



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, April 26, 2011 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Kevin E. Priddle Mayor
Weldon Smith Ward One
Steve Harrison Ward Two
John Browne Vice-Mayor, Ward Three
Robert Karr Ward Four
Buddy Garvin Ward Five
Sam Mason 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

Betty Shelby, BEBE Chapel

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 March 31, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the April 5, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the April 12, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for April 13, 2011 through April 26, 2011. *(Gayla Duke, Chief Financial Officer)*
- E. A Resolution to adopt the Capital Improvement Program 2011/2012-2015/2016 as stated by the City Charter Section 5.12 (b) City Council Action on Capital Program, which states "The City Council by resolution shall adopt the capital program with or without amendment after the public hearing(s) on or before the last day of April of the current fiscal year. If the City Council fails to adopt the capital program by such date, the current capital program will continue in effect." *(Peter J. Stasiak, City Manager)*
- F. Authorize Mayor to sign a Ratification of Lease on March 2, 2009, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: *(Peter J. Stasiak, City Manager)*
 - 2009 M2-106 Freightliner tandem axle Truck VIN: 1FVHCYBS59DAN2552
 - 2009 M2-106 Freightliner tandem axle Truck VIN: 1FVHCYBS39DAN2551
- G. Authorize Mayor to sign the One (1) year State Contract SW403 between City of McAlester and SimplexGrinnell in the amount of \$4,118 for maintenance and annual testing of Fire Alarm System in City Hall. *(Peter J. Stasiak, City Manager)*
- H. Authorize Mayor to sign the One (1) year State Contract SW403 between City of McAlester and SimplexGrinnell in the amount of \$1,002.00 for maintenance and annual testing of Fire Alarm System in Southeast Expo Center. *(Peter J. Stasiak, City Manager)*
- I. Authorize Mayor to sign a Contract between the City of McAlester and Z-Bird Vending for Full Service Vending. *(Peter J. Stasiak, City Manager)*
- J. Concur with Mayor's Re-Appointment of Joyce Carlson to the Pittsburg County Regional Expo Authority Board for a term to expire June 2013. *(Kevin E. Priddle, Mayor)*
- K. Concur with Mayor's Re-Appointment of Kathy Crowl to the Personnel Board for a term to expire July 2013. *(Kevin E. Priddle, Mayor)*

- L. Authorize the Mayor to sign a Letter of Engagement for Actuarial Services with Apex Global Partners (AGP). (*Gayla Duke, Chief Financial Officer*)
- M. Authorize the Pittsburg County Chapter of the NAACP to use Michael J. Hunter Park on Saturday, June 18, 2011, between the hours of 9:00 a.m. to 9:00 p.m., for the Annual Juneteenth Celebration. (*Maureen Harrison, Pittsburg County Chapter of the NAACP*)

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. 2361 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2010-2011; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**
- **AN ORDINANCE AMENDING SECTION 6-1. PUBLIC DRINKING AND INTOXICATION; CREATING SECTION 6-3, SPECIAL EVENTS; OF ARTICLE I. IN GENERAL; PROVIDING FOR THE SEVERABILITY THEREOF AND DECLARING AN EMERGENCY.**

SCHEDULED BUSINESS

1. Report and discussion on McAlester Regional Health Authority. (*Presented by Brian Dietz, Interim CEO, McAlester Regional Hospital*)

Executive Summary

Update on the McAlester Regional Health Authority.

2. Consider, and act upon, authorizing the purchase of one New 2011 Gradall Model XL3100 (4X4) Tier IV excavator. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve the purchase of one New 2011 Gradall Model XL3100 (4X4) Tier IV excavator, at a cost of \$313,629, from Kirby-Smith Machinery, Inc. located at 12304 E. Pine, Tulsa, Oklahoma.

3. Consider and Act Upon, revised Administrative Policy #14 – Out of Town Travel. (*Peter J. Stasiak, CM*)

Executive Summary

To revise the Administrative Policy #14 for Out of Town Travel.

4. Financial and Treasury Reports for month ending March 31, 2011, fiscal year 2010-2011.
(*Gayla Duke, Chief Financial Officer*)

Executive Summary

Presentation and discussion of finance reports.

5. Consider, and act upon, approval of the attached Budget Transfers for FY 10-11 Budget.
(*Gayla Duke, Chief Financial Officer*)

Executive Summary

A motion to approve the budget transfers.

6. Consider, and act upon, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)

Executive Summary

A motion to approve the budget amendment ordinance.

7. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community. (*Dennis Lalli, Building Inspector and Peter J. Stasiak, City Manager*)

Executive Summary

A motion to approve a Resolution declaring certain buildings as dilapidated and subject to removal.

8. Consider, and act upon, an Ordinance of the City of McAlester amending Section 6-1. Public Drinking and Intoxication. Creating Section 6-3, Special Events., of Article I, In General; Providing for the Severability thereof and Declaring an Emergency. (*Mayor, Kevin E. Priddle and Vice Mayor, John Browne*)

Executive Summary

A motion to approve an Ordinance of the City of McAlester amending Section 6-1. Public Drinking and Intoxication. Creating Section 6-3, Special Events, of Article I, In General; Providing for the Severability thereof 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

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the April 12, 2011, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending April 12, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, revised Administrative Policy #14 – Out of Town Travel. *(Peter J. Stasiak, CM)*
- Confirm action taken on City Council Agenda Item 4, Financial and Treasury Reports for month ending March 31, 2011, fiscal year 2010-2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 5, approval of the attached Budget Transfers for FY 10-11 Budget. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 6, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Gayla Duke, Chief Financial Officer)*

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

Majority of a Quorum required for approval

- Approval of the Minutes from the April 12, 2011, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending April 12, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, authorizing the purchase of one New 2011 Gradall Model XL3100 (4X4) Tier IV excavator. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

- Confirm action taken on City Council Agenda Item 3, revised Administrative Policy #14 – Out of Town Travel. (*Peter J. Stasiak, CM*)
- Confirm action taken on City Council Agenda Item 4, Financial and Treasury Reports for month ending March 31, 2011, fiscal year 2010-2011. (*Gayla Duke, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 5, approval of the attached Budget Transfers for FY 10-11 Budget. (*Gayla Duke, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 6, an Ordinance amending Ordinance No. 2361 which established the budget for fiscal year 2010-2011; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Gayla Duke, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 7, a Resolution declaring certain buildings as dangerous by reason of dilapidation and a detriment to the welfare of the public and community. (*Dennis Lalli, Building Inspector and Peter J. Stasiak, City Manager*)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the March 22, 2011, Regular Meeting of the McAlester Retirement Trust Authority. (*Cora Middleton, City Clerk*)
- Approval of Retirement Benefit Payments for the Period of April 2011. (*Gayla Duke, Chief Financial Officer*)

ADJOURN MRTA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 and 307 B.4 and et.seq. Oklahoma Statutes, to wit:

- Title 25, Sec. 307.B.1: Discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter J. Stasiak; City Clerk, Cora Middleton

- Title 25, Sec. 307.B.4: 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 Case No. C-06-844
 - Mary Baird v. City of McAlester, Case No. C-09-244
 - Ida Jewel Martin v. McAlester Regional Health Center, et al., Case No. C-09-29
 - McAlester Economic Development v. Tandem Technologies, Case No. C-07-1403
 - Bravo Construction vs. City of McAlester (Pending in Arbitration)
 - Morris v. City of McAlester 2010-CIV-200-FHS
 - City of McAlester vs. IAFF (Declaratory Judgment Action) (CV-2011-35).

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2011 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