



McAlester City Council

NOTICE OF MEETING

Revised Regular Meeting Agenda

Tuesday, December 11, 2012 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Steve Harrison.....Mayor
Weldon Smith.....Ward One
John Titsworth.....Ward Two
Travis Read.....Ward Three
Robert Karr.....Ward Four
Buddy Garvin.....Ward Five
Sam Mason, Vice Mayor.....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

Robert Tate, First Indian Baptist Church

ROLL CALL

RECOGNITION AWARDS

Oklahoma Municipal League, Inc. – Honor Roll of Service *(Mayor Steve Harrison)*

Recognition of a Quarter Century of Service to the City of McAlester

Brett Brewer, Fire Chief
Bobby Tucker, Fire Marshall
Dennis Lalli, Building Inspector
Jeff McKee, Captain, Police Dept.

James "Cliff" Pitner, Floodplain Administrator
Ricky Brown, Landfill Supervisor
Jerry Matthews, Plant Operator, Wastewater Plant
Robert Patton, Captain Fire Dept.

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 27, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 21, 2012 – December 4, 2012. *(Toni Ervin, Chief Financial Officer)*
- C. Consider, and act upon, authorizing the Mayor to sign four copies of the proposed adjusted McAlester/Krebs urban boundary for the Oklahoma Department of Transportation Planning and Research Division. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- D. Consider, and act upon, a resolution approving Cobb Engineering Company to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- E. Accept 2013 Annual Meeting Schedule for the City Council of the City of McAlester. *(Cora Middleton, City Clerk)*
- F. Concur with Mayor's Appointment of Susan Kanard, Rt. 4, Box 451, McAlester, OK 74501 to the McAlester Regional Hospital Center Board for a term to expire February 2015. *(Steve Harrison, Mayor)*
- G. Concur with Mayor's Appointment of Theresa A. Smith, 912 E. Douglas Avenue to the McAlester Board of Ethics Board for a term to expire July 2015. *(Steve Harrison, Mayor)*
- H. Accept and place on file the McAlester Main Street First Quarter Report FY 2012. *(Ginny Webb, Executive Director)*
- I. Accept and place on file the McAlester Main Street Objectives and Tactics for Fiscal Year 2012-2013. *(Ginny Webb, Executive Director)*

- J. Consider and Act to retain the Givens Law Firm, P.C. for additional legal representation on City of McAlester v. Randy Green, Case No. C-06-844. *(Joe Ervin, City Attorney)*

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. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2443; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE GRANTING AND EXTENDING THE TERM OF THE CABLE TELEVISION PERMIT; AND DECLARING AN EMERGENCY.
- AN ORDINANCE TO CLOSE THE FOLLOWING PLATTED STREET: 10TH STREET LYING BETWEEN LOT 4, IN BLOCK 325, AND LOT 4, IN BLOCK 326, CITY OF McALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA AND TO RETAIN UTILITY EASEMENTS.

SCHEDULED BUSINESS

1. Discussion and update on Hampel Oil Distributors, Inc. CDBG-EDIF grant project. *(Millie Vance, Private Consultant)*

Executive Summary

Update on Hampel Oil CDBG-EDIF grant project.

2. TABLED - Consider, and act upon, Change Order No. 1 for the 14th Street / US 69 Sewer Extension with C.S. Day & Associates of Tahlequah, Oklahoma. *(David Medley, PE, Utilities Director)*

Executive Summary

Motion to approve Change Order No. 1 to the 14th Street / US 69 Sewer Extension to deduct \$20,275.00 from the original Contract Price of \$410,488.00 resulting in a Contract Price of \$390,213.00.

3. Consider and Take Action with respect to a Resolution approving the incurrence of indebtedness by the McAlester Public Works Authority (the "Authority") issuing its utility

system and sales tax revenue refunding note, taxable series 2012 (the “Note”); providing that the organizational document creating the authority is subject to the provisions of the indenture authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; approving and authorizing execution of a sales tax agreement by and between the City of McAlester, Oklahoma (the “City”) and the authority pertaining to the year-to-year pledge of certain sales tax revenues; ratifying and confirming a lease pertaining to the city’s water, sanitary sewer, and garbage systems; and containing other provisions relating thereto. *(Jon Wolff, Municipal Finance Services, Inc) (Allan A. Brooks, The Public Finance Law Group PLLC)*

Executive Summary

Motion to approve a Resolution approving the incurrence of indebtedness by the McAlester Public Works Authority (the “Authority”) issuing its utility system and sales tax revenue refunding note, taxable series 2012 (the “Note”).

4. Consider, and act upon, endorsing a Resolution of the remaining Trustees to dissolve the McAlester Parking Authority. *(Joe Ervin, City Attorney)*

Executive Summary

Staff recommends authorizing the Mayor to endorse a Resolution to dissolve the McAlester Parking Authority.

5. McAlester Regional Health Center Quarterly Presentation 2012. *(David Keith, FACHE, President/Chief Executive Officer)*

Executive Summary

Accept and place Report on File.

6. Consider and act upon two Resolutions of Support for the Southwinds Aldridge Apartments, LP Development and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a Resolution of support of Economic Development and promoting affordable housing, and a second Resolution authorizing a monetary contribution from Economic Development funds in the amount of \$14,001 or combination of in-kind services with a monetary contribution to offset the remaining obligation up to \$14,001.

7. Consider, and act upon, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

Consider, and act upon, approval of the attached Transfer of Appropriations for FY 2012-2013. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

Motion to approve the budget transfers as attached and numbered. T1113-022.

8. Consider, and act to Amend Ordinance No. 2443 by the addition and enactment of an Emergency Clause. *(Cora Middleton, City Clerk)*

Executive Summary

Motion to approve Amending Ordinance No. 2443 by the addition and enactment of an Emergency Clause.

9. Consider, and act upon, an Ordinance to Extend the Term of the Cable Television Permit for the Allegiance Communications, LLC to five (5) years, which will expire on October 28, 2017. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve Ordinance to Extend the Term of the Cable Television Permit for the Allegiance Communications, LLC to five (5) years, which will expire on October 28, 2017.

10. Consider, and act upon, accepting the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

The recommendation is to accept the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard.

11. Consider, and act upon, Resolution pertaining to the Recordkeeping and Disposal of Public Records. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve Resolution pertaining to the Recordkeeping and Disposal of Public Records.

12. Consider, and act upon, the lease/purchase of one new and unused, asphalt paver for approximately \$350,000, and authorizing the City to borrow the necessary funds. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

Executive Summary

Motion to approve the lease/purchase of one new and unused, asphalt paver for approximately \$350,000, and authorizing the City to borrow the necessary funds.

13. TABLED - Consider, and act upon, award of bid to YellowHouse Machinery Co. for the purchase of one (1) New and Unused 2012 Model 410 K Backhoe Loader. (*David Medley, PE, Utilities Director*)

Executive Summary

Motion to approve a \$110,422.40 bid award to YellowHouse Machinery Co. of McAlester, Oklahoma.

14. TABLED - Consider, and act upon, Change Order No. 1 – Final and Contractor’s Pay Estimate No. 3 – Final for the Taylor Industrial Park 12-Inch Main Water Improvements Project. Change Order No. 1 reconciles the final quantities and results for an addition of \$51,075.00 to the contract amount resulting in a final contract amount of \$228,756.00. (*David Medley, PE, Utilities Director*)

Executive Summary

Motion to approve final payment for the Taylor Industrial Park 12-Inch Main Water Improvements Project to HTM Underground, LLC of Blanchard, Oklahoma and authorization for the Mayor to sign Change Order No.1 and the Final Application of Payment.

15. Discussion, and possible action on considering 10 complete S.C.B.A units from the McAlester Fire Department as surplus. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve considering 10 used S.C.B.A. units from the McAlester Fire Department as surplus.

16. 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 20 Power Supply Units for hand held radio chargers and 2 Light Bar Units for Support-1 and Chief-2. The cost of the chargers not to exceed \$400.00 and the light bars 1800.00, for a total cost of \$2200.00. 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.

17. Consider and act upon closing 10th Street lying between Lots 4, in Block 325, and Lot 4, in Block 326 and to retain utility easements. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon closing 10th Street lying between Lots 4, in Block 325, and Lot 4, in Block 326 and to retain utility easements and authorizing the Mayor to sign the attached Ordinance.

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 27, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item B, regarding claims ending December 4, 2012. *(Toni Ervin, Chief Financial Officer)*
- Accept 2013 Annual Meeting Schedule for the McAlester Airport Authority of the City of McAlester. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 5, McAlester Regional Health Center Quarterly Presentation 2012. *(David Keith, FACHE, President/ Chief Executive Officer)*
- Confirm action taken on City Council Agenda Item 8, Amend Ordinance No. 2443 by the addition and enactment of an Emergency Clause. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 9, an Ordinance to Extend the Term of the Cable Television Permit for the Allegiance Communications, LLC to five (5) years, which will expire on October 28, 2017. *(Joe Ervin, City Attorney)*
- Confirm action taken on City Council Agenda Item 11, Resolution pertaining to the Recordkeeping and Disposal of Public Records. *(Cora Middleton, City Clerk)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the November 27, 2012 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 4, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, authorizing the Mayor to sign four copies of the proposed adjusted McAlester/Krebs urban boundary for the Oklahoma Department of Transportation Planning and Research Division. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item D, a resolution approving Cobb Engineering Company to provide engineering services to the City of McAlester for compliance with National Bridge Inspection Standards. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- Accept 2013 Annual Meeting Schedule for the McAlester Public Works Authority of the City of McAlester. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item 1, Discussion and update on Hampel Oil Distributors, Inc. CDBG-EDIF grant project. (*Millie Vance, Private Consultant*)
- Consider and Take Action with respect to a Resolution authorizing the McAlester Public Works Authority (the “Authority”) to issue its utility system and sales tax revenue refunding note, taxable series 2012 (the “Note”) in the aggregate principal amount of not to exceed \$26,200,000.00; waiving competitive bidding and authorizing the note to be sold on a negotiated basis; approving and authorizing execution of a sales tax agreement by and between the city of McAlester, Oklahoma (the “City”) and the Authority pertaining to a year-to-year pledge of certain sales tax revenue; approving and authorizing execution of an indenture authorizing the issuance and securing the payment of the Note; providing that the organizational document creating the Authority is subject to the provisions of the indenture; ratifying and confirming a lease pertaining to the City’s water, sanitary sewer, and garbage systems; authorizing and directing the execution of the Note and other documents relating to the transaction, including an escrow deposit agreement; and containing other provisions relating thereto. (*Jon Wolff, Municipal Finance Services, Inc*) (*Allan A. Brooks, The Public Finance Law Group PLLC*)

Executive Summary

Motion to approve Resolution and authorizing the McAlester Public Works Authority (the “Authority”) to issue its utility system and sales tax revenue refunding note, taxable series 2012 (the “Note”) in the aggregate principal amount of not to exceed \$26,200,000.00.

- Confirm action taken on City Council Agenda Item 3, a Resolution approving the incurrence of indebtedness by the McAlester Public Works Authority (the “Authority”) issuing its utility system and sales tax revenue refunding note, taxable series 2012 (the “Note”); providing that the organizational document creating the authority is subject to the provisions of the indenture authorizing the issuance of said note; waiving competitive bidding with respect to the sale of said note and approving the proceedings of the authority pertaining to the sale of said note; approving and authorizing execution of a sales tax agreement by and between the City of McAlester, Oklahoma (the “City”) and the authority pertaining to the year-to-year pledge of certain sales tax revenues; ratifying and confirming a lease pertaining to the city’s water, sanitary sewer, and garbage systems; and containing other provisions relating thereto. (*Jon Wolff, Municipal Finance Services, Inc*) (*Allan A. Brooks, The Public Finance Law Group PLLC*)
- Confirm action taken on City Council Agenda Item 4, endorsing a Resolution of the remaining Trustees to dissolve the McAlester Parking Authority. (*Joe Ervin, City Attorney*)
- Confirm action taken on City Council Agenda Item 5, McAlester Regional Health Center Quarterly Presentation 2012. (*David Keith, FACHE, President/ Chief Executive Officer*)
- Confirm action taken on City Council Agenda Item 6, two Resolutions of Support for the Southwinds Aldridge Apartments, LP Development and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001. (*Peter J. Stasiak, City Manager*)

- Confirm action taken on City Council Agenda Item 7, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

Approval of the attached Transfer of Appropriations for FY 2012-2013. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 8, Amend Ordinance No. 2443 by the addition and enactment of an Emergency Clause. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 9, an Ordinance to Extend the Term of the Cable Television Permit for the Allegiance Communications, LLC to five (5) years, which will expire on October 28, 2017. *(Joe Ervin, City Attorney)*
- Confirm action taken on City Council Agenda Item 10, accepting the Traffic Signal Improvements at the intersection of Wyandotte Avenue and Strong Boulevard. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 11, Resolution pertaining to the Recordkeeping and Disposal of Public Records. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 12, the lease/purchase of one new and unused, asphalt paver for approximately \$350,000, and authorizing the City to borrow the necessary funds. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 13, award of bid to YellowHouse Machinery Co. for the purchase of one (1) New and Unused 2012 Model 410 K Backhoe Loader. *(David Medley, PE, Utilities Director)*
- Confirm action taken on City Council Agenda Item 14, Change Order No. 1 – Final and Contractor’s Pay Estimate No. 3 – Final for the Taylor Industrial Park 12-Inch Main Water Improvements Project. Change Order No. 1 reconciles the final quantities and results for an addition of \$51,075.00 to the contract amount
- Confirm action taken on City Council Agenda Item 17, closing 10th Street lying between Lots 4, in Block 325, and Lot 4, in Block 326 and to retain utility easements. *(Peter J. Stasiak, City Manager)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the November 27, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*

- Accept 2013 Annual Meeting Schedule for the McAlester Public Works Authority of the City of McAlester. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 8, Amend Ordinance No. 2443 by the addition and enactment of an Emergency Clause. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 11, Resolution pertaining to the Recordkeeping and Disposal of Public Records. *(Cora Middleton, City Clerk)*

ADJOURN MRTA

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2012 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