

The McAlester City Council met in a Regular session on Tuesday, July 10, 2018, at 6:00 P.M. after proper notice and agenda was posted, July 9, 2018 at 11:15 A.M.

Call to Order

Vice-Mayor Stevens 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, James Brown & Buddy Garvin
Absent: Jason Barnett & John Browne
Presiding: Cully Stevens, Vice-Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, CFO; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Kirk Ridenour, Economic Development Director; An-Chen Lai, Chief Accountant; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Swearing-In Ceremony

Judge Deborah Hackler administered the Oath of Office to Ward Six (6) Council-Elect Zachary Prichard.

Incoming Council

- New Council Member takes Office
- Selection of Vice-Mayor to serve a term that terminates upon conclusion of the next election in the year 2020

Interim Vice-Mayor Stevens asked for nominations for Vice-Mayor. There were no nominations made.

Attorney Ervin stated that a nomination needed to be made even if the Council were satisfied with the current Vice-Mayor.

Councilman Brown nominated Interim Vice-Mayor Stevens as Vice-Mayor for a term that would terminate upon the conclusion of the next election in year 2020.

There were no other nominations. Attorney Ervin stated that Interim Vice-Mayor Stevens was elected by acclamation.

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.

There were no comments for this evening's meeting.

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 June 12, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 20, 2018 through July 3, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$156,403.59; Nutrition - \$2,736.21; Landfill Res./Sub-Title D - \$2,680.00; State Forfeiture Fund - \$3.49; Tourism Fund - \$7,781.52; SE Expo Center - \$12,328.31; E-911 - \$2,765.44; Economic Development - \$7,905.22; Grants & Contributions - \$784.00; CDBG Grants Fund - \$2,835.00; Fleet Maintenance - \$3,516.64; Worker's Compensation - \$3,766.72; CIP Fund - \$106,552.71; Technology Fund - \$140,057.40 and Stormwater Fund - \$48,748.19.
- C. Consider and act upon, concurrence with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 204735-BD. *(Cora Middleton, City Clerk)*
- D. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. *(William J. Ervin, City Attorney)* Resolution No. 18-15.

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

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

AYE: Councilman Smith, Read, Brown, Garvin, Barnett & Vice-Mayor Sevens
 NAY: None

Vice-Mayor Stevens declared the motion carried.

A motion to open the Public Hearing to address the Fiscal Year 2018 CDBG Grant, the proposed Splash Pad project at Mullen Park and an ordinance amending Chapter 98 of the City of McAlester Code of Ordinances was made by Councilman Read and seconded by Councilman Smith.

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

AYE: Councilman Read, Smith, Brown, Garvin, Prichard & Vice-Mayor Stevens
 NAY: None

Vice-Mayor Stevens declared the motion carried, and the Public Hearing was opened at 6:06 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 FY-18 CDBG SMALL CITIES GRANT; FOR PROPOSED SEWER LINE REPLACEMENTS PROJECT.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA; AMENDING McALESTER MUNICIPAL CODE CHAPTER 98, TAXATION, ARTICLE III, SECTION 98-68, EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE, PERSONAL PROPERTY LEVIED; PROVIDING FOR REPEALER AND SEVERABILITY.

A PUBLIC HEARING ON THE PROPOSED MULLEN'S PARK SPLASHPAD PROJECT LOCATED AT 303 W. SPRINGER, McALESTER, OKLAHOMA.

There were 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, Brown, Garvin, Prichard & Vice-Mayor Stevens
 NAY: None

Vice-Mayor Stevens declared the motion carried, and the Public Hearing was opened at 6:06 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance of the City of McAlester; amending Chapter 98, Taxation, Article III, section 98-68, Excise Tax on storage, use or other consumption of tangible, personal property levied; providing for repealer and severability. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to approve amending the ordinance.

CFO Ervin addressed the Council explaining that this ordinance would keep the City's Use Tax in line with the Sales Tax and in the future this section would not have to be amended.

ORDINANCE NO. 2631

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA; AMENDING McALESTER MUNICIPAL CODE CHAPTER 98, TAXATION, ARTICLE III, SECTION 98-68, EXCISE TAX ON STORAGE, USE OR OTHER CONSUMPTION OF TANGIBLE, PERSONAL PROPERTY LEVIED; PROVIDING FOR REPEALER AND SEVERABILITY.

After a brief discussion regarding the proposed ordinance, Councilman Read moved to approve **ORDINANCE NO. 2631**. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilman Read, Brown, Garvin, Prichard, Smith & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

2. Consider and act upon, authorizing the Mayor to sign the attached Contingent Resolution accepting the FAA grant agreement for Airport Improvement Program (AIP) project No 3-40-0057-016-2018 to make runway and taxiway improvements at McAlester Regional Airport. (*David Horinek, Public Works*)

Executive Summary

Motion to approve and authorize the Mayor to sign the Contingent Resolution which will allow the mayor to sign the FAA grant agreement as soon as it is received from the FAA.

Director Horinek addressed the Council stating that this proposed resolution was recommended by the FAA Representative Cathy Franklin to speed up the grant process. He explained that this would allow the Mayor to sign the grant documents as they were received.

Attorney Ervin commented that this had been done in the past. He added that many of the grant documents were time sensitive and could not wait for the next Council meeting.

There was no further discussion, and a motion to authorize the Mayor to sign the Contingent Resolution No. 18-16, which will allow the mayor to sign the FAA grant agreement as soon as it is received from the FAA was made by Councilman Garvin. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Garvin, Smith, Prichard, Read, Brown & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

3. Consider and act upon, approval and authorizing the Mayor to sign a Contract with Land Plan Consultants, Inc. to prepare a LWCF Grant application for matching funds to build a new splash pad and restroom facility at Mullen Park. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the Mayor signing the contract.

Director Priddy addressed the Council explaining that the City had a history with Land Plan Consultants, Inc. He stated that the company had a 100% success with writing grants for splash pads. He informed the Council that the City had received donations for the splash pad from the Titsworth Family, the Fugitts, the McGowan Family and the Puterbaugh Foundation. He added that there were still some potential donors and he would be discussing possible in-kind donations with some local contractors.

There was discussion concerning the plans for the splash pad, the design, the time and effort that Sheila Norman had put into this project before leaving the City, how the splash pad would enhance the North Town area, how big the splash pad was supposed to be, if it would require Life Guards, other parks in the City, if there were more plans for Mullen Park and the amount of parking that was available at Mullen Park.

A motion to authorize the Mayor to sign a Contract with Land Plan Consultants, Inc. to prepare a LWCF Grant application for matching funds to build a new splash pad and restroom facility at Mullen Park was made by Councilman Garvin. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Garvin, Read, Prichard, Smith, Brown & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried.

4. Consider and act upon, authorizing the Mayor to declare an emergency and waive standard bidding procedures. (*David Horinek, Public Works*)

Executive Summary

Motion to approve and authorize the Mayor to declare a 94 foot section of canal wall located at 400 South A Street a complete wall collapse and to declare an emergency and waive standard bidding procedures.

Director Horinek addressed the Council explaining that on June 28th a ninety four (94) foot section of the north canal wall at 400 South "A" Street had fallen to the bottom of the canal leaving the dirt bank completely exposed. He added that there were concerns that the next major rain would erode the exposed wall, undermining and collapsing the next section of wall.

There was discussion concerning the funding of this project, what could have caused this section to fail, if the City was checking the other areas of the canals to possibly prevent further problems, how repairs and construction on the canals was currently done and how this was a perfect example for having the Stormwater fee.

Councilman Read moved to authorize the Mayor to declare an emergency and waive standard bidding procedures to repair a ninety four (94) foot section of canal wall located at 400 S. "A" Street. The motion was seconded by Councilman Smith.

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

AYE: Councilman Read, Smith, Brown, Garvin, Prichard & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens 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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak stated that he did not have a report for this meeting.

Remarks and Inquiries by City Council

Councilman Brown commented on the workshop he had attended stating that it was very informative. He also welcomed new Councilman Prichard to the Council.

Councilman Read welcomed Manager Stasiak back.

Councilman Garvin welcomed Manager Stasiak back and informed him that if he needed any time to just let the Council know.

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

Councilman Prichard stated that he was very excited to be on the Council. He then commented on the issue with the Sales Tax propositions.

Mayor's Comments and Committee Appointments

Vice-Mayor Stevens announced the Public Hearing for the TIF on Monday, July 16, 2018 at 6:00 P.M. at City Hall.

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, Prichard & Vice-Mayor Stevens

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:29 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:31 P.M.

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

AYE: Councilman Smith, Read, Brown, Garvin, Prichard & Vice-Mayor Stevens

NAY: None

Vice-Mayor Stevens declared the motion carried, and the meeting was adjourned at 6:31 P.M.

ATTEST:

Cully Stevens, Vice-Mayor

Cora Middleton, City Clerk