



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, May 28, 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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Glenn Meyer, Trinity Lutheran 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

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*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 May 14, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for May 8, 2013 through May 21, 2013. *(Toni Ervin, Chief Financial Officer)*
- C. Accept and place on file the Oklahomans for Independent Living Quarterly Report for January, February and March - Fiscal Year 2012-2013. *(Pam Pulchny, Executive Director, O.I.L.)*
- D. Authorize the Mayor to sign an Annual Engagement Letter with Crawford & Associates, P.C., for the period of July 1, 2013 through June 30, 2014. *(Cora Middleton, City Clerk)*
- E. Authorize the Mayor to sign Agreement for Funding of the 2013 Junior Sunbelt Classic. *(Cora Middleton, City Clerk)*
- F. Concur with Mayor's Re-Appointment of Ross Eaton to the Planning Commission for a term to expire May 2016. *(Mayor Steve Harrison)*
- G. Concur with Mayor's Re-Appointment of Denise Lewis to the Planning Commission for a term to expire May 2016. *(Mayor Steve Harrison)*
- H. Concur with Mayor's Re-Appointment of Susan Kanard to the Planning Commission for a term to expire March 2016. *(Mayor Steve Harrison)*
- I. Concur with Mayor's Re-Appointment of Susan Kanard to the Board of Adjustment for a term to expire March 2016. *(Mayor Steve Harrison)*
- J. Concur with Mayor's Re-Appointment of Mark Emmons to the Board of Adjustment for a term to expire March 2016. *(Mayor Steve Harrison)*

## ITEMS REMOVED FROM CONSENT AGENDA

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## PUBLIC HEARING

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*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 ADOPTING AN EMPLOYEE RETIREMENT SYSTEM, DEFINED CONTRIBUTION PLAN FOR THE CITY OF MCALESTER, OKLAHOMA; PROVIDING RETIREMENT BENEFITS FOR ELIGIBLE**

**EMPLOYEES OF THE CITY OF MCALESTER, OKLAHOMA; PROVIDING FOR PURPOSE AND ORGANIZATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR ELIGIBILITY AND PARTICIPATION; PROVIDING FOR EMPLOYER AND EMPLOYEE CONTRIBUTIONS; PROVIDING FOR ACCOUNTING, ALLOCATION, AND VALUATION; PROVIDING BENEFITS; PROVIDING FOR REQUIRED NOTICE; PROVIDING FOR AMENDMENTS AND TERMINATION; PROVIDING FOR TRANSFER TO AND FROM OTHER PLANS; CREATING A COMMITTEE AND PROVIDING FOR POWERS, DUTIES, AND RIGHTS OF COMMITTEE; PROVIDING FOR PAYMENT OF CERTAIN OBLIGATIONS; PROVIDING FOR DURATION AND PAYMENT OF EXPENSES; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR VESTING SCHEDULES; PROVIDING FOR A FUND TO FINANCE THE SYSTEM TO BE POOLED WITH OTHER INCORPORATED CITIES, TOWNS AND THEIR AGENCIES AND INSTRUMENTALITIES FOR PURPOSES OF ADMINISTRATION, MANAGEMENT, AND INVESTMENT AS PART OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND; PROVIDING FOR PAYMENT OF ALL CONTRIBUTIONS UNDER THE SYSTEM TO THE OKLAHOMA MUNICIPAL RETIREMENT FUND FOR MANAGEMENT AND INVESTMENT; PROVIDING FOR NON-ALIENATION OF BENEFITS AND LOSS OF BENEFITS FOR CAUSE; ADOPTING THOSE AMENDMENTS MANDATED BY THE INTERNAL REVENUE CODE; PROVIDING FOR REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.**

- **A PUBLIC HEARING ON THE PROPOSED FY 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) SMALL CITIES GRANT; PROPOSED WATER PROJECT.**

## **SCHEDULED BUSINESS**

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1. **TABLED FROM PREVIOUS MEETING. Consider and act upon Final Plat for “Royal Oaks”. (*Peter J. Stasiak, City Manager*)**

### **Executive Summary**

Motion to approve the Final Plat for the proposed subdivision “Royal Oaks” and authorize the Mayor to sign the documents.

2. **Consider and act upon Adopting Citizen’s Participation Plan for FY-2013 CDBG Project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)**

### **Executive Summary**

Motion to approve Citizen’s Participation Plan for FY-2013 CDBG Project.

3. **Consider and act upon Adopting a Resolution to Apply for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. (*Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.*)**

## Executive Summary

Motion to approve adopting the resolution to Apply for the FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

4. Consider and act upon Adopting a Resolution to Leverage (Matching) funds for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*

## Executive Summary

Motion to approve to Leverage (Matching) funds for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

5. Consider and act upon Adopting a Residential Anti-Displacement Plan for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*

## Executive Summary

Motion to approve a Residential Anti-Displacement Plan for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project.

6. Consider and act upon Adopting Contract with Millie Vance Incorporated to prepare FY-2013 CDBG grant application and administer project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*

## Executive Summary

Motion to approve to Contract with Millie Vance Incorporated to prepare FY-2013 CDBG grant application and administer project.

7. Consider, and act upon approving an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of all Contributions Under the System to The Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits and Loss of Benefits for Cause; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*

**Executive Summary**

Motion to approve an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of all Contributions Under the System to The Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits and Loss of Benefits for Cause; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency.

8. Consider, and act upon approving a Resolution amending the City of McAlester Defined Benefit Retirement Plan and Trust and authorizing the Mayor to sign all required documents. *(Peter J. Stasiak, City Manager)*

**Executive Summary**

Motion to approve a Resolution amending the City of McAlester Defined Benefit Retirement Plan and Trust and authorize the Mayor to sign all required documents.

9. Consider, and act upon approving a Resolution adopting by reference the Trust Indenture Titled "Oklahoma Municipal Retirement Fund" and authorizing the Mayor and Clerk to execute the Agreement to Pool Funds with other Oklahoma Cities and Towns for the purposes of Administration, Investment, and Management. *(Peter J. Stasiak, City Manager)*

**Executive Summary**

Motion to approve a Resolution adopting by reference the Trust Indenture Titled "Oklahoma Municipal Retirement Fund" and authorize the Mayor and Clerk to execute the Agreement to Pool Funds with other Oklahoma Cities and Towns for the purposes of Administration, Investment, and Management.

10. 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, PE, City Engineer and Public Works Director)*

**Executive Summary**

Motion to approve authorizing the Mayor to sign 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.

11. Consider and act upon a bid award to KATCON, Inc. to "Construct High Strength Terminal Apron Aircraft Parking Area" at McAlester Regional Airport. *(Mel Priddy, Director Community Services)*

Executive Summary

Motion to approve a \$126,671.70 bid award to KATCON, Inc. for construction of a High Strength Terminal Apron Aircraft Parking Area at the McAlester Regional Airport and authorize the Mayor to sign all the required documents and the construction contract.

- 12. Consider and act upon a supplemental agreement to change the quantity of work to be done by Katcon, Inc. on High Strength Terminal Apron Aircraft Parking Area at the McAlester Regional Airport. *(Mel Priddy, Director Community Services)*

Executive Summary

Motion to approve supplemental Agreement No. 1 to Katcon, Inc. quantity of work to be done on High Strength Terminal Apron Aircraft Parking Area at McAlester Regional Airport.

- 13. TABLED FROM PREVIOUS MEETING - Discussion, and possible action, on renewing our agreement between City of McAlester and Advanced Data Processing, INC (dba Intermedix-ADPI). *(Brett Brewer, Fire Chief)*

Executive Summary

Staff recommends motion to Table Agreement to 6/11/13 Council Meeting.

- 14. Discussion of amendments to Sec 102-98 of the McAlester City Code, or otherwise imposing additional or alternate restrictions on parking on city streets, to reduce traffic obstructions, and insure residential access. Said Discussion to include exceptions for designated business areas and applicable fines. (Councilman John Titsworth and City Attorney, Joe Ervin)

Executive Summary

Discussion only.

**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 May 14, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending May 21, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 7, approving an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as Part of the Oklahoma Municipal Retirement Fund; Providing for Payment of all Contributions Under the System to The Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Non-Alienation of Benefits and Loss of Benefits for Cause; Adopting those Amendments Mandated by the Internal Revenue Code; Providing for Repealer and Severability; and Declaring an Emergency. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 8, approving a Resolution amending the City of McAlester Defined Benefit Retirement Plan and Trust and authorizing the Mayor to sign all required documents. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 9, approving a Resolution adopting by reference the Trust Indenture Titled "Oklahoma Municipal Retirement Fund" and authorizing the Mayor and Clerk to execute the Agreement to Pool Funds with other Oklahoma Cities and Towns for the purposes of Administration, Investment, and Management. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 11, a bid award to KATCON, Inc. to "Construct High Strength Terminal Apron Aircraft Parking Area" at McAlester Regional Airport. *(Mel Priddy, Director Community Services)*
- Confirm action taken on City Council Agenda Item 12, a supplemental agreement to change the quantity of work to be done by Katcon, Inc. on High Strength Terminal Apron Aircraft Parking Area at the McAlester Regional Airport. *(Mel Priddy, Director Community Services)*

ADJOURN MAA**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the May 14, 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 May 21, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, Final Plat for "Royal Oaks". *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 2, act upon Adopting Citizen's Participation Plan for FY-2013 CDBG Project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*
- Confirm action taken on City Council Agenda Item 3, Adopting a Resolution to Apply for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*
- Confirm action taken on City Council Agenda Item 4, Adopting a Resolution to Leverage (Matching) funds for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*
- Confirm action taken on City Council Agenda Item 5, Adopting a Residential Anti-Displacement Plan for FY-2013 CDBG Small Cities Grant, Proposed Water Line Project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*
- Confirm action taken on City Council Agenda Item 6, Adopting a Contract with Millie Vance Incorporated to prepare FY-2013 CDBG grant application and administer project. *(Pam Kirby, Grant Writer and Millie Vance, Millie Vance, Inc.)*
- Confirm action taken on City Council Agenda Item 7, approving an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and

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- Confirm action taken on City Council Agenda Item 10, 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, PE, City Engineer and Public Works Director)*

#### ADJOURN MPWA

#### **CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the April 23, 2013, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of May, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 7, approving an Ordinance Adopting an Employee Retirement System, Defined Contribution Plan for The City of McAlester, Oklahoma; Providing Retirement Benefits for Eligible Employees of the City of McAlester, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Employer and Employee Contribution; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer To and From Other Plans; Creating a Committee and Providing for Powers, Duties, and Rights of Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities and Towns and Their Agencies and

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#### ADJOURN MRTA

#### RECONVENE COUNCIL MEETING

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#### 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**