



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, July 9, 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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Pastor Stephanie Swinnea, All Saints Episcopal 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**

*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 June 11, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the June 20, 2013 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for June 19, 2013 to July 2, 2013. *(Toni Ervin, Chief Financial Officer)*
- D. Tabled from Previous Meeting – Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and the Oklahomans for Independent Living. *(Peter J. Stasiak, City Manager)*
- E. Ratify and approve a one-year term Participating Entity Addendum between Blackboard Connect Inc. and City of McAlester, OK – Pittsburg County OK E911 that provides a fully hosted alert notification system for emergency notifications. *(Peter J. Stasiak, City Manager)*
- F. Consider, and act upon, a Ratification of Lease Purchase between the First National Bank & Trust Company and the City of McAlester for a 2011 Freightliner m2106 33000#GVW Truck chassis IN: 1FVACYBS1BDAY3398 with any and all equipment, accessories and attachments to said vehicle; One new DuraPatcher Truck Mounted Style Spray Injection Road Repair Machine; and One new DuraPatcher 6,000 gal. Gravity Feed Vertical Emulsion Storage Tank. *(Toni Ervin, Chief Financial Officer)*
- G. Concur with Mayor's Appointment of Karen Kinhead, 2828 Peaceable Rd to the McAlester Library Board for a term to expire June, 2016. *(Steve Harrison, Mayor)*
- H. Consider, and act upon, the Collective Bargaining Agreement between the City of McAlester and the International Association of Fire Fighters (IAFF) Local No. 2284, effective July 1, 2013 through June 30, 2014. *(Peter J. Stasiak, City Manager)*
- I. Consider, and act upon, the Collective Bargaining Agreement between the City of McAlester and the Fraternal Order of Police, Lodge 97, effective July 1, 2013 through June 30, 2014. *(Peter J. Stasiak, City Manager)*
- J. Consider, and act upon, an Adoption Agreement between American Fidelity Assurance Company and the City of McAlester for Administrative Services for the Section 125 Cafeteria Plan. *(Toni Ervin, Chief Financial Officer)*

**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 TO VACATE (CLOSE) A SEWER EASEMENT IN THE FOLLOWING LOCATION: LOTS 4, 5, AND 6, IN BLOCK 19, CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA.**
  
- **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING THE CODE OF ORDINANCES, CHAPTER 62, SECTION 246. DESIGNATION OF THE FLOODPLANE ADMINISTRATOR, REPEALING ALL CONFLICTING ORDINANCES; AND DECLARING AN EMERGENCY.**

## **SCHEDULED BUSINESS**

1. Discussion and request from Ms. Janell Brooks regarding rezoning at 804 E. Monroe. *(Peter J. Stasiak, City Manager)*

Executive Summary  
For discussion only.

2. Presentation and discussion of Public Private Partnership opportunity for the Operation and Maintenance of the City of McAlester's Water Treatment Plant. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*

Executive Summary  
Discussion, and possible action, to authorize staff to proceed with Request for Qualifications to pursue a Public Private Partnership opportunity for the Operation and Maintenance of the City of McAlester's Water Treatment Plant.

3. Consider, and act upon, authorizing the Mayor to sign the Proposed Award from the Oklahoma Office of Homeland Security - 2010 Homeland Security Grant Program; Orae Project; #260.113 in the amount of \$2,498.64. *(Brett Brewer, Fire Chief)*

Executive Summary  
Motion to approve 2010 Homeland Security Grant Program; Orae Project; #260.113 in the amount of \$2,498.64.

4. Consider and act upon, a "Use Permitted After Review" for medical, office, and retail use. *(Peter J. Stasiak, City Manager)*

Executive Summary  
Motion to approve and act upon a "Use Permitted After Review" for medical, office, and retail use and authorizing the Mayor to sign the documents.

5. Consider and act upon, the closing of a sewer easement in the following location: Lots 4, 5, and 6, in Block 19, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon the closing of a sewer easement in the following location: Lots 4, 5, and 6, in Block 19, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma and authorizing the Mayor to sign the attached Ordinance.

6. Consider and act upon, Re-Plat of Block 19, Lots 4, 5, and 6. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Re-Plat of Block 19, Lots 4, 5, and 6 and authorize the Mayor to sign the documents.

7. Consider, and act upon, a "Pledge and Guarantee" document which authorizes the annual renewal of the City of McAlester's Participation Agreement with the Association for Landfill Financial Assurance (ALFA). *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*

Executive Summary

Motion to approve the "Pledge and Guarantee" document and authorize the Mayor to sign after review and approval by City Attorney's Office.

8. Consider, and act upon, amending Chapter 62, Land Development Code, Article V, Zoning, Division 4, Flood Hazard Overlay District and Flood Damage Prevention, Section 62-246, Designation of floodplain administrator. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*

Executive Summary

Motion to approve the Land Development Code, as amended, and declaring an emergency.

9. Consider, and act upon, authorizing the mayor to sign an Engagement Letter with Cole & Reed, P.C. for audit services for the fiscal year ending June 30, 2014. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to authorize the Mayor to sign an Engagement Letter with Cole & Reed, P.C.

10. Consider, and act upon, a Work Order for Professional Services with Mehlburger Brawley for engineering services required for the design of the 2013 Community Development Block Grant (CDBG) Small Cities Water Improvements. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*

Executive Summary

Motion to approve and authorize the Mayor to sign the Work Order for Professional Services for Mehlburger Brawley for Professional Engineering Services to complete work required for the 2013 Community Development Block Grant (CDBG) Small Cities Water Improvements upon review and approval of the City Attorney's office. Estimated fee for Professional Services including Engineering and Inspection is \$20,349.

11. Consider, and act upon, Final and Contractor's Pay Estimate No. 2 – Final for the Taylor Industrial Park 8-Inch Main Water Improvements Project resulting in a final contract amount of \$150,130.00. (*John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors*)

#### Executive Summary

Motion to approve final payment for the Taylor Industrial Park 8-Inch Main Water Improvements Project to R & M Utilities, Inc. of Prague, Oklahoma and authorization for the Mayor to sign the Final Application of Payment.

### **NEW BUSINESS**

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*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)**

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- Report on activities for the past two weeks.

### **REMARKS AND INQUIRIES BY CITY COUNCIL**

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### **MAYORS COMMENTS AND COMMITTEE APPOINTMENTS**

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### **RECESS COUNCIL MEETING**

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### **CONVENE AS McALESTER AIRPORT AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the June 25, 2013 Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item C, regarding claims ending July 2, 2013. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item E, Ratify and approve a one-year term Participating Entity Addendum between Blackboard Connect Inc. and City of McAlester, OK – Pittsburg County OK E911 that provides a fully hosted alert notification system for emergency notifications. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item J, an Adoption Agreement between American Fidelity Assurance Company and the City of McAlester for Administrative Services for the Section 125 Cafeteria Plan. (*Toni Ervin, Chief Financial Officer*)

- Confirm action taken on City Council Agenda Item 2, authorizing the mayor to sign an Engagement Letter with Cole & Reed, P.C. for audit services for the fiscal year ending June 30, 2014. *(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 June 25, 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 July 2, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item E, Ratify and approve a one-year term Participating Entity Addendum between Blackboard Connect Inc. and City of McAlester, OK – Pittsburg County OK E911 that provides a fully hosted alert notification system for emergency notifications. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item F, a Ratification of Lease Purchase between the First National Bank & Trust Company and the City of McAlester for a 2011 Freightliner m2106 33000#GVW Truck chassis IN: 1FVACYBS1BDAY3398 with any and all equipment, accessories and attachments to said vehicle; One new DuraPatcher Truck Mounted Style Spray Injection Road Repair Machine; and One new DuraPatcher 6,000 gal. Gravity Feed Vertical Emulsion Storage Tank. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item J, an Adoption Agreement between American Fidelity Assurance Company and the City of McAlester for Administrative Services for the Section 125 Cafeteria Plan. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, of Public Private Partnership opportunity for the Operation and Maintenance of the City of McAlester's Water Treatment Plant. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*
- Confirm action taken on City Council Agenda Item 4, a "Use Permitted After Review" for medical, office, and retail use. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 5, the closing of a sewer easement in the following location: Lots 4, 5, and 6, in Block 19, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma. *(Peter J. Stasiak, City Manager)*

- Confirm action taken on City Council Agenda Item 6, Re-Plat of Block 19, Lots 4, 5, and 6. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 7, a “Pledge and Guarantee” document which authorizes the annual renewal of the City of McAlester’s Participation Agreement with the Association for Landfill Financial Assurance (ALFA). *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*
- Confirm action taken on City Council Agenda Item 8, amending Chapter 62, Land Development Code, Article V, Zoning, Division 4, Flood Hazard Overlay District and Flood Damage Prevention, Section 62-246, Designation of floodplain administrator. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*
- Confirm action taken on City Council Agenda Item 9, authorizing the mayor to sign an Engagement Letter with Cole & Reed, P.C. for audit services for the fiscal year ending June 30, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 10, a Work Order for Professional Services with Mehlburger Brawley for engineering services required for the design of the 2013 Community Development Block Grant (CDBG) Small Cities Water Improvements. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*
- Confirm action taken on City Council Agenda Item 11, Final and Contractor’s Pay Estimate No. 2 – Final for the Taylor Industrial Park 8-Inch Main Water Improvements Project resulting in a final contract amount of \$150,130.00. *(John C. Modzelewski, P.E., CFM, City Engineer and Public Works Directors)*

#### ADJOURN MPWA

#### 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**