



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, March 26, 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

Lay Minister Mimi Kelly, 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 March 12, 2013 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the March 12, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for March 6 – March 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- D. Consider, and act upon, to expend funds of \$1500.00 each for the Mayor and City Manager to attend the McAlester Stampede in Washington D.C. *(Mayor Steve Harrison and Peter J. Stasiak, City Manager)*
- E. Consider and act upon, a request from the McAlester Main Street Board to retain City contributions in excess of expenses (\$4,500) during the absence of a director to establish an account for a master streetscape plan. *(Chris Walker, President, Main Street Board)*
- F. Consider, and act upon, an Agreement for Engineering Services with IMS Infrastructure Management Services to continue the development of a Pavement Management Program for the lump sum fee of \$22,521. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

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 GRANTING TO CENTERPOINT ENERGY RESOURCES CORP., D/B/AI CENTERPOINT ENERGY OKLAHOMA GAS, ITS SUCCESSORS AND ASSIGNS FOR A PERIOD OF TWENTY-FIVE YEARS FROM APPROVAL AND ACCEPTANCE OF THIS ORDINANCE, A NONEXCLUSIVE FRANCHISE AND RIGHT TO ENTER THE PUBLIC WAYS TO INSTALL, OPERATE AND MAINTAIN A DISTRIBUTION SYSTEM ALONG ACROSS OVER AND UNDER THE PUBLIC WAYS FOR THE TRANSPORTATION, DISTRIBUTION AND SALE OF GAS TO CONSUMERS AND THE PUBLIC GENERALLY IN THE CITY OF MCALESTER; DEFINING THE WORDS AND PHRASES THEREIN; PROVIDING FOR USE AND REPAIR OF THE PUBLIC WAYS; PROVIDING FOR REGULATION OF SERVICE; ESTABLISHING DEPTH OF PIPELINES; ESTABLISHING RIGHTS AND DUTIES IN THE MOVEMENT AND ALTERATION OF PIPELINES; PROVIDING FOR GRANTEE'S RULES AND REGULATIONS; REQUIRING GRANTEE TO PAY A FRANCHISE FEE of (2%) OF GROSS SALES; PROVIDING FOR THE

SUBMISSION OF THIS ORDINANCE TO AN ELECTION OF THE QUALIFIED VOTERS OF THE CITY; PROVIDING FOR ACCEPTANCE OF FRANCHISE BY GRANTEE AND OPERATIVE DATE THEREOF; AND DECLARING AN EMERGENCY.

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 SECTION 2.67, OF THE McALESTER CODE OF ORDINANCES; MORE PARTICULARLY BY AMENDING SECTION 1, "APPLICATION FOR USE OF SICK LEAVE BANK", ITEM "A" AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING SECTION 2.67 OF THE CODE OF ORDINANCES; MORE PARTICULARLY PERSONNEL POLICIES SECTION 3.01, "VACATION LEAVE"; AND SECTION 3.02, "SICK LEAVE"; WHICH IS INCORPORATED INTO SECTION 2.67 OF THE CODE OF ORDINANCES OF THE CITY OF McALESTER, OKLAHOMA AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider and Act Upon, authorizing the Mayor to sign an Ordinance granting to Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Oklahoma Gas, for a period of twenty-five years a non-exclusive franchise and providing for the submission of this ordinance to an election of the qualified voters of the City and providing for acceptance of Franchise by Grantee and declaring an emergency. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve authorizing the Mayor to sign the Centerpoint Energy Ordinance and declaring an emergency.

2. 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.

3. Consider and Act Upon, amending Section 2.67 of the McAlester Code of Ordinances; Personnel Policies Section 1, Application for use of Sick Leave Bank, Item "A" of the non-uniform Personnel Policies for the City of McAlester, dated January 2000 and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

Executive Summary

Staff recommends motion to approve policy and Emergency Clause as presented.

4. Consider and Act Upon, amending Section 2.67 of the McAlester Code of Ordinances; Personnel Policies Section 3.01, Vacation Leave and Section 3.02, Sick Leave of the non-uniform Personnel Policies for the City of McAlester, dated January 2000 and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

Executive Summary

Staff recommends motion to approve policy and Emergency Clause as presented.

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 12, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending March 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, authorizing the Mayor to sign an Ordinance granting to Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Oklahoma Gas, for a period of twenty-five years a non-exclusive franchise and providing for the submission of this ordinance to an election of the qualified voters of the City and providing for acceptance of Franchise by Grantee and declaring an emergency. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 2, 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 3, amending Section 2.67 of the McAlester Code of Ordinances; Personnel Policies Section 1, Application for use of Sick Leave Bank, Item "A" of the non-uniform Personnel Policies for the City of McAlester, dated January 2000 and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, amending Section 2.67 of the McAlester Code of Ordinances; Personnel Policies Section 3.01, Vacation Leave and Section 3.02, Sick Leave of the non-uniform Personnel Policies for the City of McAlester, dated January 2000 and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the March 12, 2013 Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending March 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, an Agreement for Engineering Services with IMS Infrastructure Management Services to continue the development of a Pavement Management Program for the lump sum fee of \$22,521. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 1, authorizing the Mayor to sign an Ordinance granting to Centerpoint Energy Resources Corp., D/B/A Centerpoint Energy Oklahoma Gas, for a period of twenty-five years a non-exclusive franchise and providing for the submission of this ordinance to an election of the qualified voters of the City and providing for acceptance of Franchise by Grantee and declaring an emergency. *(Peter J. Stasiak, City Manager)*
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- Confirm action taken on City Council Agenda Item 3, amending Section 2.67 of the McAlester Code of Ordinances; Personnel Policies Section 1, Application for use of Sick

Leave Bank, Item "A" of the non-uniform Personnel Policies for the City of McAlester, dated January 2000 and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

- Confirm action taken on City Council Agenda Item 4, amending Section 2.67 of the McAlester Code of Ordinances; Personnel Policies Section 3.01, Vacation Leave and Section 3.02, Sick Leave of the non-uniform Personnel Policies for the City of McAlester, dated January 2000 and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 26, 2013, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of March, 2013. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MRTA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (4) et.seq. Oklahoma Statutes, to wit:

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:

- Nakina Williams v. City of McAlester
- Randy Green v. City of McAlester
- Cox v. City of McAlester
- McCormick v. City of McAlester
- IAFF v. PERB and The City of McAlester

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

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