



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, November 26, 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

Stephanie Swinnea, Pastor, All Saints Episcopal 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 November 12, 2013, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 5, 2013 through November 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, to authorize the Mayor to sign a letter as direction to terminate Nationwide Retirement Solution services as the 457 plan provider for the City of McAlester. *(Peter J. Stasiak, City Manager)*
- D. Concur with Mayor's Appointment of Jan Isenberg, 1220 Country Club Rd., to the McAlester Library Board to fill an unexpired term of December 31, 2017. *(Steve Harrison, Mayor)*

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. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE OF THE CITY OF MCALESTER AMENDING SECTION 1-2 (C) TO PART 2 CHAPTER 1, OF THE CODE BY CHANGING THE DATE OF THE RATIFICATION AND ENACTMENT OF THE MCALESTER CITY CHARTER, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

- 1. **Tabled from Previous Meeting.** Discussion on Long-Term Planning for McAlester City Government and a Request for Proposal (RFP) for Long-Term Planning/Teambuilding Services. *(Peter J. Stasiak, City Manager)*

Executive Summary
Discussion Only.

2. 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, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

3. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion Only.

4. 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 an extrication cutter with service equipment, hose adapters for the fire engines, storage lockers for Central Fire Station, and an air compressor for North Fire Station. Purchases to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

5. Consider, and act upon, Final and Contractor's Pay Estimate No. 3 for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve final payment for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport and authorization for the Mayor to sign the Final Application of Payment to Katcon, Inc. resulting in a final contract amount of \$122,373.70.

6. Consider, and act upon, a Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. The total fee to perform these services is a lump sum amount of \$65,850.

7. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Austin Paving, LLC for the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with Austin Paving, LLC for a Total Bid equal to \$584,042.05, for the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

8. Consider and act to approve an Ordinance of the City of McAlester amending Section 1-2 (c) to Part 2 Chapter 1, of the Code by changing the date of the Charters ratification and enactment, repealing all conflicting Ordinances, and Declaring an Emergency. *(Councilman Read, Ward 3)*

Executive Summary

Changing the date of the Charters ratification and enactment.

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 November 12, 2013 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending November 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, to authorize the Mayor to sign a letter as direction to terminate Nationwide Retirement Solution services as the 457 plan provider for the City of McAlester. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 5 Final and Contractor's Pay Estimate No. 3 for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- Confirm action taken on City Council Agenda Item 8, to approve an Ordinance of the City of McAlester amending Section 1-2 (c) to Part 2 Chapter 1, of the Code by changing the date of the Charters ratification and enactment, repealing all conflicting Ordinances, and Declaring an Emergency. *(Councilman Read, Ward 3)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the November 12, 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 November 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, to authorize the Mayor to sign a letter as direction to terminate Nationwide Retirement Solution services as the 457 plan provider for the City of McAlester. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 5 Final and Contractor's Pay Estimate No. 3 for the "Construct High Strength Terminal Apron Aircraft Parking Area" Project at the McAlester Regional Airport. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 6, a Professional Services Agreement with EST, Inc. to provide Construction Management Services during the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a contract between the City of McAlester and Austin Paving, LLC for the construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 8, to approve an Ordinance of the City of McAlester amending Section 1-2 (c) to Part 2 Chapter 1, of the Code by changing the date of the Charters ratification and enactment, repealing all conflicting Ordinances, and Declaring an Emergency. *(Councilman Read, Ward 3)*

ADJOURN MPWA

CONVENE AS McALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the October 22, 2013, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of November 2013. *(Toni Ervin, Interim Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, to authorize the Mayor to sign a letter as direction to terminate Nationwide Retirement Solution services as the 457 plan provider for the City of McAlester. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 8, to approve an Ordinance of the City of McAlester amending Section 1-2 (c) to Part 2 Chapter 1, of the Code by changing the date of the Charters ratification and enactment, repealing all conflicting Ordinances, and Declaring an Emergency. *(Councilman Read, Ward 3)*

ADJOURN MRTA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.4 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:
 - City of McAlester v. Randy Green
 - Blevins v. City of McAlester
 - Fender v. City of McAlester
 - Burris v. City of McAlester

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