

The McAlester City Council met in a Regular session on Tuesday, October 9, 2018, at 6:00 P.M. after proper notice and agenda was posted, October 5, 2018 at 4:55 P.M.

Call to Order

Mayor Browne called the meeting to order.

Harold Meashintubby 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; Toni Ervin, CFO; Brett Brewer, Fire Chief; An-Chen, Chief Accountant; Billy Sumner, Tourism/Expo Manager; William J. Ervin, City Attorney and Cora Middleton, City Clerk

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.

Cherrie Allen, 2250 Westside Rd., McAlester, OK addressed the Council regarding her property at 308 W. Adams Ave.

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 September 25, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 19, 2018 through October 2, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$72,805.49; Nutrition - \$1,130.21; Landfill Res./Sub-Title D - \$805.00; Tourism Fund - \$5,751.34; SE Expo Center - \$1,237.44; E-911 - \$895.95; Economic Development - \$10,250.50; Fleet Maintenance - \$13,474.84; Worker's Compensation - \$1,750.00; Dedicated Sales Tax-

MPWA - \$500.00; CIP Fund - \$36,022.00; Technology Fund - \$2,040.00; Stormwater Fund - \$15,698.48 and Infrastructure Fund - \$58,155.97.

- C. Accept and place on file the Oklahomans for Independent Living 4th Quarter report for the months of April through June, 2018. (*Pam Pulchny, Executive Director*)
- D. Consider and act upon, to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 205245-ME. (*Cora Middleton, City Clerk*)
- E. Consider and act upon, to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 205150-BD. (*Cora Middleton, City Clerk*)

Councilman Prichard requested that Item “D” be removed for individual consideration.

Councilman Smith moved to approve the Consent Agenda Items “A, B, C and E”. The motion was seconded by Councilman Brown. There was no discussion, 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

- D. Consider and act upon, to concur with Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 205245-ME. (*Cora Middleton, City Clerk*)

Councilman Prichard inquired about the nature of this claim.

There was a brief discussion concerning the claim, the City’s right of way in relation to the citizen’s property, why repairs had not been completed, having the claimant, Mr. Butler present to speak to the Council and the decision of the City’s insurance carrier.

Councilman Brown moved to pay this claim.

There was another brief discussion regarding the City’s insurance carrier’s recommendation, what the claimant was requesting to be repaired, what the City would repair and having Mr. Butler address the Council regarding his claim.

A motion was made by Councilman Brown and seconded by Vice-Mayor Stevens to table Consent Agenda Item “D”.

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

AYE: Councilman Brown, Stevens, Garvin, Prichard, Smith & 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 6:13 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 CITY CODE CHAPTER 102, TRAFFIC AND VEHICLES, ARTICLE II, DIVISION 2, SECTION 102-78, MARKING OF FIRE LANES, REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2626 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2018-2019; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments 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, Brown, Garvin, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:13 P.M.

Scheduled Business

1. Consider and act upon, to approve the Developer Agreement in form only, for “Shops At McAlester,” located at the southwest corner of 14th street and the George Nigh Expressway, in the City of McAlester, Oklahoma. (*William J. Ervin, City Attorney*)

Executive Summary

The attached Developer Agreement has been submitted by Burk Collins Company and is ready for consideration and approval by the council as to form only.

Mayor Browne stated that this item was being pulled. He added that the attorneys were still discussing this matter.

2. Consider and act upon, Building Demolition & Site Clearance Contracts with Dustin Harris dba Harris Construction in the sum of \$20,899.97. (*Jayme Clifton, Community & Economic Development Director*)

Executive Summary

Motion to award Building Demolition & Site Clearance Contracts with Dustin Harris dba Harris Construction in the sum of \$20,899.97 and to authorize the Mayor to execute the respective Building Demolition & Site Clearance Contract.

Director Clifton addressed the Council explaining that this agreement was for three (3) of the fourteen (14) structures that had been condemned on June 26, 2018. She added that she had included the balance for Demolitions and there was enough to cover this agreement.

Director Clifton then addressed Ms. Allen's request reviewing the notification process for property that was being considered for condemnation and adding that it had been eighty (80) days since the property had been condemned.

There was discussion regarding Ms. Allen's property, the cost of demolition, a potential buyer for Ms. Allen's property, how long this structure had been vacant, the length of time that had expired since the notifications had been mailed, the amount of contacts that had been made with Ms. Allen, the information that was furnished in those contacts and the typographical error in the contract that needed to be corrected prior to the Mayor's signature.

A motion to award Building Demolition & Site Clearance Contracts with Dustin Harris dba Harris Construction in the sum of \$20,899.97 and authorize the Mayor to execute the respective contracts was made by Councilman Smith. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, an ordinance amending the regulation marking of fire lanes within the City of McAlester; amending Chapter 102, Article II, Section 102-78, repealing all conflicting ordinances. (*William Ervin, City Attorney*)

Executive Summary

Motion to approve an ordinance amending the regulation marking of fire lanes within the City of McAlester.

Chief Brewer addressed the Council explained that they were requesting changing the language in Section 102-78 to replace the word "and" with "or".

Councilman Prichard asked why the change was being requested and if there had been issues in the past with enforcement.

Chief Brewer explained that in some Fire Lanes signs could not be placed and in those areas the Police Department could not enforce those lanes. He added that the Fire Marshall had been

contacted in the past asking that this language be addressed because the Officers did not feel they could enforce it with the current language.

ORDINANCE NO. 2637

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 102, TRAFFIC AND VEHICLES, ARTICLE II, DIVISION 2, SECTION 102-78, MARKING OF FIRE LANES, REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

There was no further discussion, and a motion to approve **ORDINANCE NO. 2637**, amending Section 102-78 was made by Councilman Smith. The motion was seconded by Councilman Garvin, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

4. 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.

Expo Manager Billy Sumner addressed the Council reviewing the previous presentation made, during the August 28, 2018 Council meeting, concerning the proposed new Branding of the City of McAlester. He updated them on the activities of the Committee that had been formed to review and gather public input about the proposed logo. He reviewed the survey results and commented that the consensus had been to remove “1869” because it dated the logo.

There was discussion concerning the research that the Committee had done, the feedback they had received, what identified McAlester in this logo, its’ similarity to another community’s logo and the cost of implementing this logo city wide.

A motion to approve the unified Branding and use of the new City of McAlester logo across all platforms and departments was made by Vice-Mayor Stevens. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

5. Consider and act upon, an Ordinance amending Ordinance No. 2626 which established the budget for fiscal year 2018-2019; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

CFO Ervin addressed the Council reviewing the Budget amendments explaining that these were to lapse and re-appropriate expenditures for the ongoing capital projects and purchases for Fiscal Year 17/18 Capital projects.

There was a brief discussion concerning the Defense Grant and the related projects.

ORDINANCE NO. 2638

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2626 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2018-2019; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There was no further discussion, and Councilman Smith moved to approve **ORDINANCE NO. 2638**, amending Fiscal Year 2018/2019 Budget. the motion was seconded by Councilman Prichard, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Councilman Brown moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Garvin, and the vote was taken as follows:

AYE: Councilman Brown, Garvin, Smith, Stevens, 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 updated the Council on the status and activities at the Federal Building. He added that the goal was still to have the Police Department and related departments moved into that building by December 25, 2018.

Remarks and Inquiries by City Council

Councilmen Smith, Brown and Garvin did not have any comments for the evening.

Councilman Stevens inquired about using the Court room at the Federal Building to conduct the Council meetings.

Manager Stasiak commented that that was not currently in the plans but if the Council chose to do that the City would look into making it happen. He added that a dais similar to the one in the current Chambers would have be constructed.

Councilman Prichard commented that he would like to that option.

Mayor's Comments and Committee Appointments

Mayor Browne commented that he had attended that "Indigenous Peoples" Day parade yesterday and the gathering that followed in Chadick Park. He stated that there had been a big turnout and a good celebration. He stated that last week he had been in Washington D.C. with the McAlester Stampede and some of the topics that had been discussed were the Haywood Gate, the Direct Hire capability at the McAlester Army Ammunition Plant (McAAP) and the railroad from McAlester to Shawnee. He added that the money that the City spent on the Stampede, MDSA and the Spectra contracts was a very good investment. He commented that when attending the Stampede, it was apparent that (McAAP) was of interest to the Army.

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 6:50 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:52 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 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 adjourned at 6:52 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk