

The McAlester City Council met in a Regular session on Tuesday, August 22, 2017, at 6:00 P.M. after proper notice and agenda was posted, August 17, 2017 at 4:48 P.M.

Call to Order

Mayor Browne called the meeting to order.

William J. Ervin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, Robert Karr, Buddy Garvin, Jason Barnett & John Browne
Absent: None
Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; David Horinek, Public Works Director; Jayme Clifton, Community Development Director; Toni Ervin, CFO; Gary Wansick, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne recognized Doug Basinger as April 2017 “Employee of the Month” and Tommy Hill as June 2017 “Employee of the Month”. Each of the employees received a Certificate of Appreciation and a personal planner.

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.

John Titsworth, 1010 Douglas expressed appreciation to the Council for all of the things that were currently happening in the City and the various opportunities that the City was helping to provide. He then inquired about the possibility of converting the auditorium located on the second floor of City Hall into a community theatre venue.

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 25, 2017, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 2, 2017 through August 15, 2017. *(Toni Ervin, Chief Financial Officer)* in the following amounts: General Fund - \$128,939.34; Parking Authority - \$202.24; Nutrition - \$2,284.95; Landfill Res./Sub-Title D - \$1,155.00; Tourism Fund - \$16,172.23; SE Expo Center - \$11,802.62; E-911 - \$11,317.77; Economic Development - \$3,271.82; CDBG Grants Fund - \$25,352.55; Fleet Maintenance - \$14,972.65; Worker’s Compensation - \$941.68; CIP Fund - \$1,250.00; Technology Fund - \$1,534.42 and Stormwater Fund - \$15,408.57.
- C. Consider and act upon, a request from Eastern Oklahoma State College to partner with them for the rental fee for the use of the Southeast Expo Center for an ACT Prep Workshop for students in southeastern Oklahoma set for September 19, 2017 in the amount of \$315.00. *(Ann Wilson, Expo Manager)*

- D. Consider and act upon, a request from Eastern Oklahoma State College a request from Eastern Oklahoma State College, to partner with them for the rental fee for the use of the Southeast Expo Center for a Career and College Tour for area students set for October 11 & 12, 2017 in the amount of \$2,000.00 (*Ann Wilson, Expo Manager*)
- E. Consider and act upon, authorizing the Mayor to sign a Resolution supporting continued participation in the Main Street Program. (*Amy Newman, Executive Director McAlester Main Street*)
- F. Consider and act upon, authorizing the Mayor to sign a Public Works Project Contract between the Oklahoma Department of Corrections and the City of McAlester. (*Mel Priddy, Community Services Director*)
- G. Consider and act upon, to approve a Mutual Aid Inter-Local Agreement between the Pittsburg County Sheriff's Office and the City of McAlester. (*Gary Wansick, Chief of Police*)
- H. Consider and act upon, to approve a County Jail Services Agreement between the City of McAlester and the Pittsburg County Criminal Justice Center. (*Gary Wansick, Chief of Police*)

Councilman Read requested that Item "H" be removed for individual consideration.

A motion was made by Councilman Smith and seconded by Councilman Stevens to approve the Consent Agenda items "A through DG". There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Read, Karr, Garvin, Barnett & Mayor Browne
 NAY: None

Mayor Browne declared the motion carried.

Items Removed from consent Agenda

- H. Consider and act upon, to approve a County Jail Services Agreement between the City of McAlester and the Pittsburg County Criminal Justice Center. (*Gary Wansick, Chief of Police*)

Councilman Read commented that he did not feel that a City inmate should be used as a Trustee and requested that the last sentence in paragraph eight (8) be removed.

There was a short discussion concerning the amended agreement needing to go back to the County Sherriff for his approval.

Councilman Smith inquired about the plan to stop using the County jail to hold city inmates.

There was a brief discussion concerning the City's plans to start using the City's jail cells, how long the City would be able to hold an individual, the expense of changing those cells to extended holding cells and what fees could be charged to incarcerated individuals.

Councilman Read moved to approve a County Jail Services Agreement between the City of McAlester and the Pittsburg County Criminal Justice Center contingent upon the removal of the last sentence in paragraph eight (8). The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Karr, Garvin Barnett & Mayor Browne
 NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to consider deemed by City Staff to be dilapidated by reason of deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation,

neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood was made by Councilman Stevens. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Stevens, Smith, Read, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:24 P.M.

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.

- Conduct a Public Hearing on structures deemed by City Staff to be dilapidated by reason of deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood.

There were no comments from the Council or audience and a motion to close the Public Hearing was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:25 P.M.

Scheduled Business

1. Consider and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. (*Jayme Clifton, Director, George Estrada, Building Inspector*)

Executive Summary

Upon the conclusion of the Public Hearing, Motion to approve a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

George Estrada, City of McAlester Building Inspector addressed the Council explaining that the agenda packet contained information regarding thirteen (13) houses that had been determined to be dilapidated and detrimental to the health, safety, or welfare of the general public. He then described the steps that were taken in determining these structures should be condemned and then reviewed the list of properties with the Council.

Lewis Hall 2120 N. Hall Drive, Wardville addressed the Council regarding his property at 219 W. Ottawa Avenue.

There was discussion concerning the issues with the structure on this property, why it had been placed on the list, how long the structure had been vacant, what would have to be done to have it removed from the list, and how Mr. Hall could apply for a Special Remodel Permit.

Councilman Barnett informed the Council that the owner of the property at 2618 N. Main Street had contacted him to let him know that he had contracted with Moss Wrecker to demolish the structure.

There was no further discussion, and Councilman Read moved to approve RESOLUTION NO. 17-08, declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Read, Smith, Garvin, Barnett, Stevens, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, a Use Permit After Review in the Wade Watts Corridor for the use of the property on E Wade Watts Avenue, described as Lot 2 & Lot 7, in Block 457, South McAlester, Pittsburg County, State of Oklahoma for a “car wash”. (*Jayme Clifton, Director Community & Economic Development*)

Executive Summary

Motion to approve a Use Permit After Review in the Wade Watts Corridor for the use of the property on E Wade Watts Avenue, described as Lot 2 & Lot 7, in Block 457, South McAlester, Pittsburg County, State of Oklahoma for a “car wash” and to authorize the Mayor to sign the Use Permit after Review approval form.

Director Clifton addressed the Council informing them that on August 15, 2017 the McAlester Planning and Zoning Commission met to consider an application for a Use Permitted After Review to construct a tunnel car wash in the Wade Watts Corridor. She added that after their review the Committee voted ten (10) to zero (0) to recommend the applicant’s request be approved.

There was no discussion, and a motion, to approve a Use Permit After Review in the Wade Watts Corridor for the use of the property on E Wade Watts Avenue, described as Lot 2 & Lot 7, in Block 457, South McAlester, Pittsburg County, State of Oklahoma for a “car wash” and to authorize the Mayor to sign the Use Permit after Review approval form, was made by Vice-Mayor Karr. The motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Karr, Smith, Barnett, Stevens, Read, Garvin & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting Change Order #1 for six (6) Weather Days only, there will be no increase or decrease in the contract amount, only an extension in days for the duration of the contract, and authorizing the Mayor to sign the Change Order to Gipson Construction for these weather days. (*Kevin Hardwick, Sr. Eng. Tech.*)

Executive Summary

The recommendation is to accept the Change Order with Gipson Construction for the six (6) Weather Days, to replace a portion of Storm Water Drainage Pipe that has been destroyed.

Director Horinek addressed the Council explaining that Change Order #1 was for six (6) weather days only and would not increase or decrease the contract amount.

Councilman Stevens moved to accept Change Order #1 for six (6) Weather Days only, and authorize the Mayor to sign the Change Order to Gipson Construction for these weather days. The motion was seconded by Councilman Read and the vote was taken as follows:

AYE: Councilman Stevens, Read, Smith, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, authorization for the Mayor to sign the Application for Federal Assistance (Form SF-424) and any other grant related documents for Federal assistance from the FAA. (*David Horinek, Public Works*)

Executive Summary

Motion to approve and authorize the Mayor to sign a grant application and any other grant related documents for Federal assistance from the FAA.

Director Horinek addressed the Council explaining that grant application was a request for financial assistance from the FAA to rehabilitate the Runway and taxiways at the McAlester Municipal Airport. He added that as the City’s consultant, LBR, Inc. would aid with the administration of this grant should the City receive its’ award. He stated that the City’s portion would be 10% of \$30,660.00.

There was no further discussion, and a motion was made by Councilman Smith to approve and authorize the Mayor to sign the Application for Federal Assistance (Form SF-424) and any other grant related documents for Federal assistance from the FAA. The motion was seconded by Vice-Mayor Karr, and the vote was taken as follows:

AYE: Councilman Smith, Karr, Garvin, Barnett, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, Amendment No. 2 to the consulting and design services agreement for Project 3-40-0057-015-2017 (Rehabilitate Runway 2/20 and Connecting Taxiways) with LBR, Inc. to revise the existing runway safety area (RSA) evaluation to comply with the ARP SOP 8.0 including a high level cost estimate. (*David Horinek, Public Works*)

Executive Summary

Motion to approve and authorize the Mayor to sign Amendment No. 2 to the consulting and design services agreement Project 3-40-0057-015-2017 to revise the existing runway safety area (RSA) evaluation to comply with the ARP SOP 8.0 including a high level cost estimate. This was requested by the FAA representative.

Director Horinek addressed the Council explaining that this was a request from the FAA representative for an in-depth examination of the Runway Safety Areas and the study would determine what measures needed to be taken to improve the runway safety areas to FAA standards for grading and drainage.

A motion to approve and authorize the Mayor to sign Amendment No. 2 to the consulting and design services agreement for Project 3-40-0057-015-2017 (Rehabilitate Runway 2/20 and Connecting Taxiways) with LBR, Inc. to revise the existing runway safety area (RSA) evaluation to comply with the ARP SOP 8.0 including a high level cost estimate was made by Councilman Smith. The motion was seconded by Councilman Read.

There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Stevens, Karr, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Discussion and update on Financials. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Discussion.

CFO Ervin addressed the Council updating them on the City's financial status as of July 31, 2017. She informed them that currently the beginning fund balances were estimated and she was in the process of closing out the 2016/2017 fiscal year. She added that the General Fund and the McAlester Public Works Authority were currently doing well and to date the sales tax receipts had met Budget.

There was a brief discussion concerning the new digital water meters and if the City had changed out the Water District's meters.

Mayor Browne asked Ms. Ervin to explain what GASB meant.

CFO Ervin explained that GASB was the organization that established and improved the reporting requirements of State and local government entities.

There was no vote on this item.

7. Discussion of the use of tax increment financing (TIF) for community and economic development projects. Consideration of two potential tax increment financing (TIF) districts within McAlester. (*Kirk Ridenour, Director Economic Development*)

Executive Summary

Discussion.

Director Ridenour addressed the Council reviewing a couple of financing options that could be available to the City. He explained what a TIF or tax increment financing was and how it could help a specific area or areas to develop or reinvest in itself.

There was a lengthy discussion concerning how a TIF was created, how it could help with development or reinvestment, what groups would need to participate and how oversight of a TIF could work.

There was no vote on this item.

8. Consider and act upon the proposed tax increment financing (TIF) districts. (*Kirk Ridenour, Director Economic Development*)

Executive Summary

Motion to authorize the Mayor to execute an agreement between the City of McAlester and Ervin & Ervin, Attorneys at Law, L.L.P., not to exceed \$30,000, for the creation of two tax increment financing (TIF) districts within the McAlester City limits. Additionally, authorize the appointment of a member of the McAlester City Council to serve as the Chairman of the TIF Review Committee.

Director Ridenour addressed the Council explaining that this item was requesting that the Council approve a contract with the Ervin & Ervin law firm to aid in the creation of two (2) TIF Districts.

There was a lengthy discussion regarding the need for public input before the Council proceeded, how the TIFs might be set up, if sales tax, ad valorem taxes would be used or a combination of the two (2), having a better understanding of what a TIF was and how it worked, and how long a TIF could be in place.

Mayor Browne stated that there would be a Town Hall meeting next Monday. He then postponed this item until the September 12, 2017 Council meeting and asked the City Manager to contact all taxing entities that could be affected by a TIF.

There was no vote taken on this item.

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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that the AMI project was being finalized this week, representatives from Ameresco would be back next week with their report and ideas for the SE Expo Center. He informed the Council that a new Code Enforcement Officer had been hired, was attending two (2) days of training and would start on Friday. He added that Director Clifton and her assistant had been staying on top of Code issues during the absence of a Code Enforcement Officer. He commented that he would be attending a meeting tomorrow with ODOT in Antlers concerning the Highway 69 construction.

Remarks and Inquiries by City Council

Councilman Smith asked when the bridge construction over Wade Watts would be complete.

Manager Stasiak stated construction was about 30 days behind, but he would get an update tomorrow and distribute that information to the Council.

Councilman Read inquired about an article.

Vice-Mayor Karr informed the Council that on September 3rd, North Gate Baptist Church would be celebrating their 64th anniversary.

Councilman Garvin thanked Director Clifton for the job she had done in Fifth Ward.

Councilmen Stevens and Barnett did not have any comments or inquiries for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne informed the audience that the Town Hall meeting would be Monday at 5:30 P.M. at Spaceship Earth Coffee. He stated that he had been approached by a citizen concerning a problem between Sixth and Strong and asked that it be looked into. He then commented that trains that blocks Monroe had a limited amount of time that it could be parked over the crossing.

Councilman Garvin informed the Council of the process that had to be taken to address the matter of trains blocking intersections.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read.

There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:52 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:54 P.M.

Councilman Read moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307.B.3 and C.9, for the purpose of conferring on matters pertaining to Economic Development, including transfer or purchase of real property and discussion of option to purchase real property; and in accordance with Title 25, Sec. 307.B.4, for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions. The motion was seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

AYE: Councilman Read, Stevens, Karr, Garvin, Barnett, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Regular Meeting was recessed at 7:55 P.M.

Executive Session

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

- Consider and Act to convene in Executive Session for the purpose of conferring on matters pertaining to Economic Development, including transfer or purchase of real property and discussion of option to purchase real property per Title 25 Oklahoma Statue Sec. 307 B(3) & C(9).
- Consider and act to convene in Executive Session pursuant to Title 25, Sec. 307 (B) (4) for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:50 P.M. Mayor Browne reported that the Council had recessed the Regular Meeting for an Executive Session for the purpose of conferring on matters pertaining to Economic Development, including transfer or purchase of real property and discussion of option to purchase real property, in accordance with Title 25, Sec. 307.B.3 and C.9; and for Confidential communications between a public body and its attorney concerning pending investigations, claims, or actions, in accordance with Title 25, Sec. 307.B.4. Only those matters were discussed, no action was taken, and the Council returned to open session at 8:50 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned. The motion was seconded by Vice-Mayor Karr. There was no discussion, and the vote was taken as follows:

AYE: Councilman Garvin, Karr, Barnett, Smith, Stevens, Read, & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:50 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk