



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, May 13, 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
- Robert Karr 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 Scott Walker, Shared Blessings

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 April 22, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 16, 2014 through May 6, 2014. *(Toni Ervin, Chief Financial Officer)*
- C. Approve, and Authorize the Mayor to sign forms necessary to view the City of McAlester's BancFirst accounts online. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, authorizing the Mayor to sign a Resolution amending Healthcare Coverage with Oklahoma Public Employees Health & Wellness in the amount of \$476.14 per full time regular employee and to include Vision Coverage in the amount of \$6.28 for a period of July 1, 2014 through June 30, 2015, and appointing a member of the City of McAlester Administration to the OPEH&W Plan Board. *(Toni Ervin, Chief Financial Officer & Peter J. Stasiak, City Manager)*
- E. Consider and act upon, authorization of payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management 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)*
- F. Consider and act upon, authorization of payment to Poe & Associates, Inc., Invoice No. 0-203031-8595, in the amount of \$39,810.95 for engineering services related to CIP#2 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)*
- G. Consider and act upon, authorization of payment to Mehlburger Brawley, Invoice No. MC-14-01-01, in the amount of \$55,900.00 for engineering services related to CIP#3 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)*
- H. Consider and act upon, an Agreement for the funding of \$15,000 for the 2014 Junior Sunbelt Classic. *(Cora Middleton, City Clerk)*
- I. Accept and place on file the McAlester Main Street report for Third Quarter Report FY 2013-2014. *(Ginny Webb, Executive Director)*
- J. Accept and place on file the Oklahomans for Independent Living (OIL) report for Third Quarter Report FY 2013-2014. *(Pam Pulchny, Executive Director O.I.L.)*
- K. Accept and place on file the Pride in McAlester report for Third Quarter Report FY 2013-2014. *(Regina Peoples, Executive Director O.I.L.)*

- L. Concur with Mayor's reappointment of Larry Bishop to the McAlester Cemetery Board for a term to expire December 31, 2014. *(Mayor, Steve Harrison)*
- M. Concur with Mayor's reappointment of Ruth Harkins to the McAlester Cemetery Board for a term to expire December 31, 2015. *(Mayor, Steve Harrison)*
- N. Concur with Mayor's reappointment of Phillip Stizza to the McAlester Cemetery Board for a term to expire December 31, 2016. *(Mayor, Steve Harrison)*
- O. Concur with Mayor's reappointment of Ryan Braswell to the McAlester Cemetery Board for a term to expire December 31, 2016. *(Mayor, Steve Harrison)*
- P. Concur with Mayor's reappointment of John Goodyear to the McAlester Cemetery Board for a term to expire December 31, 2014. *(Mayor, Steve Harrison)*
- Q. Concur with Mayor's reappointment of Clark Ward to the McAlester Cemetery Board for a term to expire December 31, 2014. *(Mayor, Steve Harrison)*

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, 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. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION AUTHORIZING THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") TO ISSUE ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2014 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,910,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; RATIFYING AND CONFIRMING A

SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF AN INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE PERTAINING TO THE CITY'S WATER, SANITARY SEWER, AND GARBAGE SYSTEMS; ESTABLISHING THE AUTHORITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE AUTHORITY IN CALENDAR YEAR 2014, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.
(Jon Wolff Municipal Finance Services, Inc. and Alan Brooks, Public Finance Law Group PLLC)

Executive Summary

MOTION TO APPROVE A RESOLUTION AUTHORIZING THE MCALESTER PUBLIC WORKS AUTHORITY "THE AUTHORITY" TO ISSUE ITS UTILITY SYSTEM AND SALES TAX REVENUE SERIES 2013.

2. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2014 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A SALES TAX AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUES; RATIFYING AND CONFIRMING A LEASE PERTAINING TO THE CITY'S WATER, SANITARY SEWER, AND GARBAGE SYSTEMS; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2014, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.
(Jon Wolff Municipal Finance Services, Inc. and Alan Brooks, Public Finance Law Group PLLC)

Executive Summary

MOTION TO APPROVE RESOLUTION WITH RESPECT TO A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2013 (THE "NOTE")

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, Change Order No. 1 to the contract with Goodwin & Goodwin for the construction of 2013 CDBG Water Improvements along West Street and Birch Street and authorize the Mayor to sign Change Order No. 1 in the amount of \$35,600.00. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve Change Order No. 1 to Goodwin & Goodwin and authorizing the Mayor to sign the Change Order changing the Contract amount to \$119,080.00.

5. Consider and act upon awarding bid in the amount of \$34,690.00 for two new and unused 2014 - 4wd commercial diesel front deck mowers for Oakhill Cemetery. *(Mel Priddy, Community Services Director)*

Executive Summary

Motion to approve the amount of bid to Stewart Martin Equipment for two new and unused - 4wd commercial diesel front deck mowers for Oakhill Cemetery.

6. Tabled from previous meeting. 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.

7. Discussion of amendments to Sec 102-98 of the McAlester City Code, or otherwise imposing additional or alternate restrictions on parking on city streets, to reduce traffic obstructions, and insure residential access. Said Discussion to include exceptions for designated business areas and applicable fines. *(John Titsworth, Councilman Ward 2)*

Executive Summary

Discussion only.

8. Discussion on amending City of McAlester zoning code to allow loft apartments down town McAlester. *(John Titsworth, Councilman Ward 2)*

Executive Summary

Discussion only.

9. Presentation and Submittal of the Preliminary Annual Operating Budget for FY 2014/2015. *(Toni Ervin, Chief Financial Officer for Peter J. Stasiak, City Manager)*

Executive Summary

Set a Special Workshop Session to discuss and review the 2014/2015 Preliminary Budget.

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 22, 2014 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending May 6, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item D, authorizing the Mayor to sign a Resolution amending Healthcare Coverage with Oklahoma Public Employees Health & Wellness in the amount of \$476.14 per full time regular employee and to include Vision Coverage in the amount of \$6.28 for a period of July 1, 2014 through June 30, 2015, and appointing a member of the City of McAlester Administration to the OPEH&W Plan Board. *(Toni Ervin, Chief Financial Officer & Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 9, Presentation and Submittal of the Preliminary Annual Operating Budget for FY 2014/2015. *(Toni Ervin, Chief Financial Officer for Peter J. Stasiak, City Manager)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the April 22, 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 May 6, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, the Mayor to sign forms necessary to view the City of McAlester's BancFirst accounts online. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item D, authorizing the Mayor to sign a Resolution amending Healthcare Coverage with Oklahoma Public Employees Health & Wellness in the amount of \$476.14 per full time regular employee and to include Vision Coverage in the amount of \$6.28 for a period of July 1, 2014 through June 30, 2015, and appointing a member of the City of McAlester Administration to the OPEH&W Plan Board. *(Toni Ervin, Chief Financial Officer & Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item E, authorization of payment to EST, Invoice No. 32134, in the amount of \$13,170.00 for Construction Management 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 F, authorization of payment to Poe & Associates, Inc., Invoice No. 0-203031-8595, in the amount of \$39,810.95 for engineering services related to CIP#2 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 G, authorization of payment to Mehlburger Brawley, Invoice No. MC-14-01-01, in the amount of \$55,900.00 for engineering services related to CIP#3 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 1, WITH RESPECT TO A RESOLUTION AUTHORIZING THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") TO ISSUE ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2014 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,910,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; RATIFYING AND CONFIRMING A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO

A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF AN INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; RATIFYING AND CONFIRMING A LEASE PERTAINING TO THE CITY'S WATER, SANITARY SEWER, AND GARBAGE SYSTEMS; ESTABLISHING THE AUTHORITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE AUTHORITY IN CALENDAR YEAR 2014, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO. *(Jon Wolff Municipal Finance Services, Inc. and Alan Brooks, Public Finance Law Group PLLC)*

- CONFIRM ACTION TAKEN ON CITY COUNCIL AGENDA ITEM 2, WITH RESPECT TO A RESOLUTION OF THE CITY OF MCALESTER, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE MCALESTER PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM AND SALES TAX REVENUE NOTE, SERIES 2014 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING AND CONFIRMING A SALES TAX AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUES; RATIFYING AND CONFIRMING A LEASE PERTAINING TO THE CITY'S WATER, SANITARY SEWER, AND GARBAGE SYSTEMS; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2014, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO. *(Jon Wolff Municipal Finance Services, Inc. and Alan Brooks, Public Finance Law Group PLLC)*

- 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, Change Order No. 1 to the contract with Goodwin & Goodwin for the construction of 2013 CDBG Water Improvements along West Street and Birch Street and authorize the Mayor to sign Change Order No. 1 in

the amount of \$35,600.00. *John C. Modzelewski, P.E., City Engineer and Public Works Director*)

- Confirm action taken on City Council Agenda Item 6, 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 9, Presentation and Submittal of the Preliminary Annual Operating Budget for FY 2014/2015. *(Toni Ervin, Chief Financial Officer for Peter J. Stasiak, City Manager)*

ADJOURN MPWA

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: IAFF
- 3) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP

RECONVENE COUNCIL MEETING

Take any action necessary from Executive Session discussion.

1. Consider, and act upon, the City Manager’s Contract.
2. Consider, and act upon, the Collective Bargaining Agreement between the City of McAlester and the Fraternal Order of Police, Lodge 97, effective July 1, 2014 through June 30, 2015.

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