



# McAlester City Council

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## NOTICE OF MEETING

### REVISED Regular Meeting Agenda

Tuesday, July 10, 2012 – 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](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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Glenn Meyer, Trinity Lutheran Church

#### ROLL CALL

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#### SWEARING-IN CERMONY

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Judge Deborah Hackler will administer the Oath of Office to the Council member:

- Oath of Office – Council member,
  - Ward 2, John Titsworth

**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 19, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 20 through July 3, 2012. *(Toni Ervin, Chief Financial Officer)*
- C. Ratify and approve a Lease Purchase between First National Bank & Trust Company and the City of McAlester, Oklahoma, for:
  - 1) Lease of One new 2008 Ford #450 Type III Ambulance with Wheeled Coach Conversion VIN: 1FDX#45P18DA74637. *(Cora Middleton, City Clerk)*
  - 2) Lease of 2011 Freightliner M2106 33000#GVW Truck Chassis VIN: 1FVACYBS1BDAY3398. *(Cora Middleton, City Clerk)*
- D. Approve and Authorize the Mayor to sign an American Red Cross Shelter Agreement between the City of McAlester and the American Red Cross for the use of the Southeast Expo Center as an emergency shelter during a disaster. *(Mel Priddy, Director Community Services)*
- E. Approve and Authorize the Mayor to sign a Kiamichi Area Nutrition Project/Center Sponsor Contract with the City of McAlester to expire June 30, 2013. *(Mel Priddy, Director Community Services)*
- F. Authorize the Mayor to sign PetroQuest Energy, L.L.C. Division Order for Property No. 35600076, Orval 1-2H; Section 2, Township 6 North, Range 14 East, 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)*
- G. Consider, and Act Upon, a Contract for Professional Service between Robison International, Inc. and the McAlester Defense Support Association and the City of McAlester. *(Peter J. Stasiak, City Manager)*
- H. Consider, and act to designate, City Manager, Pete Stasiak as the McAlester City Official authorized to sign the 2011-2012 collective bargaining agreement between the City and the IAFF.

## ITEMS REMOVED FROM CONSENT AGENDA

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### PUBLIC HEARING

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*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. 2392 which established the budget for fiscal year 2011-2012; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency.
- 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 of the City of McAlester, Oklahoma, 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.

### SCHEDULED BUSINESS

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1. 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. *(Toni Ervin, Chief Financial Officer)*

#### Executive Summary

Motion to approve the budget amendment ordinance.

2. 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.

3. Consider, and act upon, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. *(Toni Ervin, Chief Financial Officer)*

#### Executive Summary

Motion to declare certain vehicles and equipment surplus property and authorizing the sale of them.

4. Consider, and act upon, a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community. *(Peter J. Stasiak, City Manager)*

## Executive Summary

Motion to approve a Resolution declaring certain buildings as dilapidated and subject to removal.

5. TABLED FROM PREVIOUS MEETING. Consider and act upon, the funding of McAlester Main Street Association in the amount of \$28,000 and for FY 2012-2013. *(Peter J. Stasiak, City Manager)*

## Executive Summary

Funding of McAlester Main Street Association in the amount of \$28,000 for FY 1213.

6. Discussion on funding options for major street improvements. *(Councilman Travis Read)*

## Executive Summary

Explore funding avenues for major street improvements.

7. Consider, and act upon, a Personal Services Agreement with Jerry W. Mincher for haybaling of City of McAlester Property located south of Highway 31 adjacent to the west side of the Indian Nation Turnpike in the amount of \$857.99. *(Cora Middleton, City Clerk)*

## Executive Summary

Motion to approve a Personal Services Agreement with Jerry W. Mincher for haybaling of City of McAlester Property located south of Highway 31 adjacent to the west side of the Indian Nation Turnpike in the amount of \$857.99.

8. Consider, and Act Upon, a Pledge and Guarantee 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.

9. Consider, and act upon, amending Solid Waste ordinance, Sec. 106-327 to reflect a 2.5% increase from Allied in the commercial rates listed for FY 2012-2013. *(Peter J. Stasiak, City Manager)*

## Executive Summary

Motion to approve the amending ordinance.

10. Consider, and act upon approving a sewer main extension to serve the South Side of US 69 Bypass. *(Peter J. Stasiak, City Manager)*

## Executive Summary

Motion to approve Exhibit (A) or Exhibit (B) for a sewer main extension to serve the South Side of US 69 Bypass.

**NEW BUSINESS**

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*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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**MAYORS COMMENTS AND COMMITTEE APPOINTMENTS**

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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*

- Approval of the Minutes from the June 26, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending July 3, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, 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. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, 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)*

**ADJOURN MAA****CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

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*Majority of a Quorum required for approval*

- Approval of the Minutes from the June 26, 2012 Regular Meeting of the McAlester Public Works Authority *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending July 3, 2012. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item C, Ratify and approve a Lease Purchase between First National Bank & Trust Company and the City of McAlester, Oklahoma, for:
  - 2) Lease of 2011 Freightliner M2106 33000#GVW Truck Chassis VIN: 1FVACYBS1BDAY3398. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 1, 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. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, 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 3, declaring certain vehicles and equipment surplus property in accordance with the Code of Ordinances Sec 2-286 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-287. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 4, a Resolution declaring certain buildings as dangerous by reason of being dilapidated and a detriment to the welfare of the public and community. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 8, a Pledge and Guarantee 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)*
- Confirm action taken on City Council Agenda Item 9, amending Solid Waste ordinance, Sec. 106-327 to reflect a 2.5% increase from Allied in the commercial rates listed for FY 2012-2013. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 10, approving a sewer main extension to serve the South Side of US 69 Bypass. *(Peter J. Stasiak, City Manager)*

#### ADJOURN MPWA

#### RECONVENE COUNCIL MEETING

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#### EXECUTIVE SESSION

*Recess into Executive Session in compliance with Section Title 25 Section 307 C (10) et.seq. Oklahoma Statutes, to wit:*

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (C) (10): All nonprofit foundations, boards, bureaus, commissions, agencies, trusteeships, authorities, councils, committees, public trusts, task forces or study groups, supported in whole or part by public funds or entrusted with the expenditure of public funds for purposes of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to locate within their jurisdiction if public disclosure of the matter discussed would interfere with the development of products or services or if public disclosure would violate the confidentiality of the business. More specifically a proposed expansion of an existing McAlester employer/business: (Project Spider).

### **RECONVENE INTO OPEN SESSION**

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*Take any action as a result from Executive Session.*

### **ADJOURNMENT**

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### **CERTIFICATION**

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*I certify that this Notice of Meeting was posted on this \_\_\_\_\_ day of \_\_\_\_\_ 2012 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**