



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, April 22, 2014 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Steve Harrison	Mayor
Weldon Smith	Ward One
John Titsworth	Ward Two
Travis Read, Vice Mayor.....	Ward Three
Vacant.....	Ward Four
Buddy Garvin	Ward Five
Jason Barnett.....	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

Pastor Cliff House Lakewood Assembly

ROLL CALL

SWEARING-IN CERMONY

Judge Deborah Hackler will administer the Oath of Office to the Council member:

- Oath of Office – Council member, Ward 4, Robert Karr

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 April 8, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 2, 2014 through April 15, 2014. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, authorization of payment to EST, Invoice No. 31947, in the amount of \$19,755.00 for engineering services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- D. Consider and act upon, authorization of payment to Bank of America Merrill Lynch, Global Custody and Agency Services, Attn: Val Opperman, Escrow Agent for Austin Paving, LLC, in the amount of \$52,237.25 for Pay Estimate No. 2 related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- E. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- F. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 5 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- G. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 16 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- H. Concur with City Manager's recommendation to vote for Earl Burson, City Manager of Harrah, Ms. Janice Cain, Deputy City Treasurer of Duncan and Ms. Pam Polk, City Manager of Collinsville, each to fill a three (3) year term as a Trustee of the Oklahoma Municipal Assurance Group Board of Trustees, which commence on July 1, 2014. *(Peter J. Stasiak, City Manager)*

- I. Consider, and act upon, authorizing the Mayor to sign letter from Mehlburger Brawley acknowledging assignment of listed contracts to Infrastructure Solutions Group, LLC dba Mehlburger Brawley. *(Peter J. Stasiak, City Manager)*

Projects: MC-11-02, MC-11-03, MC-11-05, MC-12-01

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.

- A PUBLIC HEARING ON THE PROPOSED CAPITAL PROGRAM FOR FY 2014/2015 – 2018/2019 FOR THE CITY OF MCALESTER.
- 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, OKLAHOMA, AMENDING CHAPTER 22. ARTICLE II. CREATING SECTION 22. 42.1-7. ESTABLISHING FOR CONSUMER FIREWORKS RETAIL SALES. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2014.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 50. SECTION 50-1. MANUFACTURE, SALE, DISCHARGE, ETC., OF FIREWORKS. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF MAY 1, 2014.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-47. UNLAWFUL RECONNECTION OF SERVICE AFTER CUTOFF. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-48. DAMAGING, DISTURBING, ETC., SYSTEM PROPERTY GENERALLY. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.

- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 106, ARTICLE II, SECTION 106-75. WHEN DUE AND PAYABLE; DELINQUENCY. REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF JULY 1, 2014.

SCHEDULED BUSINESS

1. Discussion, consideration and action to direct staff to authorize Financial Advisor (Municipal Finance Services, Inc.) to prepare and provide loan bid package to interested financial institution(s) with bids to be received by May 13th and provide result of bid(s) to Authority along with approval of proposed debt by Authority\City at regular meeting later that day for approval. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve staff to prepare and provide loan bid package to financial institutions.

- 2 Consider and act upon, a Resolution to adopt the Capital Improvement Program 2014/2015-2018/2019. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the Resolution adopting the Capital Improvement Program for 2014/2015-2018/2019.

3. 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.

4. Consider, and act upon, authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Garrow Construction, LLC of Sapulpa to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

The recommendation is to enter into an agreement with Garrow Construction, LLC for a Total Bid equal to \$284,316.00, to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant.

5. Consider, and act upon, authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Severn Trent Environmental Services, Inc. to Manage, Operate and Maintain the Water Treatment Plant. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve a Contract with Severn Trent Environmental Services, Inc. to Manage, Operate and Maintain the Water Treatment Plant. The Fee Schedule for the first year is \$1,356,096.

6. Consider and act upon a Personal Service Agreement with Quik Gro Erosion Control, LLC for haybaling on the McAlester Watershed, the Steve Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$8,150.00. *(Mel Priddy, Community Services, Director)*

Executive Summary

Motion to approve a Personal Services Agreement with Quik Gro Erosion Control, LLC for haybaling in the amount of \$8,150.00.

7. Discussion and update on Financials. *(Toni Ervin, CFO)*

Executive Summary

Discussion only.

8. Consider, and act upon, an Ordinance amending Chapter 22, Article II, adding Section 22-42.1-7, Licensed retail sales of fireworks. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date of May 1, 2014. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the amendment of the ordinance and adding a section 22-42.1-7.

9. Consider, and act upon, an Ordinance amending Chapter 50, Article I, Section 50-1. Manufacture, sale, discharge, etc., of fireworks. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date of May 1, 2014. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the amendment of the ordinance.

10. Consider, and act upon, an Ordinance amending Chapter 106, Article II, Section 106-47. Unlawful reconnection of service after cutoff. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the amendment of the ordinance.

11. Consider, and act upon, an Ordinance amending Chapter 106, Article II, Section 106-48. Damaging, Disturbing, etc., System property generally, Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the amendment of the ordinance.

12. Consider, and act upon, an Ordinance amending Chapter 106, Article II, Section 106-75. When due and payable: delinquency. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the amendment of the ordinance.

13. Consider and act upon, authorizing the Mayor to sign an agreement between the City of McAlester and Advanced Data Processing, Inc., a subsidiary of Intermedix Corp shall perform and carry out Services as specifically described in Exhibit A, Scope of Services. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve agreement with Intermedix Corporation and authorize the Mayor to sign.

14. Consider, and act upon, approval of bid to Bob Hurley Ford of Oklahoma City for the purchase of three (3) new and unused 2014 Ford Police SUV'S. *(Gary Wansick, Police Chief)*

Motion to approve the lowest and best bid of \$111,978.00 to Bob Hurley Ford for the purchase of three (3) new and unused 2014 equipped Ford Police SUV AWD patrol vehicles.

15. Consideration and action to approve and to authorize the execution of a Professional Services Agreement with LandPlan Consultants, Inc. for Grant Administration; Trail Design and Construction Services for the Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to authorize the execution of a Professional Services Agreement with LandPlan Consultants for Grant Administration; Trail Design and Construction Services for the Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project.

16. Consideration and action to grant a \$26,400 grant from the City's Economic Development Fund (30-5652402) to the City's General Fund to pay the Building Permit Fee for the McAlester Foundation on the 82,500 sq. ft. Berry Plastic Warehouse Project. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to grant a \$26,400 grant from the City's Economic Development Fund (30-5652402) to the City's General Fund to pay the Building Permit Fee for the McAlester Foundation on the 82,500 sq. ft. Berry Plastic Warehouse Project.

17. Consideration and action to approve and to authorize the execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to authorize the execution of a Professional Economic Development Consulting Services Agreement with Retail Attractions.

18. Consideration and action on a Resolution to authorize the creation and the FY2013-2014 funding of an Executive Assistant/Planning Tech position in the Community and

Economic Development Department. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to approve a Resolution to authorize the creation and the FY2013-2014 funding of an Executive Assistant/Planning Tech position in the Community and Economic Development Department.

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 April 8, 2014 Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item B, regarding claims ending April 15, 2014. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 2, a Resolution to adopt the Capital Improvement Program 2014/2015-2018/2019. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 3, 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, discussion and update on Financials. (*Toni Ervin, CFO*)

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

Majority of a Quorum required for approval

- Approval of the Minutes from the April 8, 2014 Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending April 15, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, authorization of payment to EST, Invoice No. 31947, in the amount of \$19,755.00 for engineering services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item D, authorization of payment to Bank of America Merrill Lynch, Global Custody and Agency Services, Attn: Val Opperman, Escrow Agent for Austin Paving, LLC, in the amount of \$52,237.25 for Pay Estimate No. 2 related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item E, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item F, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 5 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item G, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 16 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item I, authorizing the Mayor to sign letter from Mehlburger Brawley acknowledging assignment of listed contracts to Infrastructure Solutions Group, LLC dba Mehlburger Brawley. *(Peter J. Stasiak, City Manager)*

Projects: MC-11-02, MC-11-03, MC-11-05, MC-12-01

- Confirm action taken on City Council Agenda Item 1, action to direct staff to authorize Financial Advisor (Municipal Finance Services, Inc.) to prepare and provide loan bid package to interested financial institution(s) with bids to be received by May 13th and provide result of bid(s) to Authority along with approval of proposed debt by Authority\City at regular meeting later that day for approval. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 2, a Resolution to adopt the Capital Improvement Program 2014/2015-2018/2019. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 3, 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 4, authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Garrow Construction, LLC of Sapulpa to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign a contract between the McAlester Public Works Authority and Severn Trent Environmental Services, Inc. to Manage, Operate and Maintain the Water Treatment Plant. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 7, discussion and update on Financials. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 10, an Ordinance amending Chapter 106, Article II, Section 106-47. Unlawful reconnection of service after cutoff. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 11, an Ordinance amending Chapter 106, Article II, Section 106-48. Damaging, Disturbing, etc., System property generally, Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 12, an Ordinance amending Chapter 106, Article II, Section 106-75. When due and payable: delinquency. Repealing all conflicting ordinances; Providing for a severability clause; and establishing an effective date. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 15, to approve and to authorize the execution of a Professional Services Agreement with LandPlan Consultants, Inc. for Grant Administration; Trail Design and Construction Services for the Oklahoma Tourism and

Recreation Department (OTRD) Belmont Trail Grant Project. *(Leroy Alsup, Community & Economic Development Director)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the March 25, 2014, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of April 2014. *(Toni Ervin, CFO)*

ADJOURN MRTA

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 and Section 307.B.2, et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak
- 2) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP & IAFF

RECONVENE COUNCIL MEETING

Take any action necessary from Executive Session discussion.

1. Consider, and act upon, the City Manager’s Contract.

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2014 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