

The McAlester City Council met in a Regular session on Tuesday, April 10, 2018, at 6:00 P.M. after proper notice and agenda was posted, April 9, 2018 at 10:52 A.M.

Call to Order

Mayor Browne called the meeting to order.

Vice-Mayor Robert Karr 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 Stasiak, City Manager; Toni Ervin, CFO; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Kirk Ridenour, Economic Development Director; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Swearing-In Ceremony

Judge Deborah Hackler administered the Oath of Office to Cully Stevens, Ward Two (2) Councilman and to James Brown, Ward Four (4) Councilman.

Vice-Mayor Karr thanked the City of McAlester's employees for their hard work. He thanked Manager Stasiak, CFO Ervin and City staff for making his job as Councilman easier and he thanked the Council members and the City Attorney Ervin for all of their help.

Mayor Browne thanked Vice-Mayor Karr for his work on the Council and then presented him with a plaque of appreciation.

Incoming Council Remarks

- New Council members take Office

There were no comments from the new Council members.

- Selection of Interim Vice-Mayor

Mayor Browne nominated Councilman Stevens for Interim Vice-Mayor.

Councilman Garvin nominated Councilman Read for Interim Vice-Mayor.

Attorney Ervin clarified that the chosen Councilman would only serve as Vice-Mayor until the Sixth (6th) Ward Councilman was seated. He also explained how the selection could be conducted.

The Roll was called as follows:

Read: Councilman Smith, Garvin & Read (abstained)

Stevens: Councilman Stevens, Brown, Barnett & Mayor Browne

Councilman Stevens was selected as Interim Vice-Mayor.

Recognition and Awards

Mayor Browne issued a Proclamation in recognition of the Great American Cleanup sponsored by the Keep America Beautiful organization.

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.

Steve Rooker 408 E. Mill, McAlester, OK, addressed the Council expressing his opinion of the prohibition against “Pot Belly” pigs within the City limits.

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 March 13, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the March 13, 2018, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for March 21, 2018 through April 2, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$97,923.19; Nutrition - \$911.25; Police Grant Fund - \$9,991.50; Tourism Fund - \$11,398.32; SE Expo Center - \$3,472.58; E-911 - \$831.82; Economic Development - \$6,199.98; Fleet Maintenance - \$14,253.92; CIP Fund - \$65,348.39; Technology Fund - \$87,953.74 and Stormwater - \$33,189.99.

- D. Consider and act upon, authorizing the Mayor to sign a Maintenance Contract with Miller Office for (9) copiers for a period of one year. *(Toni Ervin, Chief Financial Officer)*
- E. Consider and act upon, authorizing the Mayor to sign an agreement with SpyGlass Group, LLC for auditing services regarding the City's phone expenses. *(Toni Ervin, Chief Financial Officer)*
- F. Consider and act upon, to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 204492-ME. *(Cora Middleton, City Clerk)*
- G. Consider and act upon, a Personal Services Agreement with David Wright for hay baling on the Steven Taylor Industrial Park and Hwy 31 west of Indian Nation Turnpike in the amount of \$780.00. *(Mel Priddy, Community Services Director)*

A motion to approve the Consent Agenda was made by Councilman Smith and seconded by Councilman Brown.

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

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

NAY: None

Mayor Browne declared the motion carried.

A motion to open the Public Hearing to address the proposed Capital Program and a rezoning ordinance was made by Councilman Stevens and seconded by Councilman Read.

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

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

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:21 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.

A PUBLIC HEARING ON THE PROPOSED CAPITAL PROGRAM FOR FY2018/2019-2022/2023 FOR THE CITY OF MCALESTER.

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR THE E 34' LOT 11 & W 41' LOT 12, BLOCK 298, SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B

SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2 TWO-FAMILY DWELLING (DUPLEX) DISTRICT.

There was no comments 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, Garvin, Barnett, Stevens, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:21 P.M.

Scheduled Business

1. Consider and act upon, the request from McAlester Public Schools for funding of Capital Improvements at Puterbaugh School and various additional safety and security improvements. These funds are to be drawn from the quarter cent sales tax generated by the 2003 Sales Tax Ordinance #2159. (*Randy Hughes, McAlester Public Schools*)

Executive Summary

Staff recommends approval of the request from McAlester Public Schools in the amount of \$1,600,000 or a similar amount apportioned on a per student basis.

Manager Stasiak addressed the Council explaining that the City had received a request from Superintendent Hughes and the McAlester Public School system for funds generated from the Education Sales Tax.

Superintendent Randy Hughes 727 S. 4th Street, McAlester, OK, addressed the Council stating that the McAlester School System would like to construct safe rooms and make improvements at the Puterbaugh Middle School.

There was discussion concerning an opinion rendered by Bond Counsel that said all funds distributed had to be given to all School Districts that had a foot print within the City limits, how that distribution was to be calculated, the previous request from Eastern Oklahoma State College, if this request would close the account, what the funds could be spent on, if all of the schools would eventually have safe rooms and plans for the School system to construct an Early Childhood Center with a safe room.

A motion was made by Councilman Read to approve the distribution of \$1.6 million from the 2003 Sales Tax to the McAlester, Krebs and Frink School Systems. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

2. Discussion and possible action concerning proposed updates to the current rental contract and rental fees of the McAlester Expo Center. (*Billy Sumner, Expo Manager*)

Executive Summary

Staff recommends the council approve the new and updated contract for the McAlester Expo Center as well as the increase in rental prices, effective July 1st, 2018, on any newly signed contracts.

Expo Manager Sumner addressed the Council informing them of several updates that had been put in place at the Expo. He explained that credit card readers had been installed at the concession counter, the vending machines had been changed to Pepsi machines and they had also been updated to provide concession type items even when the concession was closed. He stated that the Expo was working on attracting larger events, they had created a seating chart for the main hall and they were working on updating rental prices. He commented that the Expo pricing had been placed it in competition with local venues and he and his staff were working to change that.

There was discussion concerning missing contact information for various contracts, if the Expo was making or losing money, what event centers made money, the continued improvements planned for the Expo and coming back to the Council with more information at a later date.

A motion to approve the McAlester Expo Center revised rental contract and rental fees was made by Interim Vice-Mayor Stevens. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, an Ordinance amending the general zoning ordinance and accompanying map thereto known as General Zoning Ordinance No. 1843 (1989), by changing the classification of the zoning district for the E 34' of Lot 11 and W 41' of Lot 12, Block 298, South McAlester, Pittsburg County, State of Oklahoma, from R-1B Single-family Residential District to R-2 Two-family Dwelling (duplex) District. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning district for the property identified in the Ordinance from R-1B Single-family Residential District to R-2 Two-family Dwelling (duplex) District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the Planning and Zoning Commission had met on March 20, 2018 and voted unanimously to recommend that the applicant's rezoning request be approved as presented.

ORDINANCE NO. 2622

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP THERETO KNOWN AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATION OF THE ZONING DISTRICT FOR THE E 34' LOT 11 & W 41' LOT 12, BLOCK 298, SOUTH

MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-2 TWO-FAMILY DWELLING (DUPLEX) DISTRICT.

There was no discussion, and a motion to approve ORDINANCE NO. 2622, rezoning the east 34' of Lot 11 & the west 41' of Lot 12 in Block 298, South McAlester from R-1B (Single-Family Residential District) to R-2 (Two-Family Dwelling (Duplex) District), was made by Councilman Smith. The motion was seconded by Interim Vice-Mayor Stevens and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, declaring certain equipment surplus property in accordance with the Code of Ordinances Sec 2-410 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-411. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to declare certain equipment surplus property and authorize the sale of said equipment.

CFO Ervin addressed the Council explaining that this was a routine surplus of property and there were no vehicles on this list. She commented that these would be listed on the internet bid site that the City has been using.

There was no discussion, and a motion to declare certain equipment surplus property in accordance with the Code of Ordinances Sec 2-410 and authorize the City Manager to sell them in accordance with the Code of Ordinances Sec 2-411 was made by Councilman Smith. The motion was seconded by Interim Vice-Mayor Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, accepting the bid amount of \$149,650 from SMC Utility Construction and authorizing the Mayor to sign the Notice of Award for the 2017 CDBG Water Improvements Project. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

The recommendation is to accept the bid from SMC Utility Construction and authorizing the Mayor to sign the Notice of Award for the 2017 CDBG Water Improvements Project.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this project had been bid on March 27, 2018 with four (4) contractors submitting bids. He stated that SMC Utility Construction had been the low bidder and their references had been checked as well the System for Award Management (SAM) website.

There was a brief discussion concerning experience with the contractor and the difference in the bid amounts.

A motion was made Councilman Brown and seconded by Councilman Smith to accept the bid amount of \$149,650 from SMC Utility Construction and authorize the Mayor to sign the Notice of Award for the 2017 CDBG Water Improvements Project.

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

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

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act to approve creation of the McAlester Economic Development Authority by approving the Trust Declaration. (*William J. Ervin, Legal*)

Executive Summary

Staff recommends approval of the Trust Declaration, and creation of the McAlester Economic Development Authority.

Director Ridenour addressed the Council explaining that this new Authority should expand the operational capacity of the Economic Development. He stated that when the Council voted to establish the TIF Review Committees it involved the setting up an Authority that would house those TIFs. He explained how this Authority would be able to operate differently than the City could.

Attorney Ervin addressed the Council explaining that this was the creation of a Title 60 Trust. He stated that the Trustees if the Authority would be the Council members and it was set up in a way to give the Council maximum control of the Authority.

There was a brief discussion concerning the transfer of Municipal property to the Authority and how that would be addressed if that were to happen.

A motion was made by Interim Vice-Mayor Stevens to approve the Trust Declaration and creation of the McAlester Economic Development Authority. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act to adopt a resolution accepting the beneficial interest of the McAlester Economic Development Authority and authorizing the Mayor to endorse the acceptance of the beneficial interest of the trust on the Trust Declaration. (*William J. Ervin, Legal*)

Executive Summary

Staff recommends adoption of a resolution accepting the beneficial interest of the MEDA on behalf of the City of McAlester, Oklahoma, and authorizing the Mayor to endorse the acceptance of the Trust Declaration.

Attorney Ervin addressed the Council explaining that when an Authority is created the city must accept the beneficial interest of the Authority.

There was a brief discussion of the Emergency Clause on the resolution.

A motion was made by Councilman Smith and seconded by Interim Vice-Mayor Stevens to adopt RESOLUTION NO. 18-07, accepting the beneficial interest of the MEDA on behalf of the City of McAlester and authorize the Mayor to endorse the acceptance of the Trust Declaration. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

A motion to approve the EMERGENCY CLAUSE was made by Councilman Brown and seconded by Mayor Browne. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

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.

Manager Stasiak addressed the Council informing them that this matter had been brought to his attention last week by Interim Vice-Mayor Stevens. He explained that the engineers were sent out this morning to inspect this area and it appeared that the canal wall at 1000 S. 10th Street had failed and was in imminent danger of collapse.

Attorney Ervin stated that this matter did present significant risk of immediate financial loss to the City and a threat to the health, welfare and safety to the public this matter did qualify as new business and constitute an emergency under State law.

There was a brief discussion concerning this section of canal wall and the cost estimate submitted by Infrastructure Solutions Group, LLC.

A motion was made by Councilman Read and seconded by Councilman Smith to declare an Emergency and allow Infrastructure Solutions Group, LLC to pursue bids for the repair of the section of canal wall at 1000 S. 10th Street. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak reported that Budget season had begun, he was in negotiations with both of the Unions and he planned on having the first draft of the fiscal year 2018/2019 Budget to the Council at the April 24, 2018 meeting.

Remarks and Inquiries by City Council

Councilman Read welcomed Councilman Brown to the Council and wished Robert Karr all the best. He asked if the City was working on an ordinance addressing pot belly pigs.

Manager Stasiak stated that this had been brought to his attention last Thursday and the City is working with Mr. and Mrs. Rooker on the matter.

Councilman Brown stated that he was glad to be here and it was an honor to be back on the Council.

Councilman Garvin welcomed Councilman Brown to the Council and wished Robert Karr all the luck in the world.

Councilman Barnett congratulated Councilman Brown and Robert Karr.

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

Mayor's Comments and Committee Appointments

Mayor Browne welcomed Councilman Brown and thanked former Vice-Mayor Karr for all of the work that he had done.

Recess Council Meeting

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, Brown, Garvin, Barnett, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:18 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:19 P.M.

Councilman Smith moved to recess the Regular Meeting for an Executive Session in accordance with Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak and for a legal update on the City of McAlester vs. Randy Green case. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:19 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.1 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak
- Legal update on the City of McAlester vs. Randy Green

Reconvene Into Open Session

The Regular Meeting was reconvened at 7:58 P.M. Mayor Browne reported that the Council had recessed for an Executive Session in accordance with Title 25, Sec. 307 (B) (1), to discuss the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee: City Manager, Peter Stasiak and for a legal update on the City of McAlester vs. Randy Green case. Only those matters were discussed, no action was taken and the Council returned to open session at 7:58 P.M., and this constituted the Minutes of the Executive Session.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Interim Vice-Mayor Stevens.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:58 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk