



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, February 12, 2013 – 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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Pastor Charles Neff, United Methodist 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**

*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 8, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the January 22, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the January 29, 2013 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for January 16, 2013 – February 5, 2013. *(Toni Ervin, Chief Financial Officer)*
- E. Ratify a One (1) year Lease Number 134 between City of McAlester and First National Bank for a 2006 Caterpillar D7R11WDA S/N#AEC00983 and a 2000 Al-Jon Trash Compactor S/N#13652 with all accessions and accessories. *(Cora Middleton, City Clerk)*
- F. Authorize the Mayor to sign XTO Energy, Inc. Division Order for Property No. 131528, OSP 01-25H Pittsburg County, Oklahoma. The DO is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's decimal interest in revenues. *(Cora Middleton, City Clerk)*
- G. Accept donation of a 2000 Dodge 3500 Truck from the Oklahoma Department of Agriculture, Food and Forestry, Department of Defense, for use by the City of McAlester Fire Department for off road fire suppression. *(Cora Middleton, City Clerk)*
- H. Accept and Place on file MPower Second Quarter Report for October through December, 2012, FY 2012-2013. *(Peter Stasiak, City Manager)*
- I. Consider, and approve a Resolution Consenting to and Approving the Assignment of the Cable Permit and System to BCI Allegiance, LLC. *(Peter Stasiak, City Manager)*
- J. Authorize Mayor to sign Letter of Intent to Participate in the FY-2013 Small Cities CDBG Grant Program. *(Millie Vance, Contract Grant Administrator/Peter Stasiak, City Manager)*

**ITEMS REMOVED FROM CONSENT AGENDA**

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**SCHEDULED BUSINESS**

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1. Presentation of the Mayor's Annual State of the City Address. *(Steve Harrison, Mayor)*
  
2. POSTPONED - Consider and Act Upon, authorizing the Mayor to sign the lease agreement between the City of McAlester and the United States of America-Federal Aviation Administration Lease No. DTFACN-13-L-00151, term beginning February 1, 2013 and ending on September 30, 2022. *(Mel Priddy, Community Services Director)*

## Executive Summary

Motion to approve authorizing the Mayor to sign said lease.

3. Consider and act upon an Amendment to Airport Consultant LBR's contract with City of McAlester. *(Mel Priddy, Community Services Director)*

## Executive Summary

Motion to approve Amendment to LBR's contract with the City of McAlester, to provide services on preliminary plans for grant from the Oklahoma Strategic Military Planning Commission.

4. Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011. *(Peter Stasiak, City Manager)*

## Executive Summary

Update, discussion and possible action on status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport.

5. Consider, and act upon, authorizing the Mayor to sign a Profession Services Agreement with Aquaterra Environmental Solutions, Inc. (Aquaterra) to prepare a Gas Remediation Plan required to address gas migration issues related to GP-4 at the City of McAlester landfill. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

## Executive Summary

Motion to approve a Profession Services Agreement with Aquaterra Solutions, Inc. and authorize the Mayor to sign said agreement.

6. Consider and Act Upon, authorizing the Mayor to sign two Certificates of Completion per Close-Out Agreements that authorized the City of McAlester to provide Certificates of Completion for properties within the Urban Renewal Neighborhood Development Project area known as R-31, Eastview Area "A". *(Joe Ervin, City Attorney)*

## Executive Summary

Motion to authorize Mayor to sign two Certificates of Completion.

7. Discussion, and possible action, on considering one (1) complete S.C.B.A. unit, from the McAlester Fire Department, as surplus. *(Brett Brewer, Fire Chief)*

**Executive Summary**

Motion to consider one (1) used S.C.B.A. unit from the McAlester Fire Department as surplus.

8. Discussion, and possible action, on approval of a bid award for Chief Fire & Safety to purchase our surplus SCBA's (Self Contained Breathing Apparatus). *(Brett Brewer, Fire Chief)*

**Executive Summary**

Motion to approve and accept a bid award from Chief Fire & Safety to purchase eleven (11) of the McAlester Fire Department's surplus SCBA's, at \$500.00 each.

**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 January 22, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending February 5, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, approve Amendment to LBR's contract with the City of McAlester, to provide services on preliminary plans for grant from the Oklahoma Strategic Military Planning Commission. *(Mel Priddy, Community Services Director)*

- Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign the lease agreement between the City of McAlester and the United States of America-Federal Aviation Administration Lease No. DTFACN-13-L-00151, term beginning February 1, 2013 and ending on September 30, 2022. (*Mel Priddy, Community Services Director*)
- Confirm action taken on City Council Agenda Item 4, Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011. (*Peter Stasiak, City Manager*)

### ADJOURN MAA

### CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

*Majority of a Quorum required for approval*

- Approval of the Minutes from the January 22, 2013 Regular Meeting of the McAlester Public Works Authority (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item D, regarding claims ending February 5, 2013. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item E, Ratifying a One (1) year Lease Number 134 between City of McAlester and First National Bank for a 2006 Caterpillar D7R11WDA S/N#AEC00983 and a 2000 Al-Jon Trash Compactor S/N#13652 with all accessions and accessories. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item F, Authorizing the Mayor to sign XTO Energy, Inc. Division Order for Property No. 131528, OSP 01-25H Pittsburg County, Oklahoma. The DO is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's decimal interest in revenues. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item J, Authorizing Mayor to sign Letter of Intent to Participate in the FY 2013 Small Cities CDBG Grant Program. (*Millie Vance, Contract Grant Administrator/Peter Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign a Profession Services Agreement with Aquaterra Environmental Solutions, Inc. (Aquaterra) to prepare a Gas Remediation Plan required to address gas migration issues related to GP-4 at the City of McAlester landfill. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

### ADJOURN MPWA

**RECONVENE COUNCIL MEETING**

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**EXECUTIVE SESSION**

*Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (3) et.seq. Oklahoma Statutes, to wit:*

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (3) for Discussion of the Purchase or Appraisal of Real Property, more particularly: South Side Business Development Center.

**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 \_\_\_\_\_ 2013 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**