



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 26, 2013 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Steve Harrison Mayor
Weldon Smith Ward One
John Titsworth Ward Two
Travis Read Ward Three
Robert Karr Ward Four
Buddy Garvin Ward Five
Sam Mason, Vice Mayor 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 Robert Tate, First Indian Baptist Church

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 February 5, 2013 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the February 12, 2013 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for February 6 – February 19, 2013. *(Toni Ervin, Chief Financial Officer)*
- D. Consider, and act upon, a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the Southeast Expo Center for the 2013 Annual Italian in the amount of \$2,125.00. *(Mel Priddy, Director of Community Services)*
- E. Concur with Mayor's Re-Appointment of Cara Bland, 601 Nelson Lane to the McAlester Hospital Board for a term to expire February, 2019. *(Steve Harrison, Mayor)*

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. 2425 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2012-2013; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE TO RESCIND ORDINANCE NO. 2447 THAT AMENDED SECTIONS 54-48. TO ARTICLE III, CHAPTER 54, OF THE CODE OF THE CITY OF McALESTER, OKLAHOMA BY PROHIBITING TOBACCO USE ON CITY-OWNED PREMISES AND PROPERTIES IN GENERAL AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Presentation of the new City of McAlester Marketing Video. *(Shari Cooper, Executive Director MPower)*

Executive Summary

The new City of McAlester Marketing Video.

2. Presentation and discussion of the possible purchase of the South Side Business Development Center by the Choctaw Nation. Presented by Assistant Chief Gary Batton and Councilman Bob Pate. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve entering into a discussion and negotiating a sale price of the South Side Business Development Center to the Choctaw Nation.

3. Discussion and possible action regarding a proposition sales tax election. *(Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)*

Executive Summary

Discussion and possible action regarding a proposition sales tax election.

4. Consider, and act upon, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; 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.

5. Consider and act upon contributing \$25,000 as match for an ODEQ grant for the renovation of the OKLA Theatre. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon contributing \$25,000 as match for an ODEQ grant for the renovation of the OKLA Theater.

6. Tabled - Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have elapsed since said award. Bids on this project were received on September 2, 2011. *(Cora Middleton, City Clerk/Vice Mayor Sam Mason)*

Executive Summary

Update, discussion and possible action to resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75.

7. Consider, and act upon, accepting Kristen Lloyd Photography, Inc and Whistle Stop Bistro as participants in the Retail Sales Tax Incentive Program for the McAlester Main Street District Businesses and Choctaw Corridor and authorizing the Mayor to sign the Certification of all Applicable Requirements. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve certification in writing to accept the attached businesses as a participant.

8. Discussion and possible action, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2. (*William J. Ervin, City Attorney*)

Executive Summary

Discussion and possible action, to rescind Ordinance 2447 based on Oklahoma Attorney General's Opinion 2013-2.

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 February 12, 2013 Regular Meeting of the McAlester Airport Authority. (*Cora Middleton, City Clerk*)
- Confirm action taken on City Council Agenda Item C, regarding claims ending February 19, 2013. (*Toni Ervin, Chief Financial Officer*)
- Confirm action taken on City Council Agenda Item 1, Presentation of the new City of McAlester Marketing Video. (*Shari Cooper, Executive Director MPower*)
- Confirm action taken on City Council Agenda Item 3, regarding the calling of a sales tax special election. (*Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC*)
- Confirm action taken on City Council Agenda Item 6, resolve status of contract FAA AIP 3-40-0057-011-012-2011 and OAC Project #MLCC-12-75 at McAlester Regional Airport awarded June 26, 2012 by City of McAlester Airport Authority to Total Investment Company, Guthrie, Oklahoma. Seven months, as of January 26, 2013 have

elapsed since said award. Bids on this project were received on September 2, 2011.
(Cora Middleton, City Clerk/Vice Mayor Sam Mason)

- Confirm action taken on City Council Agenda Item 8, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2. (William J. Ervin, City Attorney)

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 12, 2013 Regular Meeting of the McAlester Public Works Authority (Cora Middleton, City Clerk)
- Confirm action taken on City Council Agenda Item C, regarding claims ending February 19, 2013. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item 1, Confirm action taken on City Council Agenda Item 1, Presentation of the new City of McAlester Marketing Video. (Shari Cooper, Executive Director MPower)
- Confirm action taken on City Council Agenda Item 2, discussion of the possible purchase of the South Side Business Development Center by the Choctaw Nation. Presented by Assistant Chief Gary Batton and Councilman Bob Pate. (Peter Stasiak, City Manager)
- Confirm action taken on City Council Agenda Item 3, regarding the calling of a sales tax special election. (Jon Wolff, Municipal Finance Services, Inc. and Allan Brooks, OK Public Finance Law Group PLLC)
- Confirm action taken on City Council Agenda Item 4, an Ordinance amending Ordinance No. 2425 which established the budget for fiscal year 2012-2013; 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 7, Resolution 11-10, establishing a Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw Corridor and authorizing the Mayor to sign the Certification of all Applicable Requirements. (Toni Ervin, Chief Financial Officer)
- Confirm action taken on City Council Agenda Item 8, to rescind Ordinance 2447 (prohibiting tobacco use on City owned or controlled Property) based on Oklahoma Attorney General's Opinion 2013-2. (William J. Ervin, City Attorney)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 22, 2012, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of February, 2013. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MRTA

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2013 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