



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, July 12, 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

Pastor Lance Keeling, Higher Praise Church of God

ROLL CALL

AWARD PRESENTATION

Employee of the Month for June 2011 is Karla Crittenden, Administrative Assistant, City Engineer and Public Works Department.

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 June 14, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the June 27, 2011 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the June 28, 2011 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for June 29, 2011 through July 5, 2011. *(Gayla Duke, Chief Financial Officer)*
- E. Consider and act upon, to authorize Mayor to sign the Oklahoma Department of Corrections (Prisoners Public Works) Contract for the 2011-2012 year. *(Peter J. Stasiak, CM)*
- F. Consider and act upon, authorizing the Mayor to sign an Equipment Maintenance Agreement between the City of McAlester and BizTel Business Telephone Systems for July 1, 2011 through June 30, 2012. *(Peter J. Stasiak, City Manager)*
- G. Consider and act upon, authorizing the Mayor to sign:
 - 1) A Financial Advisor Services Agreement between the City of McAlester and Municipal Finance Services, Inc. *(Peter J. Stasiak, City Manager)*
 - 2) An Agreement for Bond Counsel Services between the City of McAlester and The Public Finance Law Group PLLC (“PFLG”). *(Peter J. Stasiak, City Manager)*
- H. Accept and place on file MPower Fiscal Year 2010-2011 - Fourth Quarter Report. *(Shari Cooper, MPower Executive Director)*

- I. Authorize the Mayor to sign XTO Energy, Inc. Division Order for Property No. 109853, JERNIGEN 01-04H Pittsburg County, Oklahoma. The DO is confirmation that the well has reached producing status, provides a legal description of the property and confirms the City's decimal interest in revenues. *(Cora Middleton, City Clerk)*

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 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 ANNUL, VACATE, CLOSE AND DISCONTINUE ILLINOIS STREET FROM FIFTH STREET TO NINTH STREET, IN THE CITY OF MCALESTER, OKLAHOMA, AND GRANTING OWNERSHIP OF SAID PROPERTY TO THE ABUTTING PROPERTY OWNERS AND DECLARING AN EMERGENCY.
- AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2392 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2011-2012; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider and act upon renewing action taken on June 14, 2011 for 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 renewing a previous action taken on June 14, 2011 to 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.

2. 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.

3. Consider, act upon and Ratify Ordinance No. 1366. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve, act upon, and ratify Ordinance No. 1366.

4. Consider, and act upon, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Gayla Duke, CFO)*

Executive Summary

A motion to approve the budget amendment ordinance and emergency clause.

5. Consider, and act upon, authorizing the Mayor to sign a contract between the City of McAlester and Katcon, Inc, to repair a portion of the Sandy Creek canal wall. *(John C. Modzelewski, P.E., City Engineer and PW Director)*

Executive Summary

The recommendation is to enter into an agreement with Katcon, Inc., for a Total Bid equal to \$130,397.08, to repair a portion of the Sandy Creek canal wall. The funding source for this project is Account Number 41-5865403.

6. Consider, and act upon, the purchase of one new Case SR200 Skid Steer Loader with attachments. *(John C. Modzelewski, P.E., City Engineer and PW Director)*

Executive Summary

Motion to approve the purchase of one new Case SR 200 Skid Steer Loader with one Tramac hydraulic hammer and one pallet fork with 48" HD tines for a total price of \$44,460.25. The source of funding for this purchase is Account Number 41-5865404.

7. Consider, and act upon, a Memorandum of Agreement between the City of McAlester and the Oklahoma Department of Environmental Quality, and accept a Status Report on City of McAlester's review of future remediation requirements at the National Guard Armory. *(John C. Modzelewski, P.E., City Engineer and PW Director)*

Executive Summary

Motion to approve the Memorandum of Agreement between the City of McAlester and the Oklahoma Department of Environmental Quality, and accept the Status Report which includes the Opinion of Probable Construction Cost to complete the remediation requirements at the National Guard Armory.

8. Consider and act upon a Pledge and Guarantee of document which authorizes the annual renewal of the Participation Agreement with the Association for Landfill Financial Assurance. *(John C. Modzelewski, P.E., City Engineer and PW Director)*

Executive Summary

Motion to approve the document and authorize the Mayor to sign after review and approval by City Attorney's Office.

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 June 28, 2011 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending July 5, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, authorizing the Mayor to sign an Equipment Maintenance Agreement between the City of McAlester and BizTel Business Telephone Systems for July 1, 2011 through June 30, 2012. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item G1 and G2, authorizing the Mayor to sign:
 - 1) A Financial Advisor Services Agreement between the City of McAlester and Municipal Finance Services, Inc. *(Peter J. Stasiak, City Manager)*
 - 2) An Agreement for Bond Counsel Services between the City of McAlester and The Public Finance Law Group PLLC ("PFLG"). *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Gayla Duke, CFO)*

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the June 28, 2011 Regular Meeting of the McAlester Public Works Authority *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending July 5, 2011. *(Gayla Duke, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item E, to authorize Mayor to sign the Oklahoma Department of Corrections (Prisoners Public Works) Contract for the 2011-2012 year. *(Peter J. Stasiak, CM)*
- Confirm action taken on City Council Agenda Item F, authorizing the Mayor to sign an Equipment Maintenance Agreement between the City of McAlester and BizTel Business Telephone Systems for July 1, 2011 through June 30, 2012. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item G1 and G2, authorizing the Mayor to sign:
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 - 2) An Agreement for Bond Counsel Services between the City of McAlester and The Public Finance Law Group PLLC (“PFLG”). *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 1, renewing action taken on June 14, 2011 for 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 2, 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 3, Ordinance No. 1366.
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Ordinance No. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Gayla Duke, CFO)*
- Confirm action taken on City Council Agenda Item 5, authorizing the Mayor to sign a contract between the City of McAlester and Katcon, Inc, to repair a portion of the Sandy Creek canal wall. *(John C. Modzelewski, P.E., City Engineer and PW Director)*

- Confirm action taken on City Council Agenda Item 6, the purchase of one new Case SR200 Skid Steer Loader with attachments. (*John C. Modzelewski, P.E., City Engineer and PW Director*)
- Confirm action taken on City Council Agenda Item 7, Memorandum of Agreement between the City of McAlester and the Oklahoma Department of Environmental Quality, and accept a Status Report on City of McAlester's review of future remediation requirements at the National Guard Armory. (*John C. Modzelewski, P.E., City Engineer and PW Director*)
- Confirm action taken on City Council Agenda Item 8, a Pledge and Guarantee of document which authorizes the annual renewal of the Participation Agreement with the Association for Landfill Financial Assurance. (*John C. Modzelewski, P.E., City Engineer and PW Director*)

ADJOURN MPWA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

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

- **Section 307 (B) (1)** – Discuss the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee: City Manager.

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