

The McAlester City Council met in a Regular session on Tuesday, November 13, 2018, at 6:00 P.M. after proper notice and agenda was posted, November 9, 2018 at 10:15 A.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Councilman Garvin 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, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Asst. City Manager; Billy Sumner, Tourism/Expo Manager; Jayme Clifton, Community Development Director; Brett Brewer, Fire Chief; George Estrada, Building Inspector; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Recognition and Awards**

Mayor Browne presented Doug Basinger as October Employer of the Month and Stephanie Giacomo as October Volunteer of the Month. Mayor Browne then presented Aaron Boatright as September Employee of the Month. Each of the awardees received a personal planner, pen set, gift card and a Certificate of Appreciation.

### **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 citizen's comments.

### **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 October 23, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for October 17, 2018 through November 6, 2018. *(Toni Ervin, Assistant City Manager)* In the following amounts: General Fund - \$98,547.42; Nutrition - \$1,253.65; Landfill Res./Sub-Title D - \$7,014.85; Tourism Fund - \$12,040.59; SE Expo Center - \$8,616.23; E-911 - \$47,002.08; Economic Development - \$33,819.20; Fleet Maintenance - \$13,560.78; Dedicated Sales Tax – MPWA - \$4,500.00; CIP Fund - \$45,325.91; Technology Fund - \$45,962.99; Stormwater Fund - \$64,490.13 and Infrastructure Fund - \$33,315.33.
- C. Accept and place on file the McAlester Defense Support Association 3rd Quarter report. *(Jessica Gregg, Executive Director)*
- D. Accept and place on file the Pride in McAlester Quarterly Report for the months of July to September, 2018. *(Stephanie Giacomo, Executive Director)*
- E. Consider and act upon, entering into an updated lease agreement with Pitney Bowes, the lessor of our postage equipment, to begin on 1/30/2019. The equipment included will lower costs and better fit our mailing needs. *(Toni Ervin, Assistant City Manager)*
- F. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester’s Fire Department’s portion of the county quarter cent excise tax for fire services. *(Brett Brewer, Fire Chief)*
- G. Discussion and possible action, on approval of an agreement for mutual aid between McAlester Ammunition Plant and City of McAlester Fire Department. *(Brett Brewer, Fire Chief)*
- H. Consider and act upon, an agreement between Intermedix and the City of McAlester in regard to ambulance billing. *(Brett Brewer, Fire Chief)*
- I. Consider and act upon, a request by Charles Everett, on behalf of Savanna High School, to partner with them for the rental fee and use of Room #101 of the McAlester Expo Center, for their annual ACT Prep Testing. *(Billy Sumner, Expo Manager)*

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

Councilman Smith Read moved to approve the Consent Agenda Items “A, B, C, E, and F through I”. The motion was seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

### **Items Removed from Consent Agenda**

- D. Accept and place on file the Pride in McAlester Quarterly Report for the months of July to September, 2018. (*Stephanie Giacomo, Executive Director*)

Councilman Smith wanted to commend Pride In McAlester for their tremendous efforts in the City.

A motion to accept and place on file the Pride In McAlester Quarterly Report for the months of July to September, 2018 was made by Councilman Smith. The motion was seconded by Councilman Brown, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Councilman Smith moved to open a Public Hearing to address three (3) proposed ordinances. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:11 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.*

**AN ORDINANCE TO CLOSE THE ALLEY THAT LIES BETWEEN LOTS 1 AND 6, IN BLOCK 640, SOUTH MCALESTER, CITY OF MCALESTER, IN PITTSBURG COUNTY, STATE OF OKLAHOMA.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, ALCOHOL AND NONINTOXICATING BEVERAGES, ARTICLE II, DIVISION 1, SECTION 6-28, EMPLOYMENT OF MINORS; REPEALING ALL CONFLICTING ORDINANCES.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 102, TRAFFIC AND VEHICLES, ARTICLE VI, DIVISION 2, SECTION 102-302, APPLICATION; REPEALING ALL CONFLICTING ORDINANCES.**

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, Stevens & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:11 P.M.

**Scheduled Business**

1. Approval and reading of 2018 US Census Bureau Partner Proclamation for Census 2020.  
(*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to approve the 2018 US Census Bureau Partner Proclamation for Census 2020.

Mayor Browne read the 2018 Census Bureau Partner Proclamation for the 2020 Census. He then presented it to Patricia A. Woodward, Oklahoma Partnership Specialist, Dallas Regional Census Center-Denver Region.

A motion to approve the proclamation was made by Councilman Prichard. The motion was seconded by Councilman Brown and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Ms. Woodward thanked the Council for their support.

2. Consider and act upon, an Ordinance to close the alley lying between Lots 1 and 6, in Block 640, South McAlester, City of McAlester, in Pittsburg County, State of Oklahoma, subject to the special condition that a utility easement be maintained. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to approve and act upon the Ordinance to close the alley lying between Lots 1 and 6, in Block 640, South McAlester, City of McAlester, in Pittsburg County, State of Oklahoma, subject to the special condition that a utility easement be maintained, and to authorize the Mayor to sign the Ordinance.

Director Clifton addressed the Council explaining the Planning Commission, at its' Regular Meeting on October 16, 2018, for seven (7) to two (2) to recommend this request to the City Council. She informed the Council that the applicant had stated that he would not block utility companies from future access to the alley. She added that the west end of the alley would remain open.

**ORDINANCE NO. 2641**

**AN ORDINANCE TO CLOSE THE ALLEY THAT LIES BETWEEN LOTS 1 AND 6, IN BLOCK 640, SOUTH MCALESTER, CITY OF MCALESTER, IN PITTSBURG COUNTY, STATE OF OKLAHOMA.**

There was no discussion, and a motion to approve **ORDINANCE NO. 2641**, was made by Vice-Mayor Stevens. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

3. Consider and act upon, a request for the temporary installation of trailers to be used as mobile offices or classrooms for public health, safety, and educational purposes on properties located at 501 S C Street, described as Lots 1 through 12, in Block 484, South McAlester, Pittsburg County, State of Oklahoma and at 600 W Madison Avenue, described as Lots 1 through 6, Block 230 & the Closed Alley Lying Therein, South McAlester, Pittsburg County, State of Oklahoma. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to approve a request for the temporary installation of trailers to be used as mobile offices or classrooms for public health, safety, and educational purposes on properties located at 501 S C Street, described as Lots 1 through 12, in Block 484, South McAlester, Pittsburg County, State of Oklahoma and at 600 W Madison Avenue, described as Lots 1 through 6, Block 230 & the Closed Alley Lying Therein, South McAlester, Pittsburg County, State of Oklahoma, to determine the duration of such occupancy, and to authorize the Mayor to sign the approval form.

Director Clifton addressed the Council explaining that this item would no longer need City Council action. She explained that the information that was received today determined that the buildings were modular buildings. She added that modular buildings went through the normal permit process and the City was continuing to work with the School System.

There was discussion concerning when the information was received by the City, when the information had been requested from the School System, the buildings being moved onto the School's property prior to obtaining the necessary permits, if there was a problem between the Community Development Department and the School System, making sure that the safety of the students was at the front of the process and the Council discussing with staff when they were investigating issues.

There was no vote on this item.

4. Consider and act upon, amendment of an ordinance of the City of McAlester; Chapter 6, Alcohol and Non-intoxicating Beverages, Article II, Division I, Section 6-28, Employment of Minors, repealing all conflicting ordinances. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve the ordinance amending Chapter 6, Article II, Division I, Section 6-28, Employment of Minors.

Manager Stasiak addressed the Council explaining that this amendment to Section 6-28 would allow eighteen (18) year old individuals to sell intoxicating beverages. He added that Chief Wansick had reviewed the amendment and had no issues with it as it followed State law.

There was a brief discussion concerning the meaning of some language within the proposed ordinance and Councilman Prichard clarified that this would not allow anyone under twenty-one (21) to work in a retail liquor store.

**ORDINANCE NO. 2642**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, ALCOHOL AND NONINTOXICATING BEVERAGES, ARTICLE II, DIVISION 1, SECTION 6-28, EMPLOYMENT OF MINORS; REPEALING ALL CONFLICTING ORDINANCES.**

Vice-Mayor Stevens moved to approve **ORDINANCE NO. 2642**, amending Section 6-28. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

5. Consider and act upon, the amendment of an ordinance of the City of McAlester; Chapter 102, Traffic and Vehicles, Article VI, Division 2, Section 102-302, Application, repealing all conflicting ordinances. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve an ordinance amending Chapter 102, Article VI, Division 2, Section 102-302, amending the parade application time period from the previous period of 7-10 days to the new period of 60-180 days.

Manager Stasiak addressed the Council explaining that the current ordinance required the Police Chief to be notified in seven (7) to ten (10) days of someone wishing to have a Parade. He stated that did not allow enough time to set up traffic controls. He added that the amendment would change the time to sixty (60) to one hundred eighty (180) days and also allowed the Police Chief the ability to address Special Events.

**ORDINANCE NO. 2643**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 102, TRAFFIC AND VEHICLES, ARTICLE VI, DIVISION 2, SECTION 102-302, APPLICATION; REPEALING ALL CONFLICTING ORDINANCES.**

There was no discussion, and a motion to approve **ORDINANCE NO. 2643**, was made by Vice-Mayor Stevens. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

6. Discussion and possible action, on approval of certain costs related to the Fire Department. Funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the purchase of communications equipment with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Chief Brewer addressed the Council explaining that the Fire Department would like to purchase twelve (12) new handheld radios. He added that this would allow every firefighter access to a handheld radio and would be a needed safety precaution. He informed the Council that the Department had received three (3) quotes with CDL Electric being the lowest quote.

After a brief discussion concerning a warranty on the radios, a motion to approve the purchase of communications equipment with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services was made by Councilman Prichard. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

7. 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 Canal Wall Replacement, 415 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 \$44,540.00 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Canal Wall Replacement, 415 S. "A" and accept the project as completed.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this had been a Stormwater project and had been completed on October 25, 2018. He stated that the final inspection had been performed on October 30, 2018 and all deficiencies had been addressed by the Contractor. He then informed the Council that the two (2) year warranty had begun on October 25, 2018.

There was a brief discussion concerning Mr. Vaughan's experience with the Contractor.

A motion to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 1, in the amount of \$44,540.00, the Certificate of Substantial completion for the contract with Built Right Construction, LLC for the Canal Wall Replacement at 415 S. "A" and accept the project as complete was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, awarding the bid in the amount of \$35,460.00, for Cat 6a Cabling, switches, and server racks for new Police Department (Federal Building). (*James Stanford, IT Computer Support Specialist*)

Executive Summary

Motion to approve the award of the bid to BizTel, 906 E. Wyandotte Ave, McAlester, OK 74501.

Assistant City Manager Ervin addressed the Council explaining that on November 5, 2018 the City received and opened three (3) sealed bids. She stated that the apparent low bid was received from BizTel and after review of all the bids, staff is recommending that the bid be awarded to BizTel. She added that BizTel was also a local company.

There was discussion concerning what this project was for, how much more money was planned to be spent on the Federal Building, if the building had been remodeled recently and that the monitoring equipment in the jail cells had been stripped. Manager Stasiak added that this project would allow City Hall and the Federal Building to communicate.

A motion was made by Councilman Read and seconded by Councilman Smith to approve awarding the bid in the amount of \$35,460.00 for Cat 6a Cabling, switches, and server racks for the new Police Department (Federal Building) to BizTel. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Garvin, Prichard, Stevens & 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 this Thursday, November 15, 2018 was "Student Government Day". He explained that approximately twenty (20) Department Heads and Supervisors would be paired with twenty (20) students, a mock Council meeting would be held that would last approximately forty-five (45) minutes to an hour and then the students would break off with the City employee they are paired with for the remainder of the morning. he stated that the event would wind up with lunch at Pete's.

Manager Stasiak reported that the City had started a food drive two (2) weeks ago and have to date collected over one thousand (1,000) pounds of food.



Manager Stasiak updated the Council on the “A” Street water line break. He stated that two (2) lanes would be open this week while the City continued to work with AT&T on a water leak.

### **Remarks and Inquiries by City Council**

Vice-Mayor Stevens inquired about the study that had been done on the City’s electrical equipment and electricity use and if the lights over Choctaw were going to be turned on soon.

Manager Stasiak reminded the Council that they had approved the \$45,000.00 payment but the company, Amaresco had requested that the City wait while they worked on preparing a contract that the City could consider. Manager Stasiak explained that it was staff’s intent to have them ready for Christmas.

Councilman Brown recognized the students that had participated in Student Government Day.

Councilman Garvin expressed appreciation for the work that Susan Hooper, Executive Assistant to the City Manager did. He then asked about the City addressing furniture that was being left at curbs around the City.

Manager Stasiak stated that the City would start taking a harder look at this problem.

Councilman Prichard asked about where the City was on the branding campaign.

Manager Stasiak explained that the City was working on it, logos on the vehicles were being replaced and all areas would be updated as soon as possible.

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

### **Mayor’s Comments and Committee Appointments**

Mayor Browne congratulated Phil Boatner for his appointment into the “Veteran’s Hall of Fame”. He commented on the agenda for the Student Government Day. He informed everyone that this Thursday, November 15, 2018 was Habitat for Humanity Trivia Night, the Christmas Parade was scheduled for December 6, 2018 and the \$10,000.00 Drawing was scheduled for December 20, 2018. He then mentioned that the additional traffic on “B” Street from the closure of “A” Street may have resulted in a water line break.

### **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, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:00 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:01 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, Brown, Garvin, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:01 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk