



# McAlester City Council

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## NOTICE OF MEETING

### Regular Meeting Agenda

Tuesday, June 14, 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](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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Pastor Stephanie Swinnea, All Saints Episcopal Church

#### **ROLL CALL**

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#### **AWARD PRESENTATION**

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Employee of the Month for May 2011 is Lori Stevens, Utility Office Customer Service Clerk.

**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 10, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the May 10, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the May 19, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for May 25, 2011 through June 14, 2011. *(Gayla Duke, Chief Financial Officer)*
- E. To authorize the expenditure of \$15.00 for Councilman Steve Harrison registration fee to attend the Department of Commerce Seminar at the Kiamichi Technology Center in McAlester on June 22, 2011. *(Cora Middleton, City Clerk)*
- F. Authorize the Mayor to sign a Resolution directing filing and notification for the publication of biennial supplements to the McAlester City Code of 1972. *(Cora Middleton, City Clerk)*
- G. Authorize Mayor to sign a Ratification of Lease on May 13, 2010, between First National Bank & Trust Co., McAlester, Oklahoma and City of McAlester for described equipment: *(Cora Middleton, City Clerk)*
  - Custom made Chief-BPI-Brush Pumper Body and Equipment, more particularly described on Exhibit "A" hereto attached and made a part hereof as if repeated at length herein, which has been installed and outfitted on a 2010 Ford CC F3D VIN: 1FDWF3HY2AEA77599 and pledged as collateral.
- H. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.30451-ME. *(Cora Middleton, City Clerk)*
- I. To authorize the expenditure of \$60.00 for Mayor Kevin Priddle registration fee to attend the MCO Mayors Summer Retreat June 23-25, 2011 in Broken Arrow. *(Cora Middleton, City Clerk)*
- J. To authorize the Mayor to sign an Agreement for Legal Services with Ervin & Ervin, Attorneys at Law, L.L.P. firm. *(Peter J. Stasiak, City Manager)*

**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 CHAPTER 106, ARTICLE III, DIVISION 3 INDUSTRIAL USE REGULATIONS, OF THE McALESTER CODE OF ORDINANCES, BY REVISING CERTAIN SECTIONS TO ADD OR REVISE DEFINITIONS; TO REVISE LOCAL DISCHARGE LIMITATIONS; AND TO UPDATE ALL PROVISIONS TO COMPLY WITH THE LATEST FEDERAL GENERAL PRETREATMENT REGULATIONS ADOPTED BY THE STATE OF OKLAHOMA EFFECTIVE JUNE 15, 2007; ALL AS REQUIRED BY STATE AND FEDERAL LAW; 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: A TRACT OF LAND LYING IN LOT 5 AND LOT 6 ACCORDING TO THE SUBDIVISION OF THE E1/2 SE1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 14 EAST OF THE INDIAN BASE AND MERIDIAN, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM R-1B (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO C-5(HIGHWAY COMMERCIAL DISTRICT
  
- AN ORDINANCE TO NULL, VACATE, AND CLOSE THE FOLLOWING PLATTED STREET(S) AND ALLEY(S): NINTH STREET FROM THE NORTH SIDE OF VACATED ELECTRIC AVENUE TO THE SOUTH SIDE OF CRISLER AVENUE; MORRIS AVENUE FROM THE EAST SIDE OF PLUM STREET TO THE WEST SIDE OF TENTH; ALLEY IN BLOCK 29, MCALESTER ADDITION; ALLEY IN BLOCK 28, MCALESTER ADDITION; ALLEY IN BLOCK 34, MCALESTER ADDITION; ALLEY IN BLOCK 35, MCALESTER ADDITION; GRANTING OWNERSHIP OF SAID PROPERTY TO THE ABUTTING PROPERTY OWNERS
  
- AN ORDINANCE AMENDING CHAPTER 82; OFFENSES AND MISCELLANEOUS PROVISIONS, CREATING SECTION 82-3, RESTRICTION ON SALES OF PSEUDOEPHEDRINE, OF ARTICLE I., IN GENERAL; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES
  
- AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF McALESTER, OKLAHOMA FOR THE FISCAL YEAR 2011-2012; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

**SCHEDULED BUSINESS**

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- 1. Consider and act upon the correction of the attached Quit Claim Deed. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon the correction of the attached Quit Claim Deed and authorizing the Mayor to sign the corrected Deed.

- 2. Consider and act upon two amendments to airport consultant LBR’s contract with City of McAlester. *(Mel Priddy, Director Community Services)*

Executive Summary

Motion to approve amendments to LBR’s contract with the City of McAlester.

- 3. Consider, and act upon, award of bid to J.S. Haren Company for the construction of the Water Treatment Plant Filter and Clearwell Improvements project and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney’s Office, with J.S. Haren Company in an amount of \$414,900.00. *(David Medley, Utilities Director)*

Executive Summary

Motion to award of bid for Water Treatment Plant Filter and Clearwell Improvements project and authorizing the Mayor to enter into a construction contract, after review and approval by the City Attorney’s Office, with J.S. Haren Company of Athens, Tennessee in an amount of \$414,900.00.

- 4. Consider, and act upon an Ordinance amending Chapter 106, Article III, Division 3 Industrial Use Ordinances of the McAlester Code of Ordinances, by adding and revising certain sections to update all provisions to meet current State and Federal regulations, providing for a severability clause: and declaring an emergency. *(David Medley, Utilities Director)*

Executive Summary

Motion to approve and authorize the Mayor to sign the Ordinance amending Chapter 106, Article III, Division 3 Industrial Use Ordinance.

- 5. Consider and act upon a change in zoning from R-1B (Single Family Residential) to C-5 (Highway Commercial). *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon changing the existing zoning for approximately 267,000 Square foot of land located in Lot 5 and Lot 6 according to the subdivision of the E ½ SE ¼ of Section 13, T5N, R14 East, Pittsburg County, State of Oklahoma and authorizing the Mayor to sign the attached Ordinance.

- 6. Consider and act upon a change in zoning from R-1B (Single Family Residential) to C-5 (Highway Commercial). *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon closing Ninth Street to Crisler Avenue; Morris Avenue from Plum Street to 10<sup>th</sup> Street; and Alleys in Block 28, 29, 34, and 35 and authorizing the Mayor to sign the attached Ordinance.

7. Presentation and Consider and Act Upon, authorizing the Mayor to sign an Ordinance prohibiting the sale/distribution of methamphetamine precursor drugs. This Ordinance makes it illegal for any person to sell, deliver, or distribute any ephedrine, pseudoephedrine, or salts of their optical isomers without a valid prescription issued by a duly licensed physician or supervised physician's assistant and filled by an Oklahoma licensed pharmacist or pharmacy technician. *(Mayor, Kevin Priddle)*

Executive Summary

Motion to approve the Ordinance prohibiting the sale/distribution of methamphetamine precursor drugs.

8. Consider, and act upon, an Ordinance adopting the budget of the City of McAlester, Oklahoma, for the fiscal year 2011-2012; providing for severability clause; and declaring an emergency. *(Gayla Duke, CFO)*

Executive Summary

Motion to approve an Ordinance adopting the budget for fiscal year 2011-2012.

## **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)**

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- Report on activities for the past two weeks.

## **REMARKS AND INQUIRIES BY CITY COUNCIL**

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## **RECESS COUNCIL MEETING**

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## **CONVENE AS McALESTER AIRPORT AUTHORITY**

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*Majority of a Quorum required for approval*

- Confirm action taken on City Council Agenda Item B, Approval of the Minutes from the May 10, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, approval of claims ending June 14, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, to authorize the Mayor to sign a Resolution directing filing and notification for the publication of biennial supplements to the McAlester City Code of 1972. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item 2, two amendments to airport consultant LBR's contract with City of McAlester. (*Mel Priddy, Director Community Services*)
- Confirm action taken on City Council Agenda 4, an Ordinance amending Chapter 106, Article III, Division 3 Industrial Use Ordinances of the McAlester Code of Ordinances, by adding and revising certain sections to update all provisions to meet current State and Federal regulations, providing for a severability clause: and declaring an emergency. (*David Medley, Utilities Director*)
- Confirm action taken on City Council Agenda Item 8, adopting the budget of the City of McAlester, Oklahoma, for the fiscal year 2011-2012; providing for severability clause; and declaring an emergency. (*Gayla Duke, CFO*)

#### ADJOURN MAU

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

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*Majority of a Quorum required for approval*

- Confirm action taken on City Council Agenda Item B, Approval of the Minutes from the May 10, 2011 Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item D, regarding claims ending June 14, 2011. (*Gayla Duke, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item F, to authorize the Mayor to sign a Resolution directing filing and notification for the publication of biennial supplements to the McAlester City Code of 1972. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item H, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.30451-ME. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda 3, to award of bid to J.S. Haren Company for the construction of the Water Treatment Plant Filter and Clearwell Improvements project and authorize the Mayor to enter into a construction contract, after review and approval by the City Attorney's Office, with J.S. Haren Company in an amount of \$414,900.00. (*David Medley, Utilities Director*)
- Confirm action taken on City Council Agenda 4, an Ordinance amending Chapter 106, Article III, Division 3 Industrial Use Ordinances of the McAlester Code of Ordinances, by adding and revising certain sections to update all provisions to meet current State and Federal regulations, providing for a severability clause: and declaring an emergency. (*David Medley, Utilities Director*)

- Confirm action taken on City Council Agenda 5, a change in zoning from R-1B (Single Family Residential) to C-5 (Highway Commercial). *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda 6, a change in zoning from R-1B (Single Family Residential) to C-5 (Highway Commercial). *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 8, adopting the budget of the City of McAlester, Oklahoma, for the fiscal year 2011-2012; providing for severability clause; and declaring an emergency. *(Gayla Duke, CFO)*

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**RECONVENE COUNCIL MEETING**

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**ADJOURNMENT**

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**CERTIFICATION**

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

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**Cora M. Middleton, City Clerk**