



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, March 13, 2012 – 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 Terren Anderson, Life Church

ROLL CALL

OUTGOING COUNCIL

- Council Remarks – Opportunity for Council Remarks

SWEARING-IN CERMONY

Judge Deborah Hackler will administer the Oath of Office to the Mayor and Council members:

- Oath of Office – Mayor –
 - Steve Harrison
- Oath of Office – Council members –
 - Ward 1 – Weldon Smith
 - Ward 3 – Travis Read
 - Ward 5 – Buddy Garvin

INCOMING COUNCIL – Council Remarks – Opportunity for Council Remarks

- New City Council takes Office
- Selection of Vice-Mayor for the two-year term beginning March 2012 ending March 2014

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 February 28, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 22 through March 6, 2012 *(Toni Ervin, Chief Financial Officer)*
- C. Concur with Mayor's Re-Appointment of Dr. Leroy M. Milton to the Hospital Board for a term to expire February, 2018. *(Mayor)*
- D. Ratify and approve for a one year term the E-911 Master Services Agreement between the City of McAlester and Southwestern Bell Telephone d/b/a/ AT&T Oklahoma. *(Cora Middleton, City Clerk)*
- E. Ratify and approve for a one year term the Airport Lease between Jo Ann Crabtree and the City of McAlester Municipal Airport. . *(Cora Middleton, City Clerk)*

- F. Ratify and approve for a one year term the McAlester Public Library Contract between the Southeastern Public Library Board System of Oklahoma and the City of McAlester. *(Cora Middleton, City Clerk)*
- G. Ratify and approve the Minutes from the Special Meeting of the City of McAlester City Council June 3, 2008. *(Cora Middleton, City Clerk)*
- H. Ratify and approve the Minutes from the Regular Meeting of the City of McAlester City Council on June 10, 2008. *(Cora Middleton, City Clerk)*

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.
- A PUBLIC HEARING FOR PROPOSED FY 2011-2012 COMMUNITY DEVELOPMENT BLOCK GRANT – ECONOMIC DEVELOPMENT INFRASTRUCTURE FINANCING (CDBG-EDIF) FOR THE HAMPEL OIL WATERLINE/RAILROAD CROSSING PROJECT AT STEVEN TAYLOR INDUSTRIAL PARK.
- AN ORDINANCE AMENDING THE CODE OF ORDINANCE, CITY OF MCALESTER, OKLAHOMA AMENDING THE FOLLOWING SECTIONS 18-51; 18-53; 18-141; 18-217; AND 18-348.
- AN ORDINANCE AMENDING ARTICLE IV. SOLID WASTE, DIVISION 1 AND MUNICIPAL COLLECTION SERVICE, DIVISION 2. GENERALLY, SECTION 106-301, DEFINITIONS, SECTION 106-303, BURNING OF REFUSE, SECTION 106-304(a) UNLAWFUL SCATTERING, STORING, ETC., SECTION 106-306, AND REMOVAL OF WASTE MATERIAL, CONSTRUCTION DEBRIS, SECTION 106-321, CITY'S EXCLUSIVE RIGHT TO COLLECT REFUSE, SECTION 106-323, GENERAL REFUSE CONTAINER AND STORAGE REQUIREMENTS – FOR DWELLINGS, SECTION 106-324, SAME-FOR ~~BUSINESS AND INDUSTRIAL ESTABLISHMENTS~~ LARGE COMMERCIAL AND INDUSTRIAL UNITS, SECTION 106-325, MAINTENANCE, REPAIR AND REPLACEMENT OF ~~REFUSE CONTAINERS~~ POLYCARTS AND COMMERCIAL DUMPSTERS, SECTION 106-326(a), PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN ~~GARAGE~~ CONTAINERS BELONGING OR ASSIGNED TO SOMEONE ELSE, SECTION 106-327, CHARGES FOR REMOVAL OF ~~REFUSE~~ PERMISSIBLE SOLID WASTE, AND ADDING SECTION 106-328, RECYCLING AND SECTION 106-329,

ADMINISTRATIVE PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF McALESTER; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. 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, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance 2392.

2. Consider, and act upon, adopting Citizens Participation Plan for FY 2011-2012 Community Development Projects. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to adopt Citizens Participation Plan for FY 2011-2012 Community Development Projects.

3. Discussion, CDBG-EDIF documents, (Statement of Compliance, Ordinance Job Tracking, Resolution Accepting and Job Tracking) to be approved after notification of CDBG-EDIF Grant is funded. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Discussion only of CDBG-EDIF related documents. To be considered after notification of award of Grant.

4. Consider, and act upon, Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

5. Consider and act upon, Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

6. Consider, and act upon, Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

7. Consider, and act upon, approval of contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to approve contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents.

8. Consider, and act upon, adopting Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

Executive Summary

Motion to adopt Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project.

9. Consider, and act upon, a Resolution adopting the 2009 edition of the International Residential Code, the 2009 edition of the International Building Code and the 2008 edition of the National Electrical Code, and amending Ordinance Sections 18-51, 18-53, 18-141, 18-271, and 18-348. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Resolution adopting these code changes and amending Ordinance, Sections 18-51, 18-53, 18-141, 18-271, 18-348 of the Code of Ordinance of the City of McAlester.

10. 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 communications equipment with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

11. Consider, and act upon, award of bid to HTM Underground, LLC, for the construction of 2940 feet of 12 inch water line and appurtenances at Steven Taylor Industrial Park and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office in an amount of \$177,681.00. *(David Medley, P.E., Director, Public Utilities)*

Executive Summary

Motion to award of bid for Taylor Industrial Park 12-Inch Water Improvements and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with HTM Underground, LLC of Blanchard, Oklahoma in an amount of \$177,681.00. A faxed copy of the Bid Bond was submitted with the Bid.

The Council is asked to waive this technicality and an original Bid Bond will be included in the Contract Documents.

- 12. TABLED FROM PREVIOUS. Consider, and Act Upon, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329 and declaring an emergency. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Solid Waste Ordinance as amended and declaring an emergency.

- 13. Discussion and possible action to enter into a Participation Agreement with Today In America. *(Peter J. Stasiak, City Manager)*

Executive Summary

Discussion and possible action to enter into a Participation Agreement with Today In America for filming of a five minute segment on the attributes of McAlester Oklahoma and authorizing the Mayor to sign the appropriate documents.

- 14. Submission and presentation of the Proposed 2011 Capital Budget per the City Charter by March 15th. *(Peter J. Stasiak, City Manager)*

Executive Summary

This item involves the submission and presentation of the Proposed 2011 Capital Budget to the City Council per the City Charter.

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 February 28, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item B, regarding claims ending March 6, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item E, ratify and approve for a one year term the Airport Lease between Jo Ann Crabtree and the City of McAlester Municipal Airport. . *(Cora Middleton, City Clerk)*

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 28, 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 March 6, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, 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, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, adopting Citizens Participation Plan for FY 2011-2012 Community Development Projects. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*
- Confirm action taken on City Council Agenda Item 4, a Resolution to apply for CDBG-EDIF Funds from the Oklahoma Department of Commerce (ODOC) for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*
- Confirm action taken on City Council Agenda Item 5, Proposed Budget for the CDBG-EDIF Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*
- Confirm action taken on City Council Agenda 6, a Resolution on Leverage Funds for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*
- Confirm action taken on City Council Agenda Item 7, approval of contract with Millie Vance, Inc. to prepare CDBG-EDIF grant application and provide Administrative Services for the CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project and authorize Mayor to sign related documents. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*

- Confirm action taken on City Council Agenda Item 8, adopting Residential Anti-Displacement Plan for CDBG-EDIF – Hampel Oil Distributors, Inc. Water Line/Railroad Crossing Project. *(Cora Middleton, City Clerk, and Millie Vance, Private Consultant)*
- Confirm action taken on City Council Agenda Item 9, a Resolution adopting the 2009 edition of the International Residential Code, the 2009 edition of the International Building Code and the 2008 edition of the National Electrical Code, and amending Ordinance Sections 18-51, 18-53, 18-141, 18-271, and 18-348. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 11, award of bid to HTM Underground, LLC, for the construction of 2940 feet of 12 inch water line and appurtenances at Steven Taylor Industrial Park and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney’s Office in an amount of \$177,681.00. *(David Medley, P.E., Director, Public Utilities)*
- Confirm action taken on City Council Agenda Item 12, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329 and declaring an emergency. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 13, to enter into a Participation Agreement with Today In America. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 14, of the Proposed 2011 Capital Budget per the City Charter by March 15th. *(Peter J. Stasiak, City Manager)*

ADJOURN MPWA

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