



McAlester City Council

NOTICE OF MEETING

Regular Meeting Agenda

Tuesday, September 23, 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, Vice Mayor..... 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

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 August 26, 2014, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 3, 2014 through September 16, 2014. *(Toni Ervin, Chief Financial Officer)*
- C. Consider and act upon, the approval of Addendum to AMS Collection Services Agreement. This will allow AMS to file overdue and outstanding fine balances with the Oklahoma Tax Commission. *(Karen Boatright, Municipal Court Administrator & Cora Middleton, City Clerk)*
- D. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester Fire Department's portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*
- E. Consider and act upon, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 139181-KW. *(Cora Middleton, City Clerk)*
- F. Consider and act upon, authorization of payment to Austin Paving, LLC, Pay Estimate No. 6, in the amount of \$52,638.42, for construction services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account.

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 AMENDING THE CODE OF ORDINANCES, CITY OF MCALESTER, OKLAHOMA, CHAPTER 10, ANIMALS, SECTION 10-3 KEEPING SWINE PROHIBITED BY PROVIDING SUBSTITUTE AND ADDITIONAL PROVISIONS; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

- AN ORDINANCE AMENDING ORDINANCE NO. 2501 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2014-2015; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING SECTION “62-197, R-1B SINGLE FAMILY RESIDENTIAL DISTRICT” OF THE MCALESTER CITY CODE REGARDING ZONING USES PERMITTED AFTER REVIEW; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.
- AN ORDINANCE AMENDING SECTION “2-41.AGENDA.” OF THE MCALESTER CITY CODE REGARDING THE SUBMISSION OF MATTERS TO BE CONSIDERED BY THE CITY COUNCIL; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

SCHEDULED BUSINESS

1. Consider and act upon, a resolution authorizing the creation and funding of the Full Time Position of Accountant and place on the Non Uniform Pay plan on pay grade 125. *(Toni Ervin, CFO)*

Executive Summary

Staff recommends motion to approve resolution for the Full Time Position of Accountant.

2. Consider and act upon, a resolution amending the pay plan to reflect the changes to Nutrition Positions Assistant Cook and Head Cook and pay grades. *(Toni Ervin, CFO)*

Executive Summary

Staff recommends motion to approve resolution amending the City’s Non-Uniform Pay Plan to reflect the changes to Nutrition positions titles and pay grades. Assistant Cook to the added pay grade of 110. The Head Cook to the pay grade 112.

3. Consideration and action to approve and to authorize the execution of Amendment No. 1 to the Professional Services Agreement with LandPlan Consultants, Inc. to cover the costs to revise the Preliminary Design of the realigned Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to authorize the execution of Amendment No. 1 to the Professional Services Agreement with LandPlan Consultants to cover the costs to revise the Preliminary Design of the realigned Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project.

4. Consideration and action on an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma, Chapter 10, Animals, Section 10-3 Keeping swine prohibited by providing substitute and additional provisions; repealing any and all other ordinances and

parts of ordinances in conflict therewith; providing for a severability clause; and declaring an emergency. *(Leroy Alsup, Community & Economic Development Director)*

Executive Summary

Motion to approve and to authorize the execution of an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma, Chapter 10, Animals, Section 10-3 Keeping swine prohibited by providing substitute and additional provisions; repealing any and all other ordinances and parts of ordinances in conflict therewith; providing for a severability clause; and declaring an emergency.

- 5. Consider and act upon, an Ordinance amending Ordinance No. 2501 which established the budget for fiscal year 2014-2015; 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.

- 6. Consider and act upon, authorization to seek a lease purchase agreement to acquire 12 work trucks and 1 small SUV through our fleet bidding process. *(Toni Ervin, CFO)*

Executive Summary

Motion to authorize fleet bidding process to acquire lease purchase of 12 work trucks and 1 small SUV on a 60 month payment agreement.

- 7. Consider and act upon, an ordinance amending Section “62-197, R-1B Single Family Residential District” of the McAlester City Code regarding zoning uses permitted after review; repealing all conflicting ordinances and declaring an emergency. *(Robert Karr, Councilman Ward Four and William J. Ervin, City Attorney)*

Executive Summary

This ordinance would add Barbershop and/or Beauty Shop to the uses permitted after review in zoning R-1B, and provide certain definitions and restrictions.

- 8. Consider and act upon, an ordinance amending Section “2-41.AGENDA.” of the McAlester City code regarding the submission of matters to be considered by the City Council; repealing all conflicting ordinances and declaring an emergency. *(William J. Ervin, City Attorney)*

Executive Summary

Staff recommendation is to amend the time from Tuesday, 10:00a.m. to Thursday, 12:00p.m. immediately preceding the regular Council Meeting.

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 9, 2014, Regular Meeting of the McAlester Airport Authority. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item B, regarding claims ending September 16, 2014. *(Toni Ervin, Chief Financial Officer)*
- Confirm action taken on City Council Agenda Item 1, a resolution authorizing the creation and funding of the Full Time Position of Accountant and place on the Non Uniform Pay plan on pay grade 125. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 5, an ordinance amending Ordinance 2501 which established the Budget for Fiscal Year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 8, an ordinance amending Section “2-41.AGENDA.” of the McAlester City code regarding the submission of matters to be considered by the City Council; repealing all conflicting ordinances and declaring an emergency. *(William J. Ervin, City Attorney)*

ADJOURN MAA**CONVENE AS McALESTER PUBLIC WORKS AUTHORITY**

Majority of a Quorum required for approval

- Approval of the Minutes from the September 9, 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 September 16, 2014. *(Toni Ervin, Chief Financial Officer)*

- Confirm action taken on City Council Agenda Item E, to concur with Oklahoma Municipal Assurance Group recommendation to deny Claim No. 139181-KW. *(Cora Middleton, City Clerk)*
- Confirm action taken on City Council Agenda Item F, authorization of payment to Austin Paving, LLC, Pay Estimate No. 6, in the amount of \$52,638.42, for construction services related to CIP#1 and funded through the McAlester Public Works Authority Construction Fund Series 2013 Project Account. *(John C. Modzelewski, P.E., City Engineer and Public Works Director)*
- Confirm action taken on City Council Agenda Item 1, a resolution authorizing the creation and funding of the Full Time Position of Accountant and place on the Non Uniform Pay plan on pay grade 125. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 3, to approve and to authorize the execution of Amendment No. 1 to the Professional Services Agreement with LandPlan Consultants, Inc. to cover the costs to revise the Preliminary Design of the realigned Oklahoma Tourism and Recreation Department (OTRD) Belmont Trail Grant Project. *(Leroy Alsop, Community & Economic Development Director)*
- Confirm action taken on City Council Agenda Item 5, an ordinance amending Ordinance 2501 which established the Budget for Fiscal Year 2014-2015; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 6, authorization to seek a lease purchase agreement to acquire 12 work trucks and 1 small SUV through our fleet bidding process. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 7, an ordinance amending Section “62-197, R-1B Single Family Residential District” of the McAlester City Code regarding zoning uses permitted after review; repealing all conflicting ordinances and declaring an emergency. *(Robert Karr, Councilman Ward Four)*
- Confirm action taken on City Council Agenda Item 8, an ordinance amending Section “2-41.AGENDA.” of the McAlester City code regarding the submission of matters to be considered by the City Council; repealing all conflicting ordinances and declaring an emergency. *(William J. Ervin, City Attorney)*

ADJOURN MPWA

CONVENE AS MCALESTER RETIREMENT TRUST AUTHORITY

Majority of a Quorum required for approval

- Approval of the Minutes from the August 26, 2014, Regular Meeting of the McAlester Retirement Trust Authority. *(Cora Middleton, City Clerk)*
- Approval of Retirement Benefit Payments for the Period of September 2014. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 1, a resolution authorizing the creation and funding of the Full Time Position of Accountant and place on the Non Uniform Pay plan on pay grade 125. *(Toni Ervin, CFO)*
- Confirm action taken on City Council Agenda Item 8, an ordinance amending Section “2-41.AGENDA.” of the McAlester City code regarding the submission of matters to be considered by the City Council; repealing all conflicting ordinances and declaring an emergency. *(William J. Ervin, City Attorney)*

ADJOURN MRTA

RECONVENE COUNCIL MEETING

EXECUTIVE SESSION

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

- 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 vs. Randy Green, Pittsburg County Case Number CJ-2006-844; and the workers compensation claim of Mike Crandall.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

- Consider and act to authorize settlement of the workers compensation claim of Mike Crandall.

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