



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, November 25, 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](http://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**

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*Announce the presence of a Quorum.*

#### **INVOCATION & PLEDGE OF ALLEGIANCE**

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#### **ROLL CALL**

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## **RECOGNITION AWARDS**

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Oklahoma Municipal League, Inc. – Honor Roll of Service. *(Mayor Steve Harrison)*

### Recognition of a Quarter Century of Service to the City of McAlester

Sherry Alessi  
Carol Janisch  
Phillip Stipe  
Sheila Lovett  
Kim Troussel

## **CITIZENS COMMENTS ON NON-AGENDA ITEMS**

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*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**

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*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 October 28, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the November 6, 2014, Rescheduled Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for November 1, 2014 through November 18, 2014. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and place on file the Pride in McAlester 1<sup>st</sup> Quarter Performance Report. *(Regina Peoples, Executive Director)*
- E. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 140342-KW. *(Cora Middleton, City Clerk)*
- F. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 140421-ME. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, authorization of payment to Poe & Associates, Inc., Invoice # 0-102096-9556, in the amount of \$116,006.72, for engineering services related to CIP#4 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, receipt of the following permits from the Oklahoma Department of Environmental Quality (ODEQ) to serve the City of McAlester's CIP#3 on Second Street: Permit No. WL 000061140816 for the construction of 2,760 linear feet of six (6) inch PVC potable water line, 430 linear feet of ten (10) inch PVC potable water line, 110 linear feet of sixteen (16) inch PVC potable water line, and all appurtenances; Permit No. SL000061140815 for the construction of 3,300 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- I. Consider and approve resolution and application for the 2060 Drought Grant from Oklahoma Water Resources Board. This Consent Item is to authorize the application for a grant with a maximum value of \$500,000. No matching City funds are required. (*Toni Ervin, Chief Financial Officer*)

## **ITEMS REMOVED FROM CONSENT AGENDA**

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### **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. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-15; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING SECTION "62-197, R-1B SINGLE FAMILY RESIDENTIAL DISTRICT" OF THE McALESTER CITY CODE REGARDING ZONING USES PERMITTED AFTER REVIEW; REPEALING ALL CONFLICTING ORDINANCES 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 LOT 3 LESS THE NORTHERLY 430 FEET OF THE EASTERLY 100 FEET THEREOF; AND THE NORTHERLY 70 FEET OF THE SOUTHERLY 230 FEET OF LOT 4; AND THE NORTH-HALF OF LOT 13 LYING NORTH OF U.S. HIGHWAY NO. 270; ALL IN TOWNSITE ADDITION NO. 2, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R1-B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO R-3 (MULTI-FAMILY DWELLING DISTRICT).

## **SCHEDULED BUSINESS**

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1. Presentation of the McAlester Regional Health Center Authority Audit for Fiscal Year 2014. (*David Keith, CEO, Darryl Linnington, CFO, McAlester Regional health Center*)

### Executive Summary

Presentation of the McAlester Regional Health Center Authority Audit for Fiscal Year 2014.

2. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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. Consider and act upon, authorizing the Mayor to sign a lease agreement with Resonance Broadband to install wireless infrastructure on all city owned water towers. (*James Stanford, IT Computer Support Specialist*)

### Executive Summary

Motion to approve authorizing the Mayor to sign lease agreement with Resonance Broadband.

4. Consider and act upon, a resolution authorizing the creation and funding of the Part Time Position of Associate Municipal Judge. (*Toni Ervin, Chief Financial Officer*)

### Executive Summary

Staff recommends motion to approve resolution for the Part Time Position of Associate Municipal Judge.

5. Consider and act upon, an Ordinance proposed by City Councilman Robert Karr to amend Section "62-197, R-1B Single Family Residential District" of the McAlester City Code to add Barbershop and/or Beauty Shop to the uses permitted after review in R-1B Single Family Residential Districts and providing certain definitions and restrictions. (*Leroy Alsup, Community and Economic Development Director*)

### Executive Summary

The McAlester Planning Commission recommends that the proposed ordinance to amend Section "62-197, R-1B Single Family Residential District" of the McAlester City Code to add Barbershop and/or Beauty Shop to the uses permitted after review in R-1B Single Family Residential Districts and providing certain definitions and restrictions not be adopted.

6. 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 Lot 3 less the Northerly 430 feet of the Easterly 100 feet thereof; and The Northerly 70 feet of the Southerly 230 feet of Lot 4; and the North-Half of Lot 13 lying North of U.S. Highway No. 270; all in Townsite Addition No. 2, Pittsburg County, State of Oklahoma from R1-B (single-family residential district) to R-3 (multi-family dwelling district). (*Leroy Alsup, Community and Economic Development Director*)

**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.

7. Consider and act upon, a "Use Permitted After Review" for Cherokee Communication to construct a 10' by 12' structure on their property at 725 North G Street for a hub to house fiber optic and transmission equipment for their utility. *(Leroy Alsup, Community and Economic Development Director)*

**Executive Summary**

Motion to approve the "Use Permitted After Review" for Cherokee Communication to construct a 10' by 12' structure on their property at 725 North G Street for a hub to house fiber optic and transmission equipment for their utility and to authorize the Mayor to execute the Cherokee Communication "Use Permitted After Review" approval form.

8. Discussion and review on Ordinance No. 2291, an ordinance of the City of McAlester, Oklahoma, creating section 2-258, emergency fund, and declaring an emergency. *(Peter J. Stasiak, City Manager)*

**Executive Summary**

Council review and discussion.

**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 6, 2014, Rescheduled Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item C, regarding claims ending November 18, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign a lease agreement with Resonance Broadband to install wireless infrastructure on all city owned water towers. *(James Stanford, IT Computer Support Specialist)*

## ADJOURN MAA

### **CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the November 6, 2014, Rescheduled Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending November 18, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item G, authorization of payment to Poe & Associates, Inc., Invoice # 0-102096-9556, in the amount of \$116,006.72, for engineering services related to CIP#4 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 H, receipt of the following permits from the Oklahoma Department of Environmental Quality (ODEQ) to serve the City of McAlester's CIP#3 on Second Street: Permit No. WL 000061140816 for the construction of 2,760 linear feet of six (6) inch PVC potable water line, 430 linear feet of ten (10) inch PVC potable water line, 110 linear feet of sixteen (16) inch PVC potable water line, and all appurtenances; Permit No. SL000061140815 for the construction of 3,300 linear feet of eight (8) inch PVC sanitary sewer line and all appurtenances. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action on City Council Agenda Item I, approve resolution and application for the 2060 Drought Grant from Oklahoma Water Resources Board. This Item is to authorize the application for a grant with a maximum value of \$500,000. No matching City funds are required. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign a lease agreement with Resonance Broadband to install wireless infrastructure on all city owned water towers. (*James Stanford, IT Computer Support Specialist*)
- Confirm action taken on City Council Agenda Item 5, an Ordinance proposed by City Councilman Robert Karr to amend Section "62-197, R-1B Single Family Residential District" of the McAlester City Code to add Barbershop and/or Beauty Shop to the uses permitted after review in R-1B Single Family Residential Districts and providing certain definitions and restrictions. (*Leroy Alsup, Community and Economic Development Director*)
- Confirm action taken on City Council Agenda Item 6, 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 Lot 3 less the Northerly 430 feet of the Easterly 100 feet thereof; and The Northerly 70 feet of the Southerly 230 feet of Lot 4; and the North-Half of Lot 13 lying North of U.S. Highway No. 270; all in Townsite Addition No. 2, Pittsburg County, State of Oklahoma from R1-B (single-family residential district) to R-3 (multi-family dwelling district). (*Leroy Alsup, Community and Economic Development Director*)
- Confirm action taken on City Council Agenda Item 7, a "Use Permitted After Review" for Cherokee Communication to construct a 10' by 12' structure on their property at 725 North G Street for a hub to house fiber optic and transmission equipment for their utility. (*Leroy Alsup, Community and Economic Development Director*)

#### ADJOURN MPWA

#### **CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the October 28, 2014, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of November, 2014. (*Toni Ervin, CFO*)

#### ADJOURN MRTA

#### **RECONVENE COUNCIL MEETING**

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**EXECUTIVE SESSION**

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

- 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: Denis Vogel Settlement
- 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: Katcon vs. City of McAlester, Pittsburg County District Court Case Number CJ-2014-109.

**RECONVENE INTO OPEN SESSION**

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*Take any action as a result from Executive Session.*

- Consider and act to authorize settlement of the workers compensation claim of Denis Vogel.
- Consider and act to approve settlement offer of Katcon, Inc.

**ADJOURNMENT**

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**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](http://www.cityofmcalester.com).*

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**Cora M. Middleton, City Clerk**