



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, August 14, 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 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 Stephanie Swinnea, All-Saints Episcopal 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 July 10, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the July 17, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for July 18 through August 7, 2012. *(Toni Ervin, Chief Financial Officer)*
- D. Accept and place on file the Pride-in-McAlester Year End Report for FY 2011-2012. *(Stephanie Shaffer, Executive Director, Pride-in-McAlester)*
- E. Accept and place on file the MPower 4th Quarter Report for FY 2011-2012. *(Shari Cooper, Executive Director, MPower)*
- F. Accept and place on file the MPower Annual Report for FY 2011-2012. *(Shari Cooper, Executive Director, MPower)*
- G. Accept and place on file the Oklahomans for Independent Living Report for April, May and June, 2012. *(Mike Ward, Executive Director, Oklahomans for Independent Living)*
- H. Concur with Mayor's Appointment of Heather French to the McAlester Personnel Board for a term to expire July, 2016. *(Steve Harrison, Mayor)*
- I. Concur with Mayor's Appointment of Robert Goodspeed to the McAlester Housing Authority for a term to expire July, 2013. *(Steve Harrison, Mayor)*
- J. Concur with Mayor's Appointment of Melissa Walker to the McAlester Audit & Finance Advisory Committee for a term to expire March, 2014. *(Steve Harrison, Mayor)*
- K. Concur with Mayor's Appointment of Mark Roath to the McAlester Audit & Finance Advisory Committee for a term to expire February, 2013. *(Steve Harrison, Mayor)*
- L. Concur with Mayor's Appointment of David Keith to the McAlester Planning Commission for a term to expire August, 2014. *(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 RELATING TO ECONOMIC DEVELOPMENT WITHIN THE CITY OF McALESTER, OKLAHOMA, PROVIDING FOR MANDATORY PROVISION OF EMPLOYMENT AND BENEFICIARY INFORMATION TO BE FURNISHED BY ANY ENTITY USING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDED INFRASTRUCTURE IMPROVEMENTS AND DECLARING AN EMERGENCY.
- CONSIDER AND TAKE ACTION WITH RESPECT TO AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE PERCENT (1%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE; PROVIDED THAT SAID EXCISE TAX SHALL REPLACE AND SUPERCEDE A ONE PERCENT (1%) EXCISE TAX PRESENTLY BEING LEVIED PURSUANT TO ORDINANCE NO. 1166 OF THE CITY, AS HERETOFORE AMENDED), SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND STATED TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.
- 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 AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 2. MUNICIPAL COLLECTION SERVICE, SECTION 106-327, CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Discussion of CDBG-EDIF Grant Requirements by Millie Vance. *(Millie Vance, Millie Vance, Inc. Grant Writer)*

Executive Summary

Discussion on CDBG-EDIF Grant Requirements.

2. Consider, and act upon, a Resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175 and for Providing Job Tracking. *(Millie Vance, Millie Vance, Inc. Grant Writer)*

Executive Summary

Motion to approve Resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175 and for Providing Job Tracking.

3. Consider, and act upon, authorizing the Mayor to sign the Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175. *Millie Vance, Millie Vance, Inc. Grant Writer)*

Executive Summary

Motion to approve authorizing the Mayor to sign the Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175.

4. Consider, and act upon, an Ordinance relating to Economic Development within the City of McAlester, Oklahoma, providing for mandatory provision of employment and beneficiary information to be furnished by any entity using Community Development Block Grant – Economic Development Infrastructure Financing (CDBG-EDIF) Funded Infrastructure Improvements and Declaring and Emergency. *(Millie Vance, Millie Vance, Inc. Grant Writer)*

Executive Summary

Motion to approve Ordinance relating to Economic development within the City of McAlester, Oklahoma.

5. Consider, and act upon, a Statement of Compliance of special conditions as required by CDBG-EDIF Contract No. 15176, regarding procurement procedures, ineligible costs, and easements. *(Millie Vance, Millie Vance, Inc. Grant Writer)*

Executive Summary

Motion to approve the Statement of Compliance of special conditions.

6. Consider, and act upon, to authorize the advertisement for bids for construction contractor for CDBG-EDIF Hampel Oil Water Line/Railroad Crossing Project. *(Millie Vance, Millie Vance, Inc. Grant Writer)*

Executive Summary

Motion to approve to authorize the advertisement for bids.

7. Consider and Act Upon, with respect to a Resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of the creation of indebtedness by the McAlester Public Works Authority; and containing other provisions relating thereto. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a Resolution authorizing the calling and holding of an election in the City of McAlester.

8. Consider, and Act Upon, with respect to a Resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of an Ordinance relating to a one percent (1%) excise tax (sales tax), in addition to all present City, County, and State excise taxes; provided that said excise tax shall replace and supersede a one percent (1%) excise tax presently being levied by the City; and containing other provisions relating thereto. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve a Resolution authorizing the calling and holding of an election in the City of McAlester relating to a one percent (1%) excise tax.

9. Consider, and Act Upon, with respect to an Ordinance of the City of McAlester, Oklahoma, relating to the imposition of a City Excise Tax (sales tax) of one percent (1%) (in addition to any and all other excise taxes now in force; provided that said excise tax shall replace and supercede a one percent (1%) excise tax presently being levied pursuant to Ordinance No. 1166 of the City, as heretofore amended), said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code; providing for the use of the proceeds of said excise tax; providing for the effective date and stated termination date of said excise tax; providing for subsisting State permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied, except as provided above; incorporating certain provisions of prior City Ordinances; providing for amendments to this Ordinance; providing that the provisions of this ordinance are cumulative and in addition to any and all taxing provisions of other City Ordinances; providing for severability of provisions; and containing other provisions related thereto. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve an Ordinance relating to the imposition of a City Excise Tax (sales tax) of one Percent (1%) now in force.

10. 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.

11. 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.

12. Consider and act upon, a request by G.W.R.R.A. (Goldwing Road Riders Association), to partner with them for the rental fee for the use of the Southeast Expo Center on October 4th-6th, 2012 for the 2012 State Convention. *(Mel Priddy, Director Community Services)*

Executive Summary

Consider approving this partnership request in the amount of \$2,875.00.

13. 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 24th & 25th, 2012 for the 6th Annual Career and College Tour. *(Mel Priddy, Director Community Services)*

Executive Summary

Consider approving this partnership request in the amount of \$1,815.00.

14. Discussion and possible action on Notice of Cancellation of Lease from the United States of America for the Floyd Parker United States Army Reserve Center located at 1016 E. South, McAlester, OK. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to accept the Notice of Cancellation of Lease from the United States of America for the Floyd Parker United States Army Reserve.

15. Discussion, and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*

Executive Summary

Motion to approve the purchase of Firefighting helmets and communication equipment, with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

16. Consider, and act upon, the opportunity to Privatize the City of McAlester's entire temporary and permanent roll off/compactor work within the city limits. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve action necessary to privatize the City of McAlester's entire temporary and permanent roll off/compactor work within the city limits.

17. Consider, and act upon, a Solid Waste Ordinance, amending Chapter 106, Utilities, Article IV, Solid Waste, Division 2, Municipal Collection Service, Section 106-327, Charges for Removal of Permissible Solid Waste. *(John C. Modzelewski, PE, City Engineer and Public Works Director)*

Executive Summary

Motion to approve the Solid Waste Ordinance, as amended, and declaring an emergency.

18. Consider and act upon the granting of a private roadway easement. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon the granting of a private roadway easement and authorizing the Mayor to sign the attached easement.

19. Consider, and Act Upon, an Agreement with Marketing Alliance for Professional and Creative Services to develop a McAlester Logo and Marketing Plan for an estimated total price of \$18,500. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve agreement with Marketing Alliance for an estimated total price of \$18,500.

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 July 24, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending August 7, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 10, 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 11, 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)*

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CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the July 17, 2012 Special Meeting of the McAlester Public Works Authority *(Cora Middleton, City Clerk)*
- Approval of the Minutes from the July 24, 2012 Regular Meeting of the McAlester Public Works Authority *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item C, regarding claims ending August 7, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 2, a Resolution approving and accepting Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175 and for Providing Job Tracking. *(Millie Vance, Millie Vance, Inc. Grant Writer)*
- Confirm action taken on City Council Agenda Item 3, authorizing the Mayor to sign the Oklahoma Department of Commerce Community Development Block Grant-Economic Development Infrastructure Finance (CDBG-EDIF) Grant Contract No. 15175. *Millie Vance, Millie Vance, Inc. Grant Writer)*
- Confirm action taken on City Council Agenda Item 4, an Ordinance relating to Economic Development within the City of McAlester, Oklahoma, providing for mandatory provision of employment and beneficiary information to be furnished by any entity using Community Development Block Grant – Economic Development Infrastructure Financing (CDBG-EDIF) Funded Infrastructure Improvements and Declaring and Emergency. *(Millie Vance, Millie Vance, Inc. Grant Writer)*
- Confirm action taken on City Council Agenda Item 5, a Statement of Compliance of special conditions as required by CDBG-EDIF Contract No. 15176, regarding procurement procedures, ineligible costs, and easements. *(Millie Vance, Millie Vance, Inc. Grant Writer)*

- Confirm action taken on City Council Agenda Item 6, to authorize the advertisement for bids for construction contractor for CDBG-EDIF Hampel Oil Water Line/Railroad Crossing Project. *(Millie Vance, Millie Vance, Inc. Grant Writer)*
- Confirm action taken on City Council Agenda Item 7, with respect to a Resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of the creation of indebtedness by the McAlester Public Works Authority; and containing other provisions relating thereto. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 8, with respect to a Resolution authorizing the calling and holding of an election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of an Ordinance relating to a one percent (1%) excise tax (sales tax), in addition to all present City, County, and State excise taxes; provided that said excise tax shall replace and supersede a one percent (1%) excise tax presently being levied by the City; and containing other provisions relating thereto. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 9, with respect to an Ordinance of the City of McAlester, Oklahoma, relating to the imposition of a City Excise Tax (sales tax) of one percent (1%) (in addition to any and all other excise taxes now in force; provided that said excise tax shall replace and supercede a one percent (1%) excise tax presently being levied pursuant to Ordinance No. 1166 of the City, as heretofore amended), said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code; providing for the use of the proceeds of said excise tax; providing for the effective date and stated termination date of said excise tax; providing for subsisting State permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied, except as provided above; incorporating certain provisions of prior City Ordinances; providing for amendments to this Ordinance; providing that the provisions of this ordinance are cumulative and in addition to any and all taxing provisions of other City Ordinances; providing for severability of provisions; and containing other provisions related thereto. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 10, 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 11, 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 16, the opportunity to Privatize the City of McAlester's entire temporary and permanent roll off/compactor work within the city limits. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 17, a Solid Waste Ordinance, amending Chapter 106, Utilities, Article IV, Solid Waste, Division 2, Municipal Collection Service, Section 106-327, Charges for Removal of Permissible Solid Waste. (*John C. Modzelewski, PE, City Engineer and Public Works Director*)
- Confirm action taken on City Council Agenda Item 18, the granting of a private roadway easement. (*Peter J. Stasiak, City Manager*)

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RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

Recess into Executive Session in compliance with Section Title 25 Section 307 (B) (2) and Section 307 (B) (4) et.seq. Oklahoma Statutes, to wit:

- 1) Proposed executive session pursuant to Title 25, Sec. 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups: IAFF.
- 2) Proposed executive session pursuant to Title 25, Sec. 307(B) (4) for Confidential communications between a public body and its attorney concerning a pending investigations, claims, or actions, more particularly: City of McAlester v. Randy Green, Case No. C-06-844 and Dennis Vogel, Jr. Workers' Compensation Court Number: 2011-08702Q.

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 _____ 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.

Cora M. Middleton, City Clerk