



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, July 8, 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 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

Capt. Daniels of the Salvation Army

ROLL CALL

CEREMONY AND AWARDS

Employee of the Month for June 2014 is Delona Jones of the City of McAlester, Southeastern Expo Center Maintenance Office. *(Steve Harrison, Mayor)*

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 2, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the June 10, 2014 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for June 17, 2014 through July 1, 2014. *(Toni Ervin, Chief Financial Officer)*
- D. Concur with Mayor's Appointment of Jane Buffington, 301 Kiamichi Drive, McAlester, 74501 to the McAlester Personnel Board for an unexpired term ending July, 2020. *(Steve Harrison, Mayor)*
- E. Concur with Mayor's Appointment of Arlene Billings, 7299 E. Highway 270, McAlester, 74501 to the McAlester Personnel Board for an unexpired term ending July, 2016. *(Steve Harrison, Mayor)*
- F. Consider and act upon, authorizing the Mayor to sign a Resolution supporting continued participation in the Main Street Program. *(Lacey Sudderth, Executive Director McAlester Main Street)*
- G. Consider, and act upon, Garrow Construction, LLC's Pay Estimate No. 1 for the 30-inch Water Plant Pump Header Replacement Project at the Water Treatment Plant and authorization for the Mayor to the Contractor's Pay Estimate for the amount of \$110,262.36. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- H. Consider and act upon, authorization of payment to Poe & Associates, Invoice No. 0-203031-8622, in the amount of \$57,396.58, for engineering services related to CIP#2 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)*
- I. Consider and act upon to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 137572-TW. *(Cora Middleton, City Clerk)*
- J. Ratify and approve an annual Service Maintenance & License Agreement between the City of McAlester and CivicPlus for the City website. *(James Stanford, IT Computer Specialist and Peter J. Stasiak, City Manager)*

- K. Ratify and approve an annual Business Customer Service Agreement between U.S. Cellular and the City of McAlester for wireless telecommunication services and equipment. *(James Stanford, IT Computer Specialist and Peter J. Stasiak, City Manager)*
- L. Consider, and act upon, an Adoption Agreement between American Fidelity Assurance Company and the City of McAlester for Administrative Services for the Section 125 Cafeteria Plan. *(Toni Ervin, CFO)*
- M. Ratify and approve an annual agreement between the Public Finance Law Group and the City of McAlester, Oklahoma to engage as bond counsel for the purposes of consultation on any contemplated financing which the City or the Authority may undertake. *(Peter J. Stasiak, City Manager)*
- N. Ratify and approve an annual agreement between Municipal Finance Services, Inc. and the City of McAlester to render financial consulting services to the Mayor, City Council and Staff on certain financial matters. *(Peter J. Stasiak, City Manager)*
- O. Ratify and approve the Declaration of Emergency taken under New Business at the June 24, 2014 City Council Meeting. *(William J. Ervin, City Attorney)*

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 CHAPTER 10, ARTICLE 1; IN GENERAL, SECTION 21 (b) (7); ENTITLED DOG PARK; ESTABLISHING RULES; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. DIVISION 2. MUNICIPAL COLLECTION SERVICE, SECTION 106-327 (b), CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE; AND DECLARING AN EMERGENCY.
- A NEW ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING CHAPTER 46, ENVIRONMENT, ARTICLE II, NUISANCES, ADDING DEFINITIONS, TO THE CITY OF MCALESTER CODE OF ORDINANCES; ADDING SECTION 46-33, DECLARATION OF SYNTHETIC CANNABINOIDS AND INCENSE AS A PUBLIC NUISANCE; ADDING SECTION 46-32, POSSESSION, USE, SALE OR DISPLAY OF SYNTHETIC CANNABINOIDS AND INCENSE; BY ADDING SECTION 46-34, ENFORCEMENT; ADDING SECTION 46-35, PENALTY FOR VIOLATION BY ADDING SECTION 46-36; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND FURTHER DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consideration and action to accept a 2014 OSMPC Incentive Fund Award in the amount of \$216,000 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20140708-001 to the Oklahoma Department of Commerce to draw down the \$216,000 of Funds. (*Leroy Alsup, Director of Community and Economic Development*)

Executive Summary

Motion to approve and accept a 2014 OSMPC Incentive Fund Award in the amount of \$216,000 from the Oklahoma Strategic Military Planning Commission and to authorize the execution and submittal of Invoice No. 20140708-001 to the Oklahoma Department of Commerce to draw down the \$216,000 of Funds.

2. Consider and act upon, amending Rule no.7, Chapter 10, Article 1. (*Mel Priddy, Director of Community Services*)

Executive Summary

Motion to approve amending rule no.7, chapter 10, article 1.

3. Consider, and act upon, a request by Eastern Oklahoma State College to partner with them for the rental fee for the use of the Expo Center on October 1-2, 2014 for the annual Career and College Tour. (*Jerry Lynn Wilson, Expo Center Manager*)

Executive Summary

Consider approving this partnership request in the amount of \$2,000.00.

4. Consider, and act upon, amending Solid Waste ordinance, Sec. 106-327 to reflect the 1.72% increase from Allied in the commercial rates listed. (*Toni Ervin, CFO*)

Executive Summary

Motion to approve the amending ordinance.

5. Consider and act to Adopt and Ordinance of the City of McAlester, Oklahoma amending Chapter 46, Environment, Article II, Nuisances, adding Definitions, to the City of McAlester Code of Ordinances; adding Section 46-33, Declaration of Synthetic Cannabinoids and Incense as a Public Nuisance; Adding Section 46-32, Possession, Use, Sale or Display of Synthetic Cannabinoids and Incense; By adding Section 46-34, Enforcement; Adding Section 46-35, Penalty for Violation by Adding Section 46-36; Providing for Codification, Repealer, Severability and further Declaring an Emergency. (*Councilman Travis Read, Ward 3*)

Executive Summary

Staff Recommends adoption of the Ordinance prohibiting the sale of herbal incense, and declaring an emergency.

6. Consider, and act upon, approval of Change Order No. 1, for an extension of six days to the existing contract with Garrow Construction, LLC to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 1 for the extension of time to the existing contract with Garrow Construction, LLC to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant.

7. Consider, and act upon, authorizing the Mayor to sign a service contract with ThyssenKrupp Elevator Corporation to perform monthly scheduled maintenance on elevator equipment in McAlester City Hall, McAlester Public Library and the McAlester EXPO Center for the period from July 1, 2014 through June 30, 2015. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve authorizing the Mayor to sign the service contract with ThyssenKrupp Elevator Corporation.

8. Discussion, update and possible action, on CIP#3, Second Street Improvements, including design of road and infrastructure improvements for a segment of Second Street from Modoc Avenue to Comanche Avenue. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

The recommendation to approve extending the northern terminus approximately nine hundred linear feet from Comanche Avenue to the canal. This will include the drainage required for the project. It will also allow the replacement of the existing ten-inch water main. If necessary, after videoing the sewer line in this area, the sewer line will be replaced also.

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 June 24, 2014, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*

- Confirm action taken on City Council Agenda Item C, regarding claims ending July 1, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item J, an annual Service Maintenance & License Agreement between the City of McAlester and CivicPlus for the City website. *(James Stanford, IT Computer Specialist and Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item K, an annual Business Customer Service Agreement between U.S. Cellular and the City of McAlester for wireless telecommunication services and equipment. *(James Stanford, IT Computer Specialist and Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item L, an Adoption Agreement between American Fidelity Assurance Company and the City of McAlester for Administrative Services for the Section 125 Cafeteria Plan. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item M, an annual agreement between the Public Finance Law Group and the City of McAlester, Oklahoma to engage as bond counsel for the purposes of consultation on any contemplated financing which the City or the Authority may undertake. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item N, an annual agreement between Municipal Finance Services, Inc. and the City of McAlester to render financial consulting services to the Mayor, City Council and Staff on certain financial matters. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 4, amending Solid Waste ordinance, Sec. 106-327 to reflect the 1.72% increase from Allied in the commercial rates listed. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 5, to Adopt and Ordinance of the City of McAlester, Oklahoma amending Chapter 46, Environment, Article II, Nuisances, adding Definitions, to the City of McAlester Code of Ordinances; adding Section 46-33, Declaration of Synthetic Cannabinoids and Incense as a Public Nuisance; Adding Section 46-32, Possession, Use, Sale or Display of Synthetic Cannabinoids and Incense; By adding Section 46-34, Enforcement; Adding Section 46-35, Penalty for Violation by Adding Section 46-36; Providing for Codification, Repealer, Severability and further Declaring an Emergency. *(Councilman Travis Read, Ward 3)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

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- Confirm action taken on City Council Agenda Item 6, approval of Change Order No. 1, for an extension of six days to the existing contract with Garrow Construction, LLC to construct the 30-inch Water Plant Pump Header Replacement at the Water Treatment Plant. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 7, authorizing the Mayor to sign a service contract with ThyssenKrupp Elevator Corporation to perform monthly scheduled maintenance on elevator equipment in McAlester City Hall, McAlester Public Library and the McAlester EXPO Center for the period from July 1, 2014 through June 30, 2015. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 8, on CIP#3, Second Street Improvements, including design of road and infrastructure improvements for a segment of Second Street from Modoc Avenue to Comanche Avenue. (*John C. Modzelewski, P.E., City Engineer and Public Works Director*)

ADJOURN MRTA

RECONVENE COUNCIL MEETING

ADJOURNMENT

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.

Cora M. Middleton, City Clerk