



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, August 27, 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

Cliff House, Lakewood 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 August 13, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 7 -20, 2013. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, a Resolution that the City of McAlester desires to continue its participation in the Oklahoma Main Street Program. *(Ginny Webb, Executive Director, Main Street)*
- D. Accept and place on file the McAlester Main Street Annual Action Plan by Committee. *(Ginny Webb, Executive Director, Main Street)*
- E. Accept and place on file the Oklahomans for Independent Living Report for April, May and June, 2013. *(Pam Pulchny, Executive Director)*
- F. Accept and place on file the McAlester Public Schools Roofing Project and Expenditure Report. *(Marsha Gore, Superintendent of McAlester Public Schools)*
- G. Consider, and act upon, authorizing the Mayor to sign an agreement with Jordan Carris Insurance for Excess Worker's Compensation Insurance coverage. *(Toni Ervin, Chief Financial Officer)*
- H. Consider and act upon, an Agreement for the partial funding of the 2014 Junior Sunbelt Classic. *(Peter J. Stasiak, City Manager)*
- I. Concur with Mayor's Appointment of Mary Shannon, 701 E. Seneca, McAlester 74501 to the McAlester Regional Health Center Authority Board of Trustees for a term to expire February, 2019. *(Steve Harrison, Mayor)*
- J. TABLED FROM PREVIOUS MEETING. Consider and act upon to authorize the Mayor to execute a City-County Jail Services Agreement. *(William J. Ervin, City Attorney)*
- K. Consider, and act upon, Resolution 11-10, establishing a Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw Corridor and authorizing the payment of the rebate. *(Toni Ervin, CFO)*

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 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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider, and act upon, authorizing a change in use and re-purposing Hutchinson Park in North Town McAlester to accommodate a Choctaw Village. *(Peter J. Stasiak, City Manager)*

Executive Summary

Discussion and motion to approve and act upon a change in use to re-purpose Hutchinson Park in North Town McAlester to accommodate a Choctaw Village.

2. Presentation by Connie Morris, Executive Director of Lake Eufaula Association, regarding the B.A.S.S. National 2014 Divisional Tournament Request for Proposal (RFP) and possible action to partner with Lake Eufaula Association to host the 2014 Divisional Tournament scheduled for June 2014. *(Mel Priddy, Director of Community Services)*

Executive Summary

Approve a partnership with Lake Eufaula Association in the total amount of \$10,565.00. These funds will not be incurred if this bid proposal is not accepted.

3. Consider, and act upon, declaring a 1999 International 4900 Trash Truck with extra rear hopper of property as surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve request for a 1999 International 4900 Trash Truck with extra rear hopper be declared Surplus property.

4. 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, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

5. Consider, and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the budget amendment ordinance.

6. Discussion to terminate/dissolve the McAlester Parking Authority. (*William J. Ervin, City Attorney*)

Executive Summary

Discussion regarding to terminate/dissolve McAlester Parking Authority

7. Consider, and act upon, authorizing the Mayor to sign a Resolution declaring that the CenterPoint Energy Franchise passed. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to authorize the Mayor to sign a Resolution declaring that the CenterPoint Energy Franchise passed.

8. Consider, and act upon, approval of Change Order No. 1, for an extension of twenty-one days to the existing contract with Northern Equipment Company for Water Treatment Plant Residuals Handling Improvements. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 1 for the extension of time to the construction contract with Northern Equipment Company for Water Treatment Plant Residuals Handling Improvements.

9. Consider, and Act upon, authorizing the Mayor to sign Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U. S. Department of Transportation Federal Aviation Administration for a term commencing on July 1, 2013 and continuing through June 30, 2015, inclusive. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign Lease Agreement No. DTFACN-13-L-00151.

10. Consider, and act upon, an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering report to meet the requirements of a Consent Order issued by the Oklahoma Department of Environmental Quality for the lump sum fee of \$31,850. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering report to meet the requirements of a Consent Order issued by the Oklahoma Department of Environmental Quality for the lump sum fee of \$31,850.

11. TABLED FROM PREVIOUS MEETING: 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).

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 August 13, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending August 20, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 4, 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, CFO)*
- Confirm action taken on City Council Agenda Item 5, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency *(Toni Ervin, CFO)*

- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a Resolution declaring that the CenterPoint Energy Franchise passed. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 9, authorizing the Mayor to sign Lease Agreement No. DTFACN-13-L-00151 between the City of McAlester and the U. S. Department of Transportation Federal Aviation Administration for a term commencing on July 1, 2013 and continuing through June 30, 2015, inclusive. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the August 13, 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 August 20, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, declaring a 1999 International 4900 Trash Truck with extra rear hopper of property as surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 4 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, CFO)*
- Confirm action taken on City Council Agenda Item 5, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a Resolution declaring that the CenterPoint Energy Franchise passed. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 8, approval of Change Order No. 1, for an extension of twenty-one days to the existing contract with Northern Equipment Company for Water Treatment Plant Residuals Handling Improvements. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- Confirm action taken on City Council Agenda Item 10, an Agreement for Engineering Services with Tetra Tech for the preparation of an engineering report to meet the requirements of a Consent Order issued by the Oklahoma Department of Environmental Quality for the lump sum fee of \$31,850. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the July 23, 2013, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of August 2013. (*Toni Ervin, Interim Chief Financial Officer*)

ADJOURN MRTA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), discussing the employment, hiring appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Attorney, William J. Ervin

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

- Consider, and act upon, the City Attorney Contract.

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