



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, August 13, 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

Felix Waller, Kings House

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 July 9, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the July 23, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for July 17, 2013 to August 6, 2013. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, to approve/renew Campus Police Agreement, between the City of McAlester and ISD80 (McAlester Public Schools). *(William J. Ervin, City Attorney)*
- E. Consider and act upon, to authorize the City Attorney to provide notice of the proposed annexation of adjacent or contiguous territory, as required by 11 O.S. § 21-103(B), and to set a public hearing on said Annexation for Tuesday September 10, 2013, at 6:00 p.m. *(William J. Ervin, City Attorney)*
- F. Consider and act upon, to authorize the City Attorney to file a District Court Action regarding forfeiture and disposition of certain personal property held as evidence, more particularly: monies, bicycles and firearms. *(William J. Ervin, City Attorney)*
- G. Consider and act upon, to authorize the City Attorney to terminate/dissolve the McAlester Cemetery Trust. *(William J. Ervin, City Attorney)*
- H. Consider and act upon, authorizing the City Manager to sign a Letter of Support for the Choctaw Nation's application for funding under the U.S. Department of Commerce Grant Program to build a recycling facility at the Steven Taylor Industrial Park. It is the intent of the Choctaw Nation to partner with The City of McAlester and Allied Waste to implement a single stream recycling center at the Stephen Taylor Industrial Park. *(Peter J. Stasiak, City Manager)*
- I. Consider and act upon, authorizing the City Manager to waive permit fees for the 2nd Annual Citywide Yard Sale on October 5, 2013 between 8:00 a.m. – 1:00 p.m. *(Pamela Kirby, Grant Writer)*

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 AMENDING CHAPTER 10, ARTICLE 1; IN GENERAL, ADDING SECTION 21; ENTITLED DOG PARK; SETTING HOURS OF OPERATION; ESTABLISHING RULES; AND DECLARING AN EMERGENCY.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: ALL THAT PORTION OF THE MK&T RAILROAD IN BLOCKS 136, 137, 138 AND 139 IN NORTH MCALESTER, Pittsburg County, State of Oklahoma FROM R-1B (SINGLE FAMILY RESIDENTIAL DISTRICT) TO C-5 (HIGHWAY COMMERCIAL DISTRICT)

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: A TRACT OF LAND IN SECTION 24, TOWNSHIP 5 NORTH, RANGE 14 EAST AND IN SECTION 19, TOWNSHIP 5 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM I-1 (LIGHT INDUSTRIAL DISTRICT) TO C-5 (HIGHWAY COMMERCIAL DISTRICT)

SCHEDULED BUSINESS

1. Consider and act upon, a re-zone for all that portion of MK&T Railroad in Blocks 136, 137, 138 and 139 in North McAlester from R-1B single family residential district to a C-5 Highway Commercial District. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the re-zone from R-1B Single Family Residential District to a C-5 Highway Commercial District and authorizing the Mayor to sign the attached Ordinance.

2. Consider and act upon, a change in zoning from I-1 Light Industrial District to a C-5 Highway Commercial District known as the Southside Business Park. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon changing the existing zoning from I-1 Light Industrial District to a C-5 Highway Commercial District and authorizing the Mayor to sign the attached Ordinance.

3. Consider and act upon, an ordinance of the City of McAlester Oklahoma amending Chapter 10, Article 1; in general adding Section 21; entitled Dog Park; setting hours of operation, an establishing rules, and declaring an emergency. *(Mel Priddy, Director of Community Services)*

Executive Summary

Motion to approve Ordinance amending Chapter 10, Article 1; in general adding Section 21.

4. Discussion and possible action, on Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw Corridor accepting application of enclosed business

as an applicant and authorize the certificate of acceptance of H.L.'s Sport Shop as a participant. *(Toni Ervin, CFO)*

Executive Summary

McAlester Main Street and Staff would like to request direction on the following application matter. Our recommendation would be to accept this business as an applicant and authorize Mayor to sign certificate of acceptance as a participant.

5. Consider, and act upon, authorizing the Mayor to sign a "Seasonal Pole Attachment Agreement" between the City of McAlester and Public Service Company of Oklahoma (PSO). *(John Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve the "Seasonal Pole Attachment Agreement" between the City of McAlester and Public Service Company of Oklahoma (PSO) and authorize the Mayor to sign after review and approval by City Attorney's Office.

6. Consider and Act to authorize the City Attorney to file any and all necessary District Court Action(s) to secure access to documents and records of MPower Economic Development, and to protect the interest of the City of McAlester in relation to its expired/terminated contract with MPower Economic Development Corporation. *(William J. Ervin, City Attorney)*

Executive Summary

Motion to approve authorization for the City Attorney to file any and all necessary District Court Action(s).

7. Consider and Act to authorize the Mayor to execute a City-County Jail Services Agreement. *(William J. Ervin, City Attorney)*

Executive Summary

Motion to approve authorizing the Mayor to execute a City-County Jail Services Agreement.

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 July 23, 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)*

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

Majority of a Quorum required for approval

- Approval of the Minutes from the July 23, 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, to authorize the City Attorney to provide notice of the proposed annexation of adjacent or contiguous territory, as required by 11 O.S. § 21-103(B), and to set a public hearing on said Annexation for Tuesday September 10, 2013, at 6:00 p.m. *(William J. Ervin, City Attorney)*
- Confirm action taken on City Council Agenda Item F, to authorize the City Attorney to file a District Court Action regarding forfeiture and disposition of certain personal property held as evidence, more particularly: monies, bicycles and firearms. *(William J. Ervin, City Attorney)*
- Confirm action taken on City Council Agenda Item 1, a re-zone for all that portion of MK&T Railroad in Blocks 136, 137, 138 and 139 in North McAlester from R-1B single family residential district to a C-5 Highway Commercial District. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 2, a change in zoning from I-1 Light Industrial District to a C-5 Highway Commercial District known as the Southside Business Park. *(Peter J. Stasiak, City Manager)*

ADJOURN MPWA**RECONVENE COUNCIL MEETING**

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 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:

Nelson, Osborne & Sparks v. City of McAlester (Claim); Dobson v. City of McAlester; C. Cox v. City of McAlester; City of McAlester v. Randy Green, Case No. C-06-844; McCormick vs. City of McAlester 2011-CIV-166; Cox et al v. City of McAlester, Oklahoma 12-CIV-100; Nakina Williams v. City of McAlester; IAFF v. PERB and The City of McAlester.

RECONVENE INTO OPEN 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