

The McAlester City Council met in a Regular session on Tuesday, September 11, 2018, at 6:00 P.M. after proper notice and agenda was posted, September 7, 2018 at 1:35 P.M.

Call to Order

Mayor Browne called the meeting to order.

Councilman Buddy Garvin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, James Brown, Buddy Garvin, Zach Prichard & John Browne
Absent: Travis Read
Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Gary Wansick, Police Chief; An-Chen, Chief Accountant; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne presented Dustin Lott as the August, 2018 Employee of the Month. Mr. Lott received a Certificate of Appreciation, a plaque, a personal planner and a \$25.00 gift card.

Mayor Browne read a proclamation, declaring October 27, 2018 as “Make a Difference Day” in the City of McAlester.

Maureen Harrison briefly explained what the day was about and the various assistance activities that would be conducted on that day.

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 Belcher, P.O. Box 1601, McAlester, OK addressed the Council expressing his concerns of the City of McAlester’s disrespect of the United States flags that were flown in the City.

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 28, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for August 22, 2018 through September 4, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$93,559.88; Nutrition - \$3,044.10; Landfill Reserve/Sub-Title D - \$1,445.00; Tourism Fund - \$7,772.23; SE Expo Center - \$18,675.62; E-911 - \$2,189.45; Economic Development - \$97,917.51; Grants & Contributions - \$457.10; CGBG Grants Fund - \$4,200.00; Fleet Maintenance - \$11,148.78; CIP Fund - \$36,022.00; Stormwater Fund - \$91,949.13 and Infrastructure Fund - \$42,516.63.
- C. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. *(William Ervin, City Attorney)*
RESOLUTION NO. 18-20
- D. Concur with the Mayor's appointment of Debra Armstrong to the McAlester Cemetery Board for a term to expire on December 31, 2020. *(John Browne, Mayor)*
- E. Consider and act upon, authorizing the Mayor to sign the Sales and Use Tax Administration Agreement recently agreed upon between the Oklahoma Tax Commission and Oklahoma Municipal League Liaison Board. This agreement replaces the current separate Sales and Use Tax Agreements. *(Cora Middleton, City Clerk)*

Councilman Prichard requested that Item "C" be pulled for individual consideration.

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

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

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

NAY: None

Mayor Browne declared the motion carried.

Items removed from Consent Agenda

- C. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. *(William Ervin, City Attorney)*
RESOLUTION NO. 18-20

Councilman Prichard asked what the delay was in getting the Cable agreement before the Council, if it was anticipated that the City would be keeping the same service and when was it expected to have the revised agreement before the Council.

Attorney Ervin explained the process was very involved and specialized. He stated that the agreement received was different from the previous agreement. He added that he had been in contact with Vyve but it was just taking time. Mr. Ervin stated that he did expect the service to stay the same and have the agreement finalized within the extension.

A motion was made by Councilman Prichard to approve RESOLUTION NO. 18-20, granting a temporary extension, of ninety (90) days, to the Cable Television Permit with Vyve. The motion was seconded by Vice-Mayor Stevens. There was no other discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A. Approval of the Minutes from the August 28, 2018, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)

Mayor Browne explained that he had pulled this because of the discussion during the McAlester Public Works Authority session that should have been during the McAlester Economic Development Authority session. He asked if the correction should be made to the Council minutes.

City Clerk Middleton explained that the correction should be made during the Public Works Authority session.

There was no further discussion, and Mayor Browne moved to approve the Minutes from the August 28, 2018, Regular Meeting of the McAlester City Council. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Councilman Smith moved to open a Public Hearing to address two (2) proposed ordinances. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilman Smith, Stevens, Brown, Garvin, Prichard & 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.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER MUNICIPAL CODE CHAPTER 48, FEES, CHARGES AND SERVICE RATES, CHAPTER 6, ARTICLE II, DIVISION 3, OCCUPATION TAX; SECTION 6-66, REPEALING ALL CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE OF OCTOBER 1, 2018.

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 LOT 11 BLOCK 391 IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.

There were no comments regarding either of the proposed ordinances and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

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

Scheduled Business

1. Discussion of Ordinance 2634, Chapter 48, Fees, Charges and Service Rates, passed by the McAlester City Council on August 14, 2018. *(Cully Stevens, Councilman, Ward 2)*

Executive Summary
Discussion.

Vice-Mayor Stevens stated that he wanted to readdress this Ordinance because of the questions and concerns from citizens. He explained that he had initially voted to approve the fee changes because he thought it was State mandated. He commented that he would prefer the City adopt a more pro-business fee schedule.

Mayor Browne agreed with the sentiments.

Councilman Smith stated that the City had very limited means of revenue and the businesses would pass this expense on to their customers.

There was discussion concerning the increase in the fees, how it could affect small businesses, the annual amount of revenue generated by these fees, what it costs the City to process the

permits/licenses, what the State of Oklahoma requirements were for the cities that had these businesses, the Council's authority to set fees and not addressing all of the costs to the City that could be related to these businesses.

There was no vote on this item.

2. 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 districts for Lot 11 Block 391 in the City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma, from R-1B Single-family residential district to C-4 Restricted Commercial District. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning districts for the property identified in the Ordinance from R-1B Single-family Residential District to C-4 Restricted Commercial District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that this property had two (2) lots in one (1) parcel with split zoning. She stated that there was nothing in the City's Code that addressed split zoning and nothing could be done until the zoning was cleared up. Director Clifton informed the Council that the Planning Commission had met on August 21, 2018 and voted unanimously to recommend the rezoning request be approved as presented.

Mayor Browne commented that the applicant had done a very good job of cleaning up the property.

ORDINANCE NO. 2635

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 LOT 11 BLOCK 391 IN THE CITY OF MCALESTER, FORMERLY SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.

Vice-Mayor Stevens moved to approve **ORDINANCE NO. 2635**, rezoning Lot 11, block 391 from R-1B (Single-Family Residential District) to C-4 (Restricted Commercial District). The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting the bid amount of \$44,540.00 from Built Right Construction, LLC, and authorizing the Mayor to sign the Notice of Award for the Canal Wall Replacement, 415 S. "A" Street. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

The recommendation is to accept the bid from Built Right Construction, LLC for a total of \$44,540.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Replacement, 415 S. "A" Street.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council informing them that bids for this project had been received and opened on Tuesday, September 4, 2018 and of the three (3) contractors that had received plans and specifications only one (1) chose to submit a bid. Built Right Construction, LLC was the only bid received and was the apparent low bidder.

There was no further discussion, and a motion to accept the bid from Built Right Construction, LLC in the amount of \$44,540.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Replacement at 415 S. "A" Street was made by Councilman Smith. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 1 - Final and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Emergency Canal Wall Repair, 400 S. "A" Street and accept the project as completed. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final pay Estimate No. 1 - Final in the amount of \$85,900.00 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Emergency Canal Wall Repair, 400 S. "A" and accept the project as completed.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that the Final Inspection on this project had been performed on August 28, 2018 and all work had been done. He added that this had been a good job.

There was a brief discussion concerning the work that had been done, if bracing had been used, how this project had been correctly designed and how many projects had been done using the bracing that Infrastructure Solutions Group, LLC had designed.

Councilman Garvin moved to authorize the Mayor to sign the Contractor's Final pay Estimate No. 1 - Final in the amount of \$85,900.00 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Emergency Canal Wall Repair, 400 S. "A" and accept the project as completed. The motion was seconded by Councilman Brown, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$5,985.00. (*Jayme Clifton, Community & Economic Development Director*)

Executive Summary

Motion to award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$34,649.00 and to authorize the Mayor to execute the respective Building Demolition & Site Clearance Contract.

Director Clifton addressed the Council correcting a typo on the Agenda Report. She explained that the correct amount that should be in both the “Subject and Recommendation” sections should be \$34,649.00. She also informed the Council that the structure at 531 W. Adams Ave. was listed as One Story but should be a Two Story. Director Clifton commented that this contract was for nine (9) of the structures that had been condemned and she would bring the second contract to the next meeting.

Councilman Smith moved to award the Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$34,649.00 and to authorize the Mayor to execute the respective Building Demolition & Site Clearance Contract. The motion was seconded by Councilman Garvin. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Stevens, Brown, Prichard & 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.

There was no new business.

City Manager’s Report

- Report on activities for the past two weeks.

Manager Stasiak informed the Council that the Pittsburg County Swift Water Rescue Team had been put on notice to be deployed to South Carolina in the morning. He stated that the City had two (2) firefighters on the team, Bennie Brooks and David Perry. He stated that A-OK Railroad had to go to Shawnee but would be in the community in two (2) weeks to repair the street crossings at “A” and “B”. He commented that there were two (2) abandoned railroad crossings on Sixth Street and the City would be working with A-OK Railroad to remove those abandoned crossings. He informed the Council that the City continued to move forward on the Carl Albert Building and that bids had been opened to install servers in the Carl Albert Building and City Hall. He stated that this would allow the systems in both buildings to communicate and the goal was still to be moved in by December 25th of this year.

Councilman Smith commented that the Carl Albert building was very valuable.

Manager Stasiak stated that it had been valued at \$4.6 million and was a gift. He continued with his update of the FAA Building's air units. He stated that both units were fired up and operating at sixty percent (60%) capacity. He commented that there were fan motors and fans that needed to be tweaked to get the units to one hundred percent (100%). He added that this should get the units running for six (6) to twelve (12) months which would allow the City to put out an RFP to replace that system.

Manager Stasiak updated the Council on the progress of the Asphalt Paver explaining it was moving into Fourth Ward, next week it would be moving to Taylor and Tyler between "C" and "D" then it would be moved into First Ward on Washington.

Remarks and Inquiries by City Council

Councilmen Smith did not have any comments for the evening.

Councilman Stevens asked getting together on the new ordinance for fees.

There was a brief discussion concerning the process of making changes to the existing ordinance.

Councilman Brown expressed his appreciation for the work the paving machine was doing.

Councilman Garvin thanked Manager Stasiak and for the work that was being done in the City.

Councilman Prichard commented on the Down Town TIF Committee met and had a good meeting yesterday. He stated that they had gotten Joe Ervin to draft a plan and he anticipated that sometime around September or the first of October would meet again to review that draft plan. He added that the process was moving along.

Mayor's Comments and Committee Appointments

Mayor Browne thanked the City employees that had worked outside his house on a water line. He commented on the MRHC dedication and opening of the new Emergency Center and it was an impressive building. He thanked Frankie Johnson for starting the whole thing rolling on the ADA playground in Chadick Park.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Stevens.

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:09 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:11 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 Prichard. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:12 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk