



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, September 26, 2017 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

John Browne	Mayor
Weldon Smith	Ward One
Cully Stevens	Ward Two
Travis Read	Ward Three
Robert Karr, Vice Mayor	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

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 August 22, 2017, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 7, 2017 through September 19, 2017. *(Toni Ervin, Chief Financial Officer)*
- C. Concur with the Mayor's reappointments of Brandon John, 705 S. 10th St, McAlester, and Randy Walters, 24 Georgetown Circle, McAlester, to the McAlester Airport Advisory Board for terms to end October, 2019. *(John Browne, Mayor)*
- D. Concur with the Mayor's appointment of Ben Kennedy, 1402 E. Osage, McAlester, to the McAlester Airport Advisory Board for a term to end October, 2019. *(John Browne, Mayor)*
- E. Consider and act upon, authorizing the Mayor to initial the correction of the final pay request in the amount of \$214,895 from Utility Technology Services, Inc. for Phase 1 of the AMI Project. *(Dale Seaton, Holloway, Updike & Bellen, Inc.)*

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 II, SECTION 106-28. METER INSTALLATION FEE AND CHAPTER 48 FEES, CHARGES AND SERVICE RATES, REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE OF NOVEMBER 1, 2017.

SCHEDULED BUSINESS

1. Presentation and discussion of the results of a recent survey conducted on the Southeast Expo Center. (*Billy Sumner, Tourism and Expo Manager*)

Executive Summary
Discussion.

2. Consider and act upon, an Ordinance amending Chapter 106, Article II, Section 106-28. Meter Installation Fee and Chapter 48 Fees, Charges, and Service Rates; repealing all conflicting ordinances; providing for a severability clause; and establishing an effective date. (*Robert Karr, Councilman Ward 4*)

Executive Summary
Motion to approve the amendment of the ordinance.

3. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 3 for the contract with Gipson Construction for construction of the 36" Storm Water Drainage Pipe located at 1510 S. Main St., and accept the project as completed. (*David Horinek, Public Works Director*)

Executive Summary
Motion to approve final payment of \$2,415.00 for the 36" Storm Water Drainage Pipe to Gipson Construction and accept the project as completed.

4. Discussion and update on Financials. (*Toni Ervin, Chief Financial Officer*)

Executive Summary
Discussion.

5. Consider and act upon, disqualification of the bid from CD Utilities and Excavation, LLC and award the contract to KATCON, INC. in the amount of \$25,407.00 and authorize the Mayor to sign the Notice of Award and Contract Agreement for the 2015 CDBG Phase III Water Improvements Project. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary
The recommendation is to disqualify the lowest bidder due to incomplete bid documents and enter into an agreement with KATCON, Inc. in the amount of \$25,407.00, for the 2015 CDBG Phase III Water Improvements Project.

6. **TABLED FROM SEPTEMBER 12TH MEETING** - Consider and Act to authorize the Mayor to sign a contract with Ervin & Ervin, Attorneys at Law, L.L.P. in an amount not to exceed thirty thousand dollars (\$30,000.00) for legal services related to the formation of two (2) Tax Increment Financing Districts within the City of McAlester. (*Peter Stasiak, City Manager*)

Executive Summary
This item was tabled at the previous Council Meeting in order to request bids from additional Law Firms to perform this service. Requests were issued on September 18th to twenty (20) individuals with a September 21st closing date. To date, the City has received 2 denials only. The recommendation is to authorize the legal services contract with Ervin & Ervin in the amount not to exceed \$30,000.

- 7. Consider and act upon, to confirm the Mayor’s appointment of representatives to serve on the Downtown McAlester Area Reinvestment Review Committee and the South McAlester Area Reinvestment Review Committee. *(Kirk Ridenour, Director Economic Development)*

Executive Summary

Confirm the Mayor’s appointment of representatives to serve on the TIF Review Committees.

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 September 12, 2017, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 19, 2017. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item C, the Mayor’s reappointments of Brandon John, 705 S. 10th St, McAlester, and Randy Walters, 24 Georgetown Circle, McAlester, to the McAlester Airport Advisory Board for terms to end October, 2019. *(John Browne, Mayor)*
- Confirm action taken on City Council Agenda Item D, the Mayor’s appointment of Ben Kennedy, 1402 E. Osage, McAlester, to the McAlester Airport Advisory Board for a term to end October, 2019. *(John Browne, Mayor)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the September 12, 2017, Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B regarding claims ending September 19, 2017. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Chapter 106, Article II, Section 106-28. Meter Installation Fee and Chapter 48 Fees, Charges, and Service Rates; repealing all conflicting ordinances; providing for a severability clause; and establishing an effective date. *(Robert Karr, Councilman Ward 4)*
- Confirm action taken on City Council Agenda Item 3, authorization for the Mayor to sign the Contractor's Final Pay Estimate No. 3 for the contract with Gipson Construction for construction of the 36" Storm Water Drainage Pipe located at 1510 S. Main St., and accept the project as completed. *(David Horinek, Public Works Director)*
- Confirm action taken on City Council Agenda Item 5, disqualification of the bid from CD Utilities and Excavation, LLC and awarding the contract to KATCON, INC. in the amount of \$25,407.00 and authorization for the Mayor to sign the Notice of Award and Contract Agreement for the 2015 CDBG Phase III Water Improvements Project. *(Robert Vaughan, Infrastructure Solutions Group)*

ADJOURN MPWA**CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY**

Majority of a Quorum required for approval

- Approval of the Minutes from the August 22, 2017 Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of September, 2017. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MRTA**RECONVENE COUNCIL MEETING**

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et seq. Oklahoma Statutes, to wit:

- Executive Session pursuant to Title 25, Sec. 307(B)(4) for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, more particularly: Tim Murray Workers Compensation Lien/Claim.

RECONVENE INTO OPEN SESSION

- Consider and act to settle, compromise, reduce, or to retain and enforce the City's lien for Workers Compensation benefits paid to, or on behalf of, former city employee Tim Murray, for subrogation recovery from third parties.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2017 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