



McAlester City Council

NOTICE OF MEETING

REVISED Regular Meeting Agenda

Tuesday, August 28, 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

Mother 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 24, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the July 31, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the August 14, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for August 8, 2012 – August 21, 2012. *(Toni Ervin, Chief Financial Officer)*
- E. Designate Saturday, October 27, 2012, as “Make a Difference Day” for the City of McAlester. *(Cora Middleton, City Clerk)*
- F. Concur with Mayor’s Appointment of Gary Bryant to the McAlester Ethics Board for a term to expire July, 2015. *(Steve Harrison, Mayor)*
- G. Concur with Mayor’s Appointment of Steven Brook to the McAlester Personnel Board for a term to expire July, 2016. *(Steve Harrison, Mayor)*
- H. Approval of \$700.00 expenditure for Mayor Steve Harrison to attend the Oklahoma Municipal League 2012 Annual Conference & Exposition to be held in Oklahoma City, September 25-27. *(Peter J. Stasiak, City Manager)*
- I. Consider and Act Upon, authorizing the Mayor to sign the Emergency Medical Technician Basic, Intermediate and Paramedic Field Clinical Agreement between Kiamichi Technology Center and the City of McAlester. *(Brett Brewer, Fire Chief)*
- j. Accept and place on file the McAlester Public Schools Quarterly Update on Roofing Project. *(Marsha Gore, Superintendent)*

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.

SCHEDULED BUSINESS

1. Discussion and possible action, on a Resolution put forward by the Gaines Creek Association of Free Will Baptist opposing the removal of figurines depicting U.S. Military Kneeling in Silent Prayer from the 3rd Street intersection and asking the City of McAlester to reverse the decision and reinstall the silhouette. *(Peter J. Stasiak, City Manager)*

Executive Summary

Resolution put forward by the Gaines Creek Association of Free Will Baptist.

2. Discussion of CDBG 2012 Grant. *(Peter J. Stasiak, City Manager and Danny Baldwin, Executive Director, KEDDO)*

Executive Summary

Review of the CDBG 2012 Grant.

3. 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.

4. Consider, and act upon, authorizing a change in the rental fee for Bren Air Inc. from 5.0% of gross fuel sales to a flat rate of \$.10/gallon of fuel pumped at the McAlester Regional Airport. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon a change in the rental fee for Bren Air Inc. from 5.0% of gross fuel sales to a flat rate of \$.10/gallon of fuel dispersed and authorizing the Mayor to sign the agreement.

5. Presentation and Update on the Southeast Expo events and tourism. *(Jerry Lynn Wilson, Southeast Expo Manager)*

Executive Summary

Update on Southeast Expo events and tourism.

6. Consider, and act upon, a Partnership Request by Tanaye Harvanek, McAlester Area Chamber of Commerce, for the use of the Southeast Expo Center for the Veteran's Job Fair scheduled for September 19, 2012, by partnering with them in the amount of \$315.00. *(Jerry Lynn Wilson, Southeast Expo Manager)*

Executive Summary

Consider approval of Partnership Request in the amount of \$315.00.

7. Consider and act upon awarding bid in the amount of \$79,640.00 for one new and unused Industrial Backhoe-Loader to YellowHouse Machinery, McAlester, Oklahoma. *(Mel Priddy, Director Community Services)*

Executive Summary

Motion to approve the award of bid to YellowHouse Machinery for Industrial Backhoe-Loader.

8. Consider, and act upon, the final Contractor's Pay Estimate No. 8 for the Water Treatment Plant Filter and Clearwell Improvements. *(David Medley, Director of Utilities)*

Executive Summary

Motion to approve final payment to the Water Treatment Plant Filter and Clearwell Improvements Project to J.S. Haren Company of Athens, Tennessee.

9. Consider and Act Upon, bids that were opened on Tuesday, August 14, 2012. The City opened bids for the 2010 CDBG Water and Sewer Improvements Project. One Contractor submitted a bid, C.S. Day & Associates, LLC of Tahlequah, Oklahoma. The bid was in the amount of \$325,190.00. Due to the bid being considerably higher than the City's budgeted amount and the receipt of only one bidder, the Engineer, Mehlburger Brawley, and the Utility Department recommends rejection of bid and direction to re-bid. *(David Medley, Director of Utilities)*

Executive Summary

Motion to reject the bid received on August 14, 2012 by C.S. Day & Associates and directing the Utility Department to re-bid the project.

10. Consider, and act upon, authorizing a water purchase contract to Pliant, LLC a Wholly Owned Subsidiary of Berry Plastics referred to as a "Wholesale Customer". *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon a water purchase contract with Pliant, LLC a Wholly Owned Subsidiary of Berry Plastics and authorizing the Mayor to sign the agreement.

11. Tabled from previous meeting. 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.

12. Consider, and act upon, authorizing the submittal of Certification for Competitive Bid and/or Contract with the Oklahoma Department of Commerce. *(Peter J. Stasiak, City Manager)*

Executive Summary

Motion to approve and act upon the Certification for Competitive Bid and/or Contract with the Oklahoma Department of Commerce and authorizing the Mayor to sign the agreement.

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 August 14, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending August 21, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 3, 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 4, authorizing a change in the rental fee for Bren Air Inc. from 5.0% of gross fuel sales to a flat rate of \$.10/gallon of fuel pumped at the McAlester Regional Airport. *(Peter J. Stasiak, City Manager)*
- Confirm action taken on City Council Agenda Item 12, authorizing the submittal of Certification for Competitive Bid and/or Contract with the Oklahoma Department of Commerce. *(Peter J. Stasiak, City Manager)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the August 14, 2012 Regular Meeting of the McAlester Public Works Authority *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item D, regarding claims ending August 21, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 8, the final Contractor's Pay Estimate No. 8 for the Water Treatment Plant Filter and Clearwell Improvements. *(David Medley, Director of Utilities)*
- Confirm action taken on City Council Agenda Item 9, bids that were opened on Tuesday, August 14, 2012, for the 2010 CDBG Water and Sewer Improvements Project. One Contractor submitted a bid, C.S. Day & Associates, LLC of Tahlequah, Oklahoma. The bid was in the amount of \$325,190.00. Due to the bid being considerably higher than the City's budgeted amount and the receipt of only one bidder, the Engineer, Mehlburger Brawley, and the Utility Department recommends rejection of bid and direction to re-bid. *(David Medley, Director of Utilities)*
- Confirm action taken on City Council Agenda Item 10, authorizing a water purchase contract to Pliant, LLC a Wholly Owned Subsidiary of Berry Plastics referred to as a "Wholesale Customer". *(Peter J. Stasiak, City Manager)*

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

Majority of a Quorum required for approval

- Approval of the Minutes from the July 24, 2012, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of August 2012. *(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 _____ 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