



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 28, 2012 – 6:00 pm
McAlester City Hall – Council Chambers
28 E. Washington

Kevin E. Priddle Mayor
Weldon Smith Ward One
Steve Harrison Ward Two
John Browne Vice-Mayor, Ward Three
Robert Karr Ward Four
Buddy Garvin Ward Five
Sam Mason 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

Fran Greathouse, First Christian 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 January 24, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the January 31, 2012 Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of the Minutes from the February 14, 2012 Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- D. Approval of Claims for February 8, 2012 through February 21, 2012. *(Toni Ervin, Chief Financial Officer)*
- E. Consider, and act upon, an expenditure of \$50.00 for Councilman Steve Harrison to attend the Mayors Council of Oklahoma and Oklahoma Municipal League Legislative Forum on Monday, March 19, 2012 in the House Chambers, Oklahoma State Capitol. *(Cora Middleton, City Clerk)*
- F. Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31672-BJ. *(Cora Middleton, City Clerk)*
- G. Concur with Mayor's Appointment of John Titsworth to the Audit & Finance Advisory Committee for a term to expire May, 2014. *(Kevin E. Priddle, Mayor)*
- H. Concur with Mayor's Appointment of J. T. Collier to the Hospital Board for a term to expire February, 2015. *(Kevin E. Priddle, Mayor)*
- I. Concur with Mayor's Re-Appointment of Dr. Leroy M. Milton to the Hospital Board for a term to expire February, 2018. *(Kevin E. Priddle, 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 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 AMENDING CHAPTER 106, UTILITIES, ARTICLE IV. SOLID WASTE, DIVISION 1 AND MUNICIPAL COLLECTION SERVICE, DIVISION 2. GENERALLY, SECTION 106-301, DEFINITIONS, SECTION 106-303, BURNING OF REFUSE, SECTION 106-304(a) UNLAWFUL SCATTERING, STORING, ETC., SECTION 106-306, AND REMOVAL OF WASTE MATERIAL, CONSTRUCTION DEBRIS, AND DIVISION 2, MUNICIPAL COLLECTION SERVICE, SECTION 106-321, CITY'S EXCLUSIVE RIGHT TO COLLECT AND REMOVE REFUSE, SECTION 106-323, GENERAL REFUSE CONTAINER AND STORAGE REQUIREMENTS – FOR PERMISSIBLE SOLID WASTE FOR RESIDENTIAL UNITS, SECTION 106-324, SAME – FOR LARGE COMMERCIAL AND INDUSTRIAL UNITS, SECTION 106-325, MAINTENANCE, REPAIR AND REPLACEMENT OF POLYCARTS AND COMMERCIAL DUMPSTERS, SECTION 106-326(a), PROHIBITING THE UNAUTHORIZED DEPOSIT OF REFUSE IN CONTAINERS BELONGING OR ASSIGNED TO SOMEONE ELSE, SECTION 106-327, CHARGES FOR REMOVAL OF PERMISSIBLE SOLID WASTE, SECTION 106-328, RECYCLING AND ADDING SECTION 106-329, ADMINISTRATIVE PROCEDURES OF THE CODE OF ORDINANCES OF THE CITY OF McALESTER; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

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 and declaring an emergency.

2. 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 Bunker Gear for Structural Firefighting 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.

3. Consider, and act upon a revised Work Order for Mehlburger Brawley Corporation for engineering services required for Change Order No. 1 to the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999(06) as required by the Oklahoma Department of Transportation. This work order is required to lower water utilities previously lowered in the project to provide for flatter driveway grades in certain areas of the project. **All costs for engineering and construction will be paid by the Oklahoma Department of Transportation.** *(David Medley, PE, Director of Utility Department)*

Executive Summary

Motion to approve and authorize the Mayor to sign the revised engineering work order for Mehlburger Brawley to complete work required for U.S. 69 Utility Relocate, ODOT State Job No.14999(06) for an estimated fee of \$14,470.00 upon review and approval of by the City Attorney's Office.

4. Consider, and act upon, Change Order No. 1 to the Contract with Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Water Project and authorize the Mayor to sign the Change Order in the amount of \$64,600.00 This will increase the original construction contract amount of \$498,850.00 to \$563,450.00 and will add 30 days to the contract time for an estimated substantial completion date of April 22, 2012. **All costs will for Engineering and Construction will be paid for by the Oklahoma Department of Transportation.** (*David Medley, PE, Director of Utility Department*)

Executive Summary

Motion to award Change Order No. 1 for Highway 69 ODOT Utility Relocation Water Project and authorizing the Mayor to sign the Change Order, after review and approval by the City Attorney's Office, with Pittard Construction Company of Allen, Texas in an amount of \$64,600.00.

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, approval of Change Order No. 1, for an extension of eighteen days to the existing contract with Outlaw Construction for Elks Road Improvements. (*John Modzelewski, P.E., City Engineer and Public Works, Director*)

Executive Summary

Motion to approve Change Order No. 1 for the extension of time to the construction contract with Outlaw Construction for construction of the Elks Road Improvements.

7. TABLED - Consider, and act upon, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329 and declaring an emergency. (*Peter J. Stasiak, City Manager and Joe Ervin, City Attorney*)

Executive Summary

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

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

RECESS COUNCIL MEETING

CONVENE AS McALESTER AIRPORT AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 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 February 21, 2012. *(Toni Ervin, Chief Financial Officer)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 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 February 21, 2012. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item F, Concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No.31672-BJ. *(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 3, a revised Work Order for Mehlburger Brawley Corporation for engineering services required for Change Order No. 1 to the design of construction of the U.S. 69 Utility Relocate, ODOT State Job No. 14999(06) as required by the Oklahoma Department of Transportation. This work order is required to lower water utilities previously lowered in the project to provide for flatter driveway grades in certain areas of the project. **All costs for engineering and construction will be paid by the Oklahoma Department of Transportation.** *(David Medley, PE, Director of Utility Department)*

- Confirm action taken on City Council Agenda Item 4, Change Order No. 1 to the Contract with Pittard Construction Company for the construction of Highway 69 ODOT Utility Relocation Water Project and authorize the Mayor to sign the Change Order in the amount of \$64,600.00 This will increase the original construction contract amount of \$498,850.00 to \$563,450.00 and will add 30 days to the contract time for an estimated substantial completion date of April 22, 2012. **All costs will for Engineering and Construction will be paid for by the Oklahoma Department of Transportation.** (David Medley, PE, Director of Utility Department)
- Confirm action taken on City Council Agenda Item 6, Consider, and act upon, approval of Change Order No. 1, for an extension of eighteen days to the existing contract with Outlaw Construction for Elks Road Improvements. (John Modzelewski, P.E., City Engineer and Public Works, Director)
- Confirm action taken on City Council Agenda Item 7, Tabled from previous meeting, a Solid Waste Ordinance amending Article IV. Solid Waste, Division 1 and Municipal Collection Service, Division 2. Sections 106-301, 106-303, 106-304(a), 106-306, 106-321, 106-323, 106-324, 106-325, 106-326(a), 106-327, 106-328 and 106-329 and declaring an emergency. (Peter J. Stasiak, City Manager and Joe Ervin, City Attorney)

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 24, 2012, Regular Meeting of the McAlester Retirement Trust Authority. (Cora Middleton, City Clerk)
- Approval of Retirement Benefit Payments for the Period of February 2012. (Toni Ervin, Chief Financial Officer)

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