



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, June 24, 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

Capt. Daniels of the Salvation Army

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 May 27, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 4, 2014 through June 16, 2014. *(Toni Ervin, Chief Financial Officer)*
- C. Tabled from Previous Meeting. Consider, and act upon, authorizing the Mayor to sign a City County Agreement for a Joint Civil Defense/Emergency Management Administration between the Board of County Commissioners of Pittsburg County of Oklahoma and the City of McAlester for funding in the amount of \$42,500. *(Peter J. Stasiak, City Manager)*
- D. Tabled from Previous Meeting. Consider, and act upon, authorizing the Mayor to sign an agreement between City of McAlester and the Blackboard Connect, Inc. to provide a fully hosted alert notification system for emergency notifications, by way of a Master Agreement dated June 17, 2014. *(Peter J. Stasiak, City Manager)*
- E. Tabled from Previous Meeting. Concur with Mayor's Appointment of Heather Para, 1102 S. 2nd Street, McAlester, 74501 to the McAlester Library Advisory Board for an unexpired term ending December, 2015. *(Steve Harrison, Mayor)*
- F. Concur with Mayor's Re-Appointment of Steve Brock, 1411 Country Club Rd, McAlester, 74501 to the McAlester Personnel Board for an unexpired term ending July, 2020. *(Steve Harrison, Mayor)*
- G. Consider, and act upon, authorizing the Mayor to sign a Public Works Project (PPWA) Contract between the Oklahoma Department of Corrections and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- H. Consider, and act upon, authorizing the Mayor to sign an agreement between Robison International, Inc. and the McAlester Defense Support Association (MDSA) and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- I. Consider, and act upon, authorizing the Mayor to sign an agreement for one year between the City of McAlester and McAlester Regional Health Center Authority for the full use of the MRHC's Wellness Center. *(Peter J. Stasiak, City Manager)*
- J. Consider and act upon two revised resolutions of support for the Southwinds Aldridge Apartments, LP Development and authorizing direct contribution, expense reimbursement, provision of in-kind service, fee waiver or any combination thereof in the amount of \$14,001 in support of the Development from Economic Development funds. *(Leroy Alsup, Director of Community and Economic Development)*

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 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 LOTS 1, 2, 3, 4, AND 5, IN BLOCK 660; AND SHAWNEE AVENUE ADJACENT TO LOTS 1, 2, 3, 4, AND 5, IN BLOCK 660 AND LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654; AND LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654; AND THE ALLEY ADJACENT TO LOTS 6, 7, 8, 9 AND 10 IN BLOCK 654 AND LOTS 1, 2, 3, 4 AND 5 IN BLOCK 654; AND THE SOUTHERLY 55.0 FEET OF LOTS 1, 2, 3, 4 AND 5, IN BLOCK 654; ALL IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT).
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY.
- A NEW ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 46, ENVIRONMENT, ARTICLE II, NUISANCES, ADDING DEFINITIONS, TO THE CITY OF MCALESTER CODE OF ORDINANCES; ADDING SECTION 46-33, DECLARATION OF SYNTHETIC CANNABINOIDS AND INCENSE AS A PUBLIC NUISANCE; ADDING SECTION 46-32, POSSESSION, USE, SALE OR DISPLAY OF SYNTHETIC CANNABINOIDS AND INCENSE; BY ADDING SECTION 46-34, ENFORCEMENT; ADDING SECTION 46-35, PENALTY FOR VIOLATION BY ADDING SECTION 46-36; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND FURTHER DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider, and act upon, a request from Allied Waste/Republic Services increasing the solid waste collection rate for Residential and Commercial customers by 1.98% based on the increase in the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve the new service residential and commercial rate increase of 1.98% based on the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013. The staff recommends no increase to residents at this time, but to raise the Commercial rates.

2. Consider and act upon a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); adopting a site specific Affordable Housing Revitalization Plan; and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001. *(Leroy Alsup, Director of Community and Economic Development)*

Executive Summary

Motion to approve a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); adopting a site specific Affordable Housing Revitalization Plan; and authorizing a monetary contribution from Economic Development funds in the amount of \$14,001.

3. Consider and act upon 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 Lots 1, 2, 3, 4, and 5, in Block 660; and Shawnee Avenue adjacent to Lots 1, 2, 3, 4, and 5, in block 660 and Lots 6, 7, 8, 9 and 10 in Block 654; and Lots 6, 7, 8, 9 and 10 in Block 654; and the Alley adjacent to Lots 6, 7, 8, 9 and 10 in Block 654 and Lots 1, 2, 3, 4 and 5 in Block 654; and the Southerly 55.0 feet of Lots 1, 2, 3, 4 and 5, in Block 654; all in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B (single-family residential district) to R-3 (multi-family dwelling district). *(Leroy Alsup, Director of Community and Economic Development)*

Executive Summary

Motion to act upon and approve the above Ordinance changing the classifications of the zoning district for the property identified in the Ordinance from R1-B (single-family residential district) to R-3 (multi-family dwelling district) and authorizing the Mayor to sign the ordinance.

4. 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.

5. Consider, and act upon, authorizing the Mayor to sign agreement with Jordan Carris Insurance for Renewal of Excess Worker's Compensation Insurance coverage. *(Toni Ervin, CFO)*

Executive Summary

Motion to authorize the Mayor to sign agreements with Jordan Carris Insurance for Excess Worker's Compensation Insurance coverage choosing the Option #3 at \$52,305 Premium option with a \$600,000 retention.

6. Consider, and act upon, request that 25 parcels of land belonging to the City of McAlester and located within the City limits be offered for sale with a lower reserve amount than the original bid package. *(Sheila Norman, Purchasing Fixed Assets and Toni Ervin, CFO)*

Executive Summary

Motion to approve request for 25 parcels of land to be offered for sale with a lower reserve amount than the original bid package.

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

Executive Summary

Discussion only.

8. Discussion, and possible action, on approval of certain costs related to the Fire Department. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the acceptance of a bid from Wheeled Coach, for a new commercially built emergency medical ambulance.

9. CONSIDER AND ACT TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY. *(Councilman Travis Read, Ward 3)*

Executive Summary

Ordinance Amending Section 2-69, Board of Ethics.

10. CONSIDER AND ACT TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY. *(Councilman Travis Read, Ward 3)*

Executive Summary

Ordinance amending Section 2-68, Conflict of Interest.

11. CONSIDER AND ACT TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 46, ENVIRONMENT, ARTICLE II, NUISANCES, ADDING DEFINITIONS, TO THE CITY OF MCALESTER CODE OF ORDINANCES; ADDING SECTION 46-33, DECLARATION OF SYNTHETIC CANNABINOIDS AND INCENSE AS A PUBLIC NUISANCE; ADDING SECTION 46-32, POSSESSION, USE, SALE OR DISPLAY OF SYNTHETIC CANNABINOIDS AND INCENSE; BY ADDING SECTION 46-34, ENFORCEMENT; ADDING SECTION 46-35, PENALTY FOR VIOLATION BY ADDING SECTION 46-36; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND FURTHER DECLARING AN EMERGENCY. *(Councilman Travis Read, Ward 3)*

Executive Summary

Staff Recommends adoption of the Ordinance prohibiting the sale of herbal incense, and declaring an emergency.

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 June 10, 2014, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending June 16, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item I, authorizing the Mayor to sign an agreement for one year between the City of McAlester and McAlester Regional Health Center Authority for the full use of the MRHC's Wellness Center. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 9, TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY. *(Councilman Travis Read, Ward 3)*
- Confirm action taken on City Council Agenda Item 10, TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-68, CONFLICT OF INTEREST, AND DECLARING AN EMERGENCY. *(Councilman Travis Read, Ward 3)*

- Confirm action taken on City Council Agenda Item 11, TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 46, ENVIRONMENT, ARTICLE II, NUISANCES, ADDING DEFINITIONS, TO THE CITY OF MCALESTER CODE OF ORDINANCES; ADDING SECTION 46-33, DECLARATION OF SYNTHETIC CANNABINOIDS AND INCENSE AS A PUBLIC NUISANCE; ADDING SECTION 46-32, POSSESSION, USE, SALE OR DISPLAY OF SYNTHETIC CANNABINOIDS AND INCENSE; BY ADDING SECTION 46-34, ENFORCEMENT; ADDING SECTION 46-35, PENALTY FOR VIOLATION BY ADDING SECTION 46-36; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND FURTHER DECLARING AN EMERGENCY. (*Councilman Travis Read, Ward 3*)

ADJOURN MAA

CONVENE AS MCALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the June 10, 2014, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item B, regarding claims ending June 16, 2014. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item G, authorizing the Mayor to sign a Public Works Project (PPWA) Contract between the Oklahoma Department of Corrections and the City of McAlester. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item I, authorizing the Mayor to sign an agreement for one year between the City of McAlester and McAlester Regional Health Center Authority for the full use of the MRHC's Wellness Center. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 1, a request from Allied Waste/Republic Services increasing the solid waste collection rate for Residential and Commercial customers by 1.98% based on the increase in the CPI for Urban Wage Earners and Clerical Workers "All Items Index" Midwest Region, Size Class D (50,000 or less) and the U.S. City Average, other Motor Fuels as of April 2013. (*Peter J. Stasiak, City Manager*)
- Confirm action taken on City Council Agenda Item 2, a Resolution supporting the Meadows at McAlester, Limited Partnership's application for an allocation of 2014 Affordable Housing Tax Credits and HOME Funds from the Oklahoma Housing Finance Agency (OHFA); adopting a site specific Affordable Housing Revitalization Plan; and

authorizing a monetary contribution from Economic Development funds in the amount of \$14,001. (*Leroy Alsup, Director of Community and Economic Development*)

- Confirm action taken on City Council Agenda Item 3, 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 Lots 1, 2, 3, 4, and 5, in Block 660; and Shawnee Avenue adjacent to Lots 1, 2, 3, 4, and 5, in block 660 and Lots 6, 7, 8, 9 and 10 in Block 654; and Lots 6, 7, 8, 9 and 10 in Block 654; and the Alley adjacent to Lots 6, 7, 8, 9 and 10 in Block 654 and Lots 1, 2, 3, 4 and 5 in Block 654; and the Southerly 55.0 feet of Lots 1, 2, 3, 4 and 5, in Block 654; all in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma from R1-B (single-family residential district) to R-3 (multi-family dwelling district). (*Leroy Alsup, Director of Community and Economic Development*)
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign agreement with Jordan Carris Insurance for Renewal of Excess Worker's Compensation Insurance coverage. (*Toni Ervin, CFO*)
- Confirm action taken on City Council Agenda Item 9, TO ADOPT AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING SECTION 2-69, BOARD OF ETHICS, AND DECLARING AN EMERGENCY. (*Councilman Travis Read, Ward 3*)
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ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the May 27, 2014, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of June 2014. (*Toni Ervin, CFO*)

ADJOURN MRTA

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) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF
- 2) 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:
 - a. City of McAlester v. Randy Green
 - b. Fender v. City of McAlester
 - c. Katcon, Inc. v. City of McAlester CJ-2014-109

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

- Consider, and act upon, the IAFF, Local 2284, 2014-2015 Contract.
- Consider, and act upon, regarding settlement in Katcon v. City of McAlester Cs# CJ-2014-109

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