



McAlester City Council

NOTICE OF MEETING

REVISED Regular Meeting Agenda

Tuesday, September 25, 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

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 September 11, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 5, 2012 – September 18, 2012. *(Toni Ervin, Chief Financial Officer)*
- C. Concur with Mayor's Re-appointment of Mark Emmons to the McAlester Planning Commission for a term to expire May, 2014. *(Steve Harrison, Mayor)*
- D. Concur with Mayor's Re-appointment of Harvey Bollinger to the McAlester Planning Commission for a term to expire May, 2014. *(Steve Harrison, Mayor)*
- E. Concur with Mayor's Re-appointment of John McNally to the McAlester Planning Commission for a term to expire May, 2014. *(Steve Harrison, Mayor)*
- F. Concur with Mayor's Re-appointment of Karen Stobaugh to the McAlester Planning Commission for a term to expire May, 2015. *(Steve Harrison, Mayor)*
- G. Concur with Mayor's Re-appointment of Primus Moore to the McAlester Planning Commission for a term to expire May, 2015. *(Steve Harrison, Mayor)*
- H. Concur with Mayor's Re-appointment of Karl Scifres to the McAlester Planning Commission for a term to expire May, 2015. *(Steve Harrison, Mayor)*
- I. Concur with Mayor's Re-appointment of John McNally to the McAlester Board of Adjustment for a term to expire March, 2014. *(Steve Harrison, Mayor)*
- J. Concur with Mayor's Re-appointment of Susan Kanard to the McAlester Board of Adjustment for a term to expire March, 2015. *(Steve Harrison, Mayor)*
- K. Concur with Mayor's Re-appointment of Karen Stobaugh to the McAlester Board of Adjustment for a term to expire March, 2015. *(Steve Harrison, Mayor)*
- L. Concur with Mayor's Appointment of Bill Nicholson to the McAlester Board of Ethics for a term to expire July, 2016. *(Steve Harrison, Mayor)*
- M. Consider, and act upon, award of bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate and copper sulfate. *(David Medley, PE, Director of Utilities)*

- N. Consider, and act upon, award of bid to Brenntag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine, powder activated carbon, and poly-aluminum ferric halide. *(David Medley, PE, Director of Utilities)*
- O. Consider, and act upon, award of bid to Southwest Chemical Services for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% Caustic, Polymer 40% (Dadmac), Polyphosphate, and 20% Sodium Permanganate. *(David Medley, PE, Director of Utilities)*

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.
- AN ORDINANCE AMENDING SECTIONS 106.71(a), 106.71(b) AND 106.71(c) OF THE MCALESTER CITY CODES FIXING WATER RATES AND REGARDING LOW INCOME GUIDELINES.

SCHEDULED BUSINESS

1. 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.

2. Consider and Act Upon, an Ordinance amending Ordinance 2235 & 2214 Sections 106.71 (a), 106.71 (b) and 106.71 (c) of the McAlester City Codes Fixing Water Rates and regarding low income guidelines. This will not increase or decrease water rates. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve Ordinance amending Sections 106.71 (a), 106.71 (b) and 106.71 (c) of the McAlester City Codes.

3. Discussion, and possible action, authorizing the mayor to sign a lease agreement between McAlester Regional Airport Authority and City of McAlester, McAlester, Oklahoma, and EagleMed, LLC for Corporate Hanger No. 30 located at the McAlester Regional Airport for a term of five (5) years beginning October 1, 2012 and ending on October 1, 2017.

Executive Summary

Motion to approve the lease agreement between McAlester Regional Airport Authority and City of McAlester, McAlester, Oklahoma, and EagleMed, LLC and authorize the Mayor to sign the said documents.

4. 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 cost of graphics to the McAlester Fire Department's "Fire Training Trailer", funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

5. 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.

6. Consider and Act Upon, bids for the Water Treatment Plant Residuals Handling Improvements Project. On Tuesday, September 11, 2012, two Contractors submitted a bid, J.S. Haren Company of Athens, Tennessee and BRB Contractors, Inc. of Topeka, Kansas. The bids were in the amount of \$1,592,000 and \$1,559,600 respectively. Due to the bid being considerably higher than the City's budgeted amount and the Engineers Estimate of \$645,000, the Engineer, Mehlburger Brawley, and the Utility Department recommends rejection of bid and direction to re-bid. *(David Medley, PE, Director of Utilities)*

Executive Summary

Motion to reject the bids received on September 11, 2012 by J.S. Haren Company and BRB Contractors, Inc. and directing the Utilities Department to re-bid the project.

7. Consider, and act upon, authorizing the Mayor to sign a 2013 Grant Agreement with the Oklahoma Highway Safety Office.

Executive Summary

Motion to approve authorizing the Mayor to sign the 2013 Grant Agreement with the Oklahoma Highway Safety Office.

8. Discussion and Update on Re-codification and Shred-it Agreements. *(Joe Ervin, City Attorney)*

Executive Summary

Update on the Re-codification and Shredding Agreements.

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 11, 2012 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 18, 2012.
- Confirm action taken on City Council Agenda Item 3, authorizing the mayor to sign a lease agreement between McAlester Regional Airport Authority and City of McAlester, McAlester, Oklahoma, and EagleMed, LLC for Corporate Hanger No. 30 located at the McAlester Regional Airport for a term of five (5) years beginning October 1, 2012 and ending on October 1, 2017. *(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 September 11, 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 September 18, 2012. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item M, award of bid to Altivia Chemical Solutions for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: aluminum sulfate and copper sulfate. *(David Medley, PE, Director of Utilities)*
- Confirm action taken on City Council Agenda Item N, award of bid to Brenntag Southwest for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: chlorine, powder activated carbon, and poly-aluminum ferric halide. *(David Medley, PE, Director of Utilities)*
- Confirm action taken on City Council Agenda Item O, award of bid to Southwest Chemical Services for the supply of the chemicals for the McAlester Water Treatment Plant on a unit price basis the following chemicals: 30% Caustic, Polymer 40% (Dadmac), Polyphosphate, and 20% Sodium Permanganate. *(David Medley, PE, Director of Utilities)*
- Confirm action taken on City Council Agenda Item 2, an Ordinance amending Ordinance 2235 Sections 106.71 (a) and 106.71 (c) of the McAlester City Codes Fixing Water Rates. This will not increase or decrease water rates. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 5, 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 6, bids for the Water Treatment Plant Residuals Handling Improvements Project. On Tuesday, September 11, 2012, two Contractors submitted a bid, J.S. Haren Company of Athens, Tennessee and BRB Contractors, Inc. of Topeka, Kansas. The bids were in the amount of \$1,592,000 and \$1,559,600 respectively. Due to the bid being considerably higher than the City's budgeted amount and the Engineers Estimate of \$645,000, the Engineer, Mehlburger Brawley, and the Utility Department recommends rejection of bid and direction to re-bid. *(David Medley, PE, Director of Utilities)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the August 28, 2012, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of September, 2012. *(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) (4) et.seq. Oklahoma Statutes, to wit:

- 1) 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: Outlaw Construction v. City of McAlester.

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