



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, March 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 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

Lisa Anderson, Grace United Methodist Church

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 February 26, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 20, 2013 to March 5, 2013. *(Toni Ervin, Chief Financial Officer)*
- C. Authorize the Mayor to sign a Contract for Services between the City of McAlester and the McAlester Area Chamber of Commerce and Agriculture to pay for the Printing Services of the McAlester Tourism Guide at a cost not to exceed \$10,397.00. *(Peter J. Stasiak, City Manager)*
- D. Concur with Mayor's Appointment of Carl Gullick, 1400 Timber Lane to the McAlester Audit & Finance Advisory Committee for a term to expire March, 2015. *(Steve Harrison, Mayor)*
- E. Consider and Act Upon, to release the Appraisal Report on the South Side Business Park dated September 18, 2012 and prepared by H.D. Barnhouse to the public. *(William J. 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, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.
- 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 AMENDING CHAPTER 34, COURT, OF THE McALESTER MUNICIPAL CODE; BY AMENDING ARTICLE 11, MUNICIPAL COURT NOT OF RECORD, SECTION 34-35, COSTS UPON JUDGEMENT OF CONVICTION; PROVIDING FOR REPEALER AND SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.
- AN ORDINANCE AMENDING ORDINANCE 2265, SECTION 102-36(a) OF McALESTER CODES REGULATING THE TRAFFIC VIOLATIONS BUREAU SCHEDULE OF FINES; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING CHAPTER 42, EMERGENCY SERVICES, OF THE McALESTER MUNICIPAL CODE; BY AMENDING ARTICLE I, IN GENERAL, SECTION 42-1, AMBULANCE SERVICES MUST COMPLY WITH STATUTES; TO PROVIDE FOR AN EMS FEE SCHEDULE FOR THE PURPOSE OF ESTABLISHING A BASE RATE PLUS; REPEALING ALL CONFLICTING ORDINANCES.
- AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, ADDING SECTION 46.56 TO CODE OF ORDINANCES, CHAPTER 46, ENVIRONMENT, ARTICLE III. LOT CLEANING, RELATING TO THE CUTTING OF WEEDS AND VEGETATION, PROVIDING FOR NOTICE, PROVIDING FOR CUTTING BY THE CITY OF McALESTER, AND PROVIDING FOR CHARGES THEREFOR;

SCHEDULED BUSINESS

1. CONSIDER AND TAKE ACTION WITH RESPECT TO AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO. (*Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC*)

Executive Summary

Motion to approve Ordinance of the City of McAlester, Oklahoma, relating to the imposition of a City Excise Tax (sales tax) of one percent (1%) which shall replace and supercede a one percent (1%) excise tax presently being levied.

2. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION AUTHORIZING THE

CALLING AND HOLDING OF AN ELECTION IN THE CITY OF MCALESTER, STATE OF OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE RELATING TO A CHANGE OF PURPOSE OF A ONE PERCENT (1%) EXCISE TAX (SALES TAX) PRESENTLY BEING LEVIED BY THE CITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO. *(Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)*

Executive Summary

Motion to approve a Resolution authorizing the calling and holding of an Election in the City of McAlester, State of Oklahoma.

3. Consider and act upon, accepting the annual Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2012. *(Mike Gibson, CPA Assurance Services Partner, Cole & Reed, P.C. and Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to accept the annual Audit for Fiscal Year ending June 30, 2012 for the City of McAlester.

4. 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, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

5. Consider, and act upon, an Ordinance amending Chapter 34, Court, of the McAlester Municipal Code; by amending Article II, Municipal Court not of record, Section 34-35, Costs upon Judgment of Conviction; providing for repealer and severability clause; and establishing an effective date. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the amendment of the ordinance.

6. Consider, and act upon, an Ordinance 2265, Section 102-36a of McAlester Codes regulating the traffic violations bureau schedule of fines; repealing all conflicting ordinances; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the amendment of the ordinance to update the Traffic Fines.

7. Consider, and act upon, an Ordinance amending Chapter 42, Emergency Services, of the McAlester Municipal Code; by amending Article I, In General, Section 42-1, Ambulance Services must comply with statutes; providing for an EMS Fee schedule for the purpose of establishing a base rate plus; repealing all conflicting ordinances. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the amendment of the ordinance.

8. Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, adding Section 46.56 to the Code of Ordinances, Chapter 46, Environment, Article III, Lot Cleaning in relating to cutting of weeds and vegetation, providing for notice, providing for cutting by the City of McAlester and providing for charges. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve Ordinance by adding Section 46.56 to the Code of Ordinances, Chapter 46 Environment, Article III, Lot Cleaning.

9. Consider and act upon, a lease and contract between the Board of Education of McAlester Public Schools, District No. 80 and the City of McAlester. *(Mel Priddy, Community Services Director)*

Executive Summary

Motion to approve a lease and contract between the Board of Education of McAlester Public Schools, District No. 80 and the City of McAlester.

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

Executive Summary

Motion to approve an Amendment to LBR's contract with the City of McAlester.

11. 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 12 new twin size mattresses for the dorms of the fire departments. The cost of the mattresses not to exceed \$4,788.00. 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.

12. 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, P.E., Director of Public Utilities)*

Executive Summary

Motion to approve Change Order No. 1 to the 14th Street / US 69 Sewer Extension to add 75 days to the Original Contract Time. Substantial Completion with this Change Order would be April 19, 2013. This is a zero cost change order and the Contract Price of \$410,488.00 shall remain the same.

13. Discussion and possible action to implement the Marketing Alliance, Inc., Marketing Communication Plan for Tourism. *(Peter J. Stasiak, City Manager)*

Executive Summary

Discussion and/or possible action to implement the Marketing Alliance Communication Plan for Tourism.

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 February 26, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending March 5, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, WITH RESPECT TO AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO. *(Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)*
- Confirm action taken on City Council Agenda Item 2, WITH RESPECT TO A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF MCALESTER, STATE OF OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE

RELATING TO A CHANGE OF PURPOSE OF A ONE PERCENT (1%) EXCISE TAX (SALES TAX) PRESENTLY BEING LEVIED BY THE CITY; AND CONTAINING OTHER PROVISIONS RELATING THERETO. (*Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC*)

- Confirm action taken on City Council Agenda Item 3, accepting the annual Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2012. (*Mike Gibson, CPA Assurance Services Partner, Cole & Reed, P.C. and Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 4, 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, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 10, Amendment to Airport Consultant LBR's contract with the City of McAlester. (*Mel Priddy, Director Community Services*)

ADJOURN MAA

CONVENE AS MCALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 26, 2013 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 5, 2013. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item E, to release the Appraisal Report on the South Side Business Park dated September 18, 2012 and prepared by H.D. Barnhouse to the public. (*William J. Ervin, City Attorney*)
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- Confirm action taken on City Council Agenda Item 9, a lease and contract between the Board of Education of McAlester Public Schools, District No. 80 and the City of McAlester. (*Mel Priddy, Community Services Director*)
- Confirm action taken on City Council Agenda Item 12, Change Order No. 1 for the 14th Street / US 69 Sewer Extension with C.S. Day & Associates of Tahlequah, Oklahoma. (*David Medley, P.E., Director of Public Utilities*)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

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.

Cora M. Middleton, City Clerk