



# McAlester City Council

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## NOTICE OF MEETING

### Rescheduled Regular Meeting Agenda

Thursday, December 27, 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](http://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**

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*Announce the presence of a Quorum.*

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

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Stephanie Swinnea, All-Saints Episcopal Church

#### **ROLL CALL**

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#### **CITIZENS COMMENTS ON NON-AGENDA ITEMS**

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*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

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*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 December 11, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for December 5, 2012 – December 18, 2012. *(Toni Ervin, Chief Financial Officer)*
- C. Accept and place on file the MPower Quarterly Report for July-September 2012. *(Cora Middleton, City Clerk)*
- D. Accept and place on file the Oklahoma for Independent Living Quarterly Report for July-September 2012. *(Cora Middleton, City Clerk)*
- E. Consider and act to authorize Mayor Steve Harrison to attend a federal settlement conference on January 8, 2013, on behalf of the City of McAlester with full authority to settle the case, in Cox v. City of McAlester, case number CIV-12-100-KEW, EDOK. *(Joe Ervin, City Attorney)*

## ITEMS REMOVED FROM CONSENT AGENDA

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### PUBLIC HEARING

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*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 TO AMEND SECTIONS 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF MCALESTER, OKLAHOMA BY PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES AND PROPERTIES.**

### SCHEDULED BUSINESS

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1. TABLED - Discussion, and possible action, authorizing the mayor to sign a lease agreement between McAlester Regional Airport Authority and EagleMed, LLC for Corporate Hanger No. 30 located at the McAlester Regional Airport. *(Joe Ervin, City Attorney)*

#### Executive Summary

Motion to approve the lease agreement between McAlester Regional Airport Authority and EagleMed, LLC and authorize the Mayor to sign the said documents.

2. TABLED - 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.

3. Consider, and act upon, amending Section 54-48 to Article III Chapter 54 of the City of McAlester Code prohibiting the use of tobacco on City-owned premises and properties. *(Pam Kirby, HR Manager and Grant Writer)*

**Executive Summary**

Motion to approve amending Ordinance that will prohibit tobacco use on City-owned premises and properties, including buildings, facilities, City vehicles, Equipment, City Parks, Trails, Outdoor Facilities, Play Grounds, and Sports areas.

4. Consider, and act upon, a lease agreement between the City of McAlester and the U. S. Government to occupy the common/receptionist area and two offices located in the FAA Building at the airport for a term to begin on January 3, 2013 and ending January 2, 2015. *(Peter J. Stasiak, City Manager)*

**Executive Summary**

Motion to approve lease between City of McAlester and the U.S. Government for a term beginning on January 3, 2013 and ending January 2, 2015.

**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 December 11, 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 18, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, authorizing the mayor to sign a lease agreement between McAlester Regional Airport Authority and EagleMed, LLC for Corporate Hanger No. 30 located at the McAlester Regional Airport. *(Joe Ervin, City Attorney)*
- Confirm action taken on City Council Agenda Item 3, amending Section 54-48 to Article III Chapter 54 of the City of McAlester Code prohibiting the use of tobacco on City-owned premises and properties. *(Pam Kirby, HR Manager and Grant Writer)*
- Confirm action taken on City Council Agenda Item 4, a lease agreement between the City of McAlester and the U. S. Government to occupy the common/receptionist area and two offices located in the FAA Building at the airport for a term to begin on January 3, 2013 and ending January 2, 2015. *(Peter J. Stasiak, City Manager) (Peter J. Stasiak, City Manager)*

#### ADJOURN MAA

#### **CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the December 11, 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 18, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, 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 3, amending Section 54-48 to Article III Chapter 54 of the City of McAlester Code prohibiting the use of tobacco on City-owned premises and properties. *(Pam Kirby, HR Manager and Grant Writer)*

#### ADJOURN MPWA

#### **CONVENE AS McALESTER RETIREMENT TRUST AUTHORITY**

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*Majority of a Quorum required for approval*

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

- Approval of Retirement Benefit Payments for the Period of December 2012. (*Toni Ervin, Chief Financial Officer*)

### ADJOURN MRTA

### RECONVENE COUNCIL MEETING

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### EXECUTIVE SESSION

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*Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (4) 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:
  - a. Nakita Williams v. City of McAlester
  - b. Randy Green v. City of McAlester – Update

### RECONVENE INTO OPEN SESSION

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*Take any action as a result from Executive Session.*

### ADJOURNMENT

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### CERTIFICATION

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*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](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**