

The McAlester City Council met in a Regular session on Tuesday, August 28, 2018, at 6:00 P.M. after proper notice and agenda was posted, August 24, 2018 at 8:52 A.M.

Call to Order

Mayor Browne called the meeting to order.

Pastor Brian Smith, Northside Assembly of God 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, Zach Prichard & John Browne

Absent: Buddy Garvin

Presiding: John Browne, 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; Gary Wansick, Police Chief; Billy Sumner, Tourism/Expo Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne presented the following volunteers and City of McAlester employees with Certificates of Appreciation for their participation in the construction and set up of the ADA Playground in Chadick Park.

Bobbi Martinez, Sam Martinez, Taryn Martinez, David Weeks, Lauren Ragan, Rachel Keltner, Greg James, Naomi Woods, Cory Vaughn, Aaron Boatright, Cleve Moore, Sterling Taylor, Cody Enloe, Stephanie Gleese, Justin Browne, Russell Mordecai, Velma Mitchell, Marcus Ford, David Perry, Jana Miskovsky, Kyla Adams, Cody Johnson, Jessica Beshear, Ashley O'Connor, Chris Williams, Micah Stites, Erik McCoy, Lee Adkins, Jake McNatt, Sam Parham, Bryan Johnson, Robbie Womack, Jeremy James, Brian Simmons, Misty Wilson, Glen L. Nausk, Robbie Patton, Lakota Byington, Brian Killstrom and Barnett Construction.

Manager Stasiak introduced Robbie Rivers who had helped with the planning and construction of the ADA Playground in Chadick Park. Manager Stasiak stated that all of the participants

would receive a certificate of appreciation. Mr. Rivers then introduced the following individuals who also helped during the construction and set up of the ADA Playground.

Jered Weeks, Kenny Barone, Frankie Johnson, Cody Vaughan, Gail Yandell and Jerry Yandell.

Mr. Rivers thanked everyone for making this playground possible.

All of the participants received a flashlight from the City of McAlester.

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.

Krystal Bess, Director Chamber of Commerce, 216 E. Choctaw addressed the Council regarding the increase in fees related to the change in the Oklahoma liquor laws. She stated that this had been addressed and approved at the August 14, 2018 Council meeting and since that time her office had received several calls from local businesses. She then asked the Council to reconsider their decision.

Robin Woodly, 1427 Timber Lane addressed the Council concerning their decision on August 14, 2018 that increased the City's fees related to the change in the Oklahoma liquor laws. She stated that this increase would adversely affect many of the local businesses that currently sold beer and/or wine. She also asked the Council to reconsider their previous decision.

Rita Matlock, 436 W. Adams addressed the Council concerning the parking in front of her residence. She explained that many times during the week cars would be parked in front of her home for several hours at a time preventing people that would come to see her from being able to park in front of her house. She then asked if the City could do something to address the matter.

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 14, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 8, 2018 through August 21, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$165,682.58; Parking Authority - \$196.11; Nutrition - \$4,011.52; Landfill Reserve/Sub-Title D - \$153.04; Tourism Fund - \$1,587.34; S.E. Expo Center - \$3,050.21; E-911 - \$8,857.72; Economic Development - \$2,989.34; Grants & Contributions - \$3,651.11; Fleet Maintenance - \$18,587.54; Dedicated Sales Tax-MPWA - \$500.00; CIP Fund - \$92,532.66; Technology Fund - \$368.48; Stormwater Fund - \$56.59 and Infrastructure Fund - \$93,693.68.
- C. Concur with the Mayor's reappointment of Sam Wampler to the McAlester Stormwater Advisory Committee for a term to expire on August 31, 2021. *(John Browne, Mayor)*

- D. Concur with the Mayor's reappointment of Chris Plunkett to the McAlester Board of Ethics for a term to expire on August 31, 2022. (*John Browne, Mayor*)
- E. Concur with the Mayor's appointment of DaMaria Maddox to the McAlester Expo Board for a term to expire on June 30, 2022. (*John Browne, Mayor*)
- F. Consider and act upon, authorizing the Mayor to sign an addendum to our existing agreement with ACC Business for managed Internet Service for ISP, 100 mbps Fiber, New Police Station (Federal Building). (*James Stanford, IT Computer Support Specialist, Joe Breeden, BizTel*)
- G. Consider and act upon, to accept the resignation of Councilman Weldon Smith as Chairman of the McAlester Downtown Area Reinvestment Review Committee and to confirm the Mayor's appointment of Zach Prichard as his replacement as Chairperson. (*John Browne, Mayor*)

Mayor Browne requested that Item "G" be pulled for individual consideration.

Councilman Smith requested that Items "C and D" be pulled for individual consideration.

Councilman Read moved to approve Consent agenda Items "A, B, E and F". The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Items removed from Consent Agenda

Councilman Smith asked if the Stormwater Board and the Board of Ethics required residency in McAlester. Mayor Browne commented that residency in the City was not required and both were reappointments.

Councilman Smith asked if the Mayor knew where both individuals lived.

Mayor Browne explained that he had removed item "G" due to a possible perceived conflict of interest. He stated that he had spoken with the City Attorney and there was no conflict of interest since Councilman Prichard did not own any property in the Downtown area.

There was discussion concerning Councilman Prichard owning a business in the Downtown area, steering the committee as Chairman, recusing himself from discussions and votes, a perceived conflict of interest, how the TIF Committee was formed, maybe having Councilman Prichard as a member but not Chairman, tabling the item for legal opinion and the Council's veto power over any plan the TIF Committee presented.

Councilman Brown moved to table Item “G”. The motion died for lack of a second.

- C. Concur with the Mayor’s reappointment of Sam Wampler to the McAlester Stormwater Advisory Committee for a term to expire on August 31, 2021. (*John Browne, Mayor*)

Councilman Smith moved to concur with the Mayor’s reappointment of Sam Wampler to the McAlester Stormwater Advisory Committee for a term to expire on August 31, 2021. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Read, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- D. Concur with the Mayor’s reappointment of Chris Plunkett to the McAlester Board of Ethics for a term to expire on August 31, 2022. (*John Browne, Mayor*)

Councilman Smith moved to concur with the Mayor’s reappointment of Chris Plunkett to the McAlester Board of Ethics for a term to expire on August 31, 2022. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

AYE: Councilman Smith, Prichard, Read, Brown, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

- G. Consider and act upon, to accept the resignation of Councilman Weldon Smith as Chairman of the McAlester Downtown Area Reinvestment Review Committee and to confirm the Mayor’s appointment of Zach Prichard as his replacement as Chairperson. (*John Browne, Mayor*)

Mayor Browne moved to accept the resignation of Councilman Weldon Smith as Chairman of the McAlester Downtown Area Reinvestment Review Committee and to confirm the Mayor’s appointment of Zach Prichard as his replacement as Chairperson. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilman Stevens, Brown, Prichard & Mayor Browne

NAY: Councilman Read

ABSTAIN: Councilman Smith (counted as no)

Mayor Browne declared the motion carried

Scheduled Business

1. Consider and act upon, approving the unified Branding and use of the NEW City of McAlester Logo, presented by Billy Sumner, Tourism/Expo Manager. (*Billy Sumner, Expo Manager*)

Executive Summary

Motion to approve the unified Branding and use of the NEW City of McAlester Logo, across all platforms and departments.

Mayor Browne stated that this was listed with as an action item, but it has been requested that this be just a presentation and discussion. He added that it would be brought back for consideration at a later Council meeting.

Billy Sumner, Tourism/Expo Manager addressed the Council presenting them with a presentation regarding the rebranding of the City of McAlester. During the presentation, Mr. Sumner commented that the current logo was vague and had no clear direction. He commented on the wayfinding signs and the color and logo that was used on them. He added that this logo was created approximately two (2) years ago by a group made up of Ginny Bailey former City of McAlester Grant Writer, Kirk Ridenour, Economic Development Director, Eddie Gray, Tourism Coordinator and a few others. Mr. Sumner stated that if this design is approved the change would be made across the board and not phased in.

There was discussion concerning the rush to change the logo, what “Big Frontier” meant, why it was just being presented to the Council, how this had been developed by several people, the Tourism Department being the only City Department currently using the proposed logo, the Mayor appointing a committee, using “Choctaw Country” was just a suggestion, the cost to make the initial change, taking more time to consider the proposed logo and not trying to market McAlester the way Tulsa was marketed.

Vice-Mayor Stevens moved to approve the unified Branding and use the new City of McAlester logo across all platforms and departments. The motion was seconded by Councilman Prichard. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Stevens and Prichard,
NAY: Councilman Smith, Read & Mayor Browne
ABSTAIN: Councilman Brown (counted as no)

Mayor Browne declared the motion failed.

Mayor Browne moved to appoint Councilman Smith and Vice-Mayor Stevens to a committee to work with the Tourism Department and bring this item back to the Council at the second (2nd) meeting in September. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilman Brown, Smith, Read & Mayor Browne
NAY: Councilman Prichard & Stevens

Mayor Browne declared the motion carried.

2. Consider and act upon, the approval of the Safe Routes to School Resolution for planning of safer and easier routes for children and their families to walk or bike to school,

allowing kids to be physically active on a daily basis. (*Jayme Clifton, Community & Economic Development Director*)

Executive Summary

Motion to act upon and approve the Complete Streets Resolution and authorizing the mayor to sign the resolution.

Director Clifton addressed the Council explaining that the proposed resolution was intended to support Safe Routes to School and the aligned partnerships with local schools that encourage the improvement of routes that children take to get to school safely. She added that the policy had the goal improving safety, reducing traffic, and supporting healthier kids by implementing a variety of available programs and projects such as creating safer street crossings, providing sidewalks, and sharing education programs that teach children how to walk and bicycle safely to school. She commented that this was similar to Safe Streets, but it focuses on children. Director Clifton informed the Council that the Planning Commission had met on August 21, 2018 and had voted unanimously in favor of recommending approval of the resolution to the Council.

There was discussion concerning what other cities were doing, if this would work in a school system that did not have neighborhood schools, the paths that had been worn going to the High School, where bike lanes would be added to streets, the path worn on Wade Watts and how children were still walking to the neighborhood schools to catch buses.

Councilman Prichard moved to approve RESOLUTION NO. 18-19, adopting a Safe Route to School Policy. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilman Prichard, Stevens, Smith, Read, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign Change Order # 1 from MJM Construction, LLC in the amount of \$4,875.00. The additional work is to add a concrete wall section 8 foot by 24 foot with gravel drain and 1 foot wide floor section by 121 foot for the Canal Wall and Floor Repair, 910 E. Park Avenue. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

Motion to authorize the Mayor to sign Change Order #1 from MJM Construction, LLC in the amount of \$4,875.00. The additional work is to add a concrete wall section 8 foot by 24 foot with gravel drain and 1 foot wide floor section by 121 foot for the Canal Wall and Floor Repair, 910 E. Park Avenue. Funding for this project is to be provided by the Stormwater Fund. There will be no additional days added to the completion time.

Robert Vaughan, P.E. Infrastructure Solutions Group, LLC Branch Manager addressed the Council explaining that this was a Stormwater project. He stated that it was discovered more wall failure and this Changer Order would add an 8 foot by 24 foot wall section with gravel drain and a 1 foot by 121 foot floor section.

There was no further discussion, and a motion was made by Vice-Mayor Stevens to authorize the Mayor to sign Change Order # 1 from MJM Construction, LLC in the amount of \$4,875.00,

adding an 8 foot by 24 foot wall section with gravel drain and a 1 foot by 121 foot floor section. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Stevens, Read, Brown, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, to approve a service contract between the City of McAlester and Jerry Whorton LLC, dba Consolidated Benefits Resources to provide services for workers' compensation claims administration. (*Peter Stasiak, City Manager*)

Executive Summary

Approve and authorize the Mayor to sign a service contract between the City of McAlester and Jerry Whorton LLC, dba Consolidated Benefits Resources to provide services for workers' compensation claims administration.

Manager Stasiak addressed the Council explaining that this company would provide services for worker's compensation claims administration.

There was a brief discussion concerning the fee, what services the company would provide, its' performance, the issues with the previous company and the effort that has been made in the Safety Department and the City's employees in lowering the claims.

A motion was made by Councilman Smith and seconded by Councilman Read to authorize the Mayor to sign a service contract between the City of McAlester and Jerry Whorton LLC, dba Consolidated Benefits Resources to provide services for workers' compensation claims administration. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Stevens, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Discussion on Monthly Financial update. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Discussion on City of McAlester's Financial update.

CFO Ervin addressed the Council reviewing the City's financial status as of July 31, 2018. During the review Ms. Ervin commented that the General Fund and MPWA were both over budget in revenues and expenses were under budget in both funds. She explained that she had updated up the graphs and was reporting for two (2) months.

CFO Ervin informed the Council that she was still collecting and preparing the information from the conversion from manual to automated water meters and she would provide it to the Council when it was in a presentable format. She then reviewed the Treasurer's Report.

There was a brief discussion concerning the two (2) months of Sales Tax collections and when the City receives the Sales Tax revenue.

There was no vote on this item.

6. Consider and act upon, to approve a developer agreement in form only, for “The Shops At McAlester Project”, located at the corner of 14th Street and the George Nigh Expressway, in the City of McAlester, Oklahoma. (*William Ervin, City Attorney*)

Executive Summary

The attached Draft Developer Agreement has been approved by the Southside Area Reinvestment Development Review Committee, and is ready for consideration and approval or modification by the Council as to form only.

Economic Development Director Ridenour addressed the Council explaining that the Council had to approve the agreement before the McAlester Economic Development Authority could approve it.

Former City Attorney William J. Ervin, Jr. addressed the Council explaining that the draft in the Council’s agenda was the product of the Southside Area Reinvestment Development Review Committee. He added that Brent Case a member of the Committee had brought some concerns to Mr. Ervin’s attention. He stated that the actual agreement would be between the McAlester Economic Development Authority and the developer. The Council would approve it in form.

There was discussion concerning when the TIF actually starts, why some the provisions in the agreement had been included, if the agreement could be canceled, if the incentive could be transferred, if there would be screening requirements and if they would be enforced.

Mr. Case addressed the Council explaining that he had concerns with item four (4) in the agreement concerning point of sale requirements and he shared some of Councilman Read’s concerns. He added that average citizen could have a problem with the Downtown TIF and the perception of a conflict of interest.

There was another discussion concerning the proposed amendments to the agreement, if the developer would have trouble complying with the point of sale requirements, the discussion with Mr. Murphy, manager of the Tandy Town Shopping Center and his concerns of tenants relocating to the new development.

A motion was made by Councilman Read to approve the developer agreement in form only, for “The Shops At McAlester Project”, located at the corner of 14th Street and the George Nigh Expressway, in the City of McAlester, Oklahoma with the recommended amendment to paragraph number four (4) and leaving paragraph number eight (8) as it is but adding “for the full term of the agreement”. The motion was seconded by Mayor Browne, and the vote was taken as follows:

AYE: Councilman Read, Brown, Smith & Mayor Browne

NAY: Councilman Prichard & Stevens

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.

There was no new business.

City Manager's Report

- Report on activities for the past two weeks.

Manager Stasiak updated Council on the status of the Coal Creek Pump Station upgrades and repairs, and where the City was on the asphalt overlay projects. He stated that the City would be moving to the alley behind the Funky Monkey. Manager Stasiak informed the Council of the opportunity to rent the FAA Building, and how they were addressing the repairs that were needed at the FAA Building. He informed the Council that the FAA Grant award was coming very soon.

Councilman Read inquired if that alley would be blocked to prevent people from using it as a driveway.

Manager Stasiak stated that the City was working on it but would be working on this like it was a City street.

Remarks and Inquiries by City Council

Councilman Stevens asked that the fees from the new liquor laws be put on the first agenda in September.

Councilman Read commented that he had asked the City Manager to contact A-OK Railroad about a specific crossing. He stated that A-OK had gotten back to him and they would be working with the City on getting those crossings repaired.

Councilman Brown inquired about Fourth Ward getting some of the streets repaired.

Manager Stasiak explained that all Wards would receive repairs to the streets.

Councilmen Smith and Prichard did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne thanked Vice-Mayor Stevens for requesting that the fees for the new liquor laws be brought back before the Council. He informed the Council that he had attended the Chamber Banquet and that Jimmy Williams had praised the City and the City employees numerous times during the evening. Mayor Browne stated that he, Manager Stasiak and Economic Development Director Kirk Ridenour had met with Congressman McMullen for about forty-five (45) minutes and had a very good discussion about him keeping an eye out for any infrastructure funding that might help the City with its' needs.

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, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 8:05 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:12 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, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:13 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk