



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, April 10, 2012 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Steve Harrison Mayor
Weldon Smith Ward One
Vacant Ward Two
Travis Read 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

Linda Lowber, First Baptist 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 March 13, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for March 21 through April 3, 2012 *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon a Resolution designating the Mayor, as the appropriate Officer of the City of McAlester, to receive, authorize and execute requests for sick leave, vacation leave, and education or professional leave submitted by the McAlester City Clerk. *(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.

- A Public Hearing Notice to discuss the recently completed Community Development Block Grant 2009 Small Cities Water and Sewer Line Project utilized for the City of McAlester's Wastewater Collection Rehabilitation Project #13614-CDBG-09.
- 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.

SCHEDULED BUSINESS

1. **TABLED FROM A PREVIOUS MEETING.** Discussion and possible action on Agreement between the City of McAlester and McAlester Public Schools for Funding of \$15,000 in support of the 2012 Junior Sunbelt Baseball Classic scheduled for June 7-14, 2012. *(Peter J. Stasiak, City Manager)*

Executive Summary

Agreement between the City of McAlester and McAlester Public Schools for Funding of \$15,000 in support of the 2012 Junior Sunbelt Baseball Classic scheduled for June 7-14, 2012.

2. Consider and act upon accepting the annual Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2011. *(Toni Ervin, Chief Financial Officer and Mike Gibson, Cole and Reed)*

Executive Summary

Consider and act upon accepting the annual audit for Fiscal Year ending June 30, 2011 for the City of McAlester.

3. Consider and act upon a "Use Permitted After Review" for an eye care office located in the Wade Watts Corridor. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a "Use Permitted After Review" for an eye care office located in the Wade Watts Corridor and authorizing the Mayor to sign the documents.

4. 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)*

Consider, and act upon, approval of the attached Transfer of Appropriations for FY 2011-2012. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

Motion to approve the budget transfers as attached numbered.

5. Consider and act upon awarding bid in the amount of \$35,920.00, for new carpet at the Expo Center in room 103 to Miller Brothers Enterprises, Inc., of McAlester, Oklahoma. *(Mel Priddy, Director Community Services)*

Executive Summary

Motion to approve the award of bid to Miller Brothers Enterprises, Inc., for new carpet.

6. Discussion and possible action on accepting the 2009 CDBG Small Cities Grant for Water and Sewer Line Improvements Project #13914-CDBG-09 as completed and authorizing the Mayor to sign the attached documents. *(Peter J. Stasiak, City Manager)*

Executive Summary

Approve Motion to closeout the 2009 CDBG Small Cities Grant for Water and Sewer Line Improvements Project #13914-CDBG-09 as completed and authorizing the Mayor to sign the attached documents.

7. Discussion and possible action on authorizing the Mayor to sign an Engineering Services Agreement between the City of McAlester, Oklahoma and Meshek & Associates, PLC for the Mallard and Flamingo Drainage Improvement Design. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign an Engineering Services Agreement between the City of McAlester and Meshek & Associates, PLC for the Mallard and Flamingo Drainage Improvement Design.

8. Consider and act upon, Change Order No. 2 to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$28,155.00. This will add fifteen days to the contract time. The Change Order also includes a request for fourteen weather days due to rain. The total of twenty nine

days will change the substantial completion date to May 20, 2012. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 2 to the construction contract with Outlaw Construction for construction of the Elks Road Improvements.

- 9. Consider, and act upon, Change Order No. 3 to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$33,775.00. This will add seven days to the contract time and change the substantial completion date to May 27, 2012. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No.3 to the construction contract with Outlaw Construction for construction of the Elks Road Improvements.

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 March 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 April 3, 2012. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item 2, accepting the annual Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2011. *(Toni Ervin, Chief Financial Officer and Mike Gibson, Cole and Reed)*
- Confirm action taken on City Council Agenda Item 4, 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)*

Consider, and act upon, approval of the attached Transfer of Appropriations for FY 2011-2012. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the March 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 April 3, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, accepting the annual Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2011. *(Toni Ervin, Chief Financial Officer and Mike Gibson, Cole and Reed)*
- Confirm action taken on City Council Agenda Item 3, a "Use Permitted After Review" for an eye care office located in the Wade Watts Corridor. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, 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)*

Consider, and act upon, approval of the attached Transfer of Appropriations for FY 2011-2012. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item 5, awarding bid in the amount of \$35,920.00, for new carpet at the Expo Center in room 103 to Miller Brothers Enterprises, Inc., of McAlester, Oklahoma. *(Mel Priddy, Director Community Services)*
- Confirm action taken on City Council Agenda Item 6, on accepting the 2009 CDBG Small Cities Grant for Water and Sewer Line Improvements Project #13914-CDBG-09 as completed. *(Peter J. Stasiak, City Manager)*

- Confirm action taken on City Council Agenda Item 7, on authorizing the Mayor to sign an Engineering Services Agreement between the City of McAlester, Oklahoma and Meshek & Associates, PLC for the Mallard and Flamingo Drainage Improvement Design. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 8, Change Order No. 2, to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$28,155.00. This will add fifteen days to the contract time. The Change Order also includes a request for fourteen weather days due to rain. The twenty nine days will change the substantial completion date to May 20, 2012. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 9, Change Order No. 3, to the contract with Outlaw Construction for Elks Road Improvements and authorize the Mayor to sign the Change Order in the amount of \$33,775. This will add seven days to the contract time. The seven days will change the substantial completion date to May 27, 2012. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 & 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: Mitchell Weeks
- 2) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: Peter J. Stasiak, City Manager and Cora Middleton, City Clerk.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

- 1) Consider, and Act Upon the Mitchell Weeks Workers Compensation Claim
- 2) Consider, and Act Upon the City Manager Contract.

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