for fiscal year 2009-2010; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)
- Confirm Action taken on City Council Agenda Item 13, authorizing the Mayor to sign a Rental Agreement for a City owned dwelling located at Talawanda Lake Number 1. (*Peter J. Stasiak, Acting City Manager*)

ADJOURN MPWA.

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

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

Section 307 (B) (4) – Confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest.

- Barr v. City of McAlester
- Baird v. City of McAlester
- Phifer v. City of McAlester
- Few v. City of McAlester
- Wilson v. City of McAlester

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____, 2010 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