



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, February 25, 2014 – 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
Jason Barnett 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

Reverend Dr. Charles Neff of the First United Methodist 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 February 11, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 5, 2014 through February 18, 2014. *(Toni Ervin, Chief Financial Officer)*
- C. Consider, and act upon, to expend funds of \$2500.00 for the Mayor to attend the McAlester Stampede in Washington D.C. on May 6-9, 2014. *(Peter J. Stasiak, City Manager)*
- D. Tabled from Previous Meeting. Consider and act upon to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 134947-TW. *(Cora Middleton, City Clerk)*
- E. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- F. Consider, and act upon, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 6 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- G. Concur with Mayor's Re-Appointment of Brent Grilliot, 528 E. Adams Avenue, McAlester 74501 to the McAlester Regional Health Center Authority for a term to expire February, 2020. *(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 OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2467 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2013-14; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING SECTION 2-67. PERSONNEL POLICIES OF THE CODE OF ORDINANCES; REPEALING ALL

CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider and act upon accepting the annual City of McAlester Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2013. *(Mike Gibson, Cole & Reed and Toni Ervin, CFO)*

Executive Summary

Motion to accept the annual Audit for Fiscal Year ending June 30, 2013 for the City of McAlester.

2.
 - A. McAlester Public Library Presentation and Discussion. (Presenter Mr. Bob Basolo)
 - B. Consider and Act Upon to renew a Resolution supporting a new Public Library Building and endorsing a fund raising campaign by the Friends of the Library of McAlester, Inc.

Executive Summary

Motion to approve renewing Resolution.

3. Consider, and act upon, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

Executive Summary

Motion to approve the budget amendment ordinance.

4. Consider, and act upon, authorizing the appropriation of \$230,000 for the replacement of the 30 - inch header pipe at the Water Treatment Plant. *(John Modzelewski, P.E., City Engineer and Public Works Director)*

Executive Summary

Motion to approve the appropriation of \$230,000 for the replacement of the 30- inch header pipe at the Water Treatment Plant.

5. Consider, and act upon, approval of Change Order No. 1, for an extension of six days to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. *(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 Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue.

6. Consider, and act upon, approval of Change Order No. 2 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along

Seventeenth Street from Comanche Avenue to South Avenue due to the unexpected relocation of an unidentified sewer service line. (*John Modzelewski, P.E., City Engineer and Public Works Director*)

Executive Summary

Motion to approve Change Order No. 2 for the unexpected relocation of an unidentified sewer service line.

7. Discussion and possible action on Retail Sales Tax Incentive Program for McAlester Main Street District Businesses and Choctaw Corridor accepting application of enclosed business as an applicant. (*Toni Ervin, CFO*)

Executive Summary

Our recommendation would be to accept this business as an applicant and authorize Mayor to sign certificate of acceptance as a participant in the Retail Sales Tax Incentive Program.

8. Consider, and act upon, an Ordinance on proposed revised Personnel Policies, including Drug and Alcohol Testing Policies, for amendment of the City Code section 2-67 and repeal of any previous Personnel Policies, Employee Handbook, and Administrative Policies; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, CFO*)

Executive Summary

Staff recommends discussion of any changes, questions, concerns, and a motion to approve the Revised Personnel Policies.

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 February 11, 2014 Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending February 18, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, accepting the annual City of McAlester Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2013. *(Mike Gibson, Cole & Reed and Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 8, an Ordinance on proposed revised Personnel Policies, including Drug and Alcohol Testing Policies, for amendment of the City Code section 2-67 and repeal of any previous Personnel Policies, Employee Handbook, and Administrative Policies; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

ADJOURN MAA

CONVENE AS McALESTER PUBLIC WORKS AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the February 11, 2014 Regular Meeting of the McAlester Public Works Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending February 18, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item D, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 134947-TW. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item E, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Oklahoma State Penitentiary and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item F, approving ADDENDUM NO. 6, to the Water Purchase Contract between the City of McAlester and Pittsburg County Rural Water District No. 6 and authorizing the Mayor to sign ADDENDUM NO. 6. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item 1, accepting the annual City of McAlester Audited Financial Statements and Independent Auditor's Report for Fiscal Year ending June 30, 2013. *(Mike Gibson, Cole & Reed and Toni Ervin, CFO)*

- Confirm action taken on City Council Agenda Item 3, an Ordinance amending Ordinance No. 2467 which established the budget for fiscal year 2013-2014; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 4, authorizing the appropriation of \$230,000 for the replacement of the 30 - inch header pipe at the Water Treatment Plant. *(John Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 5, approval of Change Order No. 1, for an extension of six days to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue. *(John Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 6, Consider, and act upon, approval of Change Order No. 2 to the existing contract with Austin Paving, LLC for construction of road and infrastructure improvements along Seventeenth Street from Comanche Avenue to South Avenue due to the unexpected relocation of an unidentified sewer service line. *(John Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 8, an Ordinance on proposed revised Personnel Policies, including Drug and Alcohol Testing Policies, for amendment of the City Code section 2-67 and repeal of any previous Personnel Policies, Employee Handbook, and Administrative Policies; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the January 28, 2013, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of February 2014. *(Toni Ervin, CFO)*

ADJOURN MRTA

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:
- City of McAlester v. Randy Green
 - Fender v. City of McAlester
 - Burris v. City of McAlester
 - Wagoner v. City of McAlester

RECONVENE COUNCIL MEETING

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on this _____ day of _____ 2014 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