



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, April 23, 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

Pastor Charles Neff, 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 April 9, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 3, 2013 through April 16, 2013. *(Toni Ervin, Chief Financial Officer)*
- C. Ratify a One (1) year State Contract SW403 between City of McAlester and SimplexGrinnell in the amount of \$4,118 for maintenance and annual testing of Fire Alarm System in City Hall. *(John Modzelewski, PE, City Engineer and Public Works Director)*
- D. Accept and place on file the MPower 3rd Quarterly Report for Fiscal Year 2012-2013. *(Shari Cooper, Executive Director)*
- E. Accept and place on file the McAlester Main Street 3rd Quarterly Report for Fiscal Year 2012-2013. *(Ginny Webb, Executive Director)*
- F. Accept and place on file the Pride in McAlester 3rd Quarterly Report for Fiscal Year 2012-2013. *(Stephanie Giacomo, Executive Director)*
- G. Authorize the Mayor to sign XTO Energy, Inc. Division Order for Property No. 132143, Jernigen 01-08H05, 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)*
- H. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.33302-ME. *(Cora Middleton, City Clerk)*
- I. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.33297-ME. *(Cora Middleton, City Clerk)*
- J. Consider, and act upon, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 5 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- K. Consider, and act upon, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 6 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- L. Consider, and act upon, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 7 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*

- M. Consider, and act upon, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 9 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- N. Consider, and act upon, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 16 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- O. Consider, and act upon, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- P. Consider, and act upon, approving ADDENDUM NO. 1, to the Water Purchase Agreement between the City of McAlester and Pliant, L.L.C. and authorizing the Mayor to sign ADDENDUM NO. 5. *(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.

- A Public Hearing on the proposed Capital Program for FY 2013/2014 – 2017/2018 for the City of McAlester.
- Public Hearing on the CDBG-10 Small Cities Water Project; Final Performance Report.
- AN ORDINANCE AMENDING CHAPTER 46, ENVIRONMENT, OF THE MCALESTER MUNICIPAL CODE; BY AMENDING ARTICLE II, NUISANCES, SECTION 46-30, SAME-HEALTH NUISANCES AND ARTICLE III, LOT CLEANING, SECTION 46-53, PROHIBITED; RESPONSIBILITIES; REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and K-Bar Company to construct the Mallard Lane and Flamingo Road Drainage Improvements. *(John Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with K-Bar Company for a Total Bid equal to \$143,663.87 to construct the Mallard Lane and Flamingo Road Drainage Improvements. The funding source for this project is Account Number 41-5865405.

2. Presentation of the McAlester Regional Health Center 3rd Quarterly Report for Fiscal Year 2012-2013. *(David Keith, CEO McAlester Regional Hospital)*

Executive Summary

Accept and place on file the McAlester Regional Health Center 3rd Quarterly Report for Fiscal Year 2012-2013.

3. Consider and act upon Final Contractor's Pay Estimate No.3- Final for the construction of 2010 CDBG Water Improvements in an amount of \$140,340.00. *(David Medley, PE, Director of Utilities)*

Executive Summary

Motion to approve final payment to C.S. Day & Associates of Tahlequah, Oklahoma for the 2010 CDBG Water Improvements and authorizing the Mayor to sign the Final Application of Payment in the amount of \$140,340.00.

4. Consider and Act Upon, final acceptance of FY-10 CDBG Small Cities Grant Waterline Project as completed and authorizing Mayor to sign closeout documents. *(Peter J. Stasiak, City Manager and Millie Vance, Grant Writer)*

Executive Summary

Motion to approve authorizing the Mayor to sign the FY-10 CDBG Small Cities Grant Waterline Project closeout documents.

5. Discussion and update on Financials as of March 31, 2013. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion and Update of Financial Reports as of March 31, 2013.

6. Consider, and act upon, authorizing the Mayor to sign a Resolution calling for a Special Election on the 13th day of August, 2013, submitting to the registered, qualified voters of the City of McAlester a question concerning a 25 year non-exclusive franchise with Centerpoint Energy Resources Corp., d/b/a/ Centerpoint Energy Oklahoma Gas and issue an Election Proclamation. *(Cora Middleton, City Clerk)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Resolution calling for a Special Election on August 13, 2013 concerning a 25 year non-exclusive franchise with Centerpoint Energy Resources Corp., d/b/a/ Centerpoint Energy Oklahoma Gas and issue an Election Proclamation.

7. 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 tools and equipment for the Brush Truck, 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.

8. Consider and act upon, a Resolution to adopt the Capital Improvement Program 2013/2014-2017/2018. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Resolution adopting the Capital Improvement Program for 2013/2014-2017/2018.

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

Executive Summary

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

10. Consider and act upon a Personal Services Agreement with Jim Grego for haybaling on the McAlester watershed, the Steven Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$7,250.00. *(Mel Priddy, Director of Community Services)*

Executive Summary

Motion to approve a Personal Services Agreement with Jim Grego for haybaling in the amount of \$7,250.00.

11. Consider and act upon Re-Plat for "CVS McAlester Addition". *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Re-Plat for the "CVS McAlester Addition" and authorize the Mayor to sign the documents.

12. Consider, and act upon, an Ordinance of the City of McAlester, Oklahoma, amending Chapter 46, Environment, of the McAlester Municipal Code, Article II, Nuisances, Section 46-30, Same-Health Nuisances and Article III, Lot Cleaning, Section 46-53, Prohibited; Responsibilities; Repealing all Conflicting Ordinances; and Declaring an Emergency. *(Mayor Steve Harrison and Vice Mayor Sam Mason)*

Executive Summary

Motion to approve Ordinance amending Chapter 46, Environment, Article II, Nuisances, Section 46-30 and Article III, Lot Cleaning, Section 46-53.

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 April 9, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending April 16, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 8, a Resolution to adopt the Capital Improvement Program 2013/2014-2017/2018. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 9, an Amendment to Airport Consultant LBR's contract with the City of McAlester. *(Mel Priddy, Director of Community Services)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the April 9, 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 April 16, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, to ratify a One (1) year State Contract SW403 between City of McAlester and SimplexGrinnell in the amount of \$4,118 for maintenance and annual testing of Fire Alarm System in City Hall. *(John Modzelewski, PE, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item G, to authorize the Mayor to sign XTO Energy, Inc. Division Order for Property No. 132143, Jernigen 01-08H05, 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 H, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.33302-ME. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item I, concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.33297-ME. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item J, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 5 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item K, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 6 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item L, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 7 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item M, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 9 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item N, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 16 and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item O, approving ADDENDUM NO. 5, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item P, approving ADDENDUM NO. 1, to the Water Purchase Agreement between the City of McAlester and Pliant, L.L.C. and authorizing the Mayor to sign ADDENDUM NO. 5. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 1, authorizing the Mayor to sign a contract between the City of McAlester and K-Bar Company to construct the Mallard Lane and Flamingo Road Drainage Improvements. *(John Modzelewski, PE, City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 3, Final Contractor's Pay Estimate No.3- Final for the construction of 2010 CDBG Water Improvements in an amount of \$140,340.00. *(David Medley, PE, Director of Utilities)*

- Confirm action taken on City Council Agenda Item 4, final acceptance of FY-10 CDBG Small Cities Grant Waterline Project as completed and authorizing Mayor to sign closeout documents. *(Peter J. Stasiak, City Manager and Millie Vance, Grant Writer)*
- Confirm action taken on City Council Agenda Item 6, authorizing the Mayor to sign a Resolution calling for a Special Election on the 13th day of August, 2013, submitting to the registered, qualified voters of the City of McAlester a question concerning a 25 year non-exclusive franchise with Centerpoint Energy Resources Corp., d/b/a/ Centerpoint Energy Oklahoma Gas and issue an Election Proclamation. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 8, a Resolution to adopt the Capital Improvement Program 2013/2014-2017/2018. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 11, Re-Plat for “CVS McAlester Addition”. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 12, an Ordinance of the City of McAlester, Oklahoma, amending Chapter 46, Environment, of the McAlester Municipal Code, Article II, Nuisances, Section 46-30, Same-Health Nuisances and Article III, Lot Cleaning, Section 46-53, Prohibited; Responsibilities; Repealing all Conflicting Ordinances; and Declaring an Emergency. *(Mayor Steve Harrison and Vice Mayor Sam Mason)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

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

ADJOURN MRTA

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