

The McAlester City Council met in a Regular session on Tuesday, October 8, 2019, at 6:00 P.M. after proper notice and agenda was posted, October 7, 2019 at 2:31 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Makayla Hamilton gave the invocation and Jenessa Dugger led the Pledge of Allegiance.

### **Roll Call**

Council Roll Call was as follows:

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

Staff Present: Pete Stasiak, City Manager; Jayme Clifton, Community Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Gary Wansick, Police Chief; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Oliver Skimbo, Environmental Program Coordinator; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Recognition and Awards**

Mayor Browne issued a proclamation recognizing October, 2019 as National 4-H Month.

Mayor Browne issued a proclamation recognizing October 26, 2019 as “Make a Difference 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.*

There were no comments from citizens.

### **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 24, 2019, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for September 18, 2019 through October 1, 2019. (*Toni Ervin, Assistant City Manager*) In the following amounts: General Fund - \$111,923.09; Nutrition - \$2,214.31; Landfill Res./Sub-Title D - \$8,415.00; Tourism Fund - \$14,737.89; SE Expo Center - \$3,423.95; E-911 - \$4,415.32; Economic Development - \$20,892.32; Grants & Contributions - \$210.00; Fleet Maintenance - \$27,698.52; Worker's Compensation - \$5,709.00; CIP Fund - \$43,937.12; Technology Fund - \$2,507.32; Stormwater Fund - \$88,851.76 and Infrastructure Fund - \$81,792.95.
- C. Consider and act upon, authorizing the Mayor to sign the renewal of the lease with the Federal Aviation Administration for the Equipment Room located at the McAlester Regional Airport. (*David Horinek, Public Works Director*)
- D. Consider and act upon, ratification of Change Order #3 from Built Right Construction, LLC in the amount of \$17,140.00 for the Downtown Streetscape Project. This Change Order adds one (1) day to the Substantial Completion Date amending it from November 14, 2019 to November 15, 2019. (*Kirk Ridenour, Economic Development Director*)
- 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*)
- F. Consider and act upon, receipt of the Permit No. SL000061190713 from the Oklahoma Department of Environmental Quality (ODEQ) for the construction of 395 linear feet of PVC sanitary sewer line and all appurtenances at 5<sup>th</sup> Street and Miami. (*David Horinek, Public Works Director*)

A motion to approve the Consent Agenda was made by Councilman Read and seconded by Councilman Brown. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address two (2) ordinances adopting the was made by Councilman Read and seconded by Councilman Brown. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Brown, Harrison, Prichard & 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 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 THE SOUTHERLY 135 FEET OF LOT 6, IN BLOCK 294 CITY OF MCALESTER, FORMERLY KNOWN AS SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM C-2 NEIGHBORHOOD CONVENIENCE DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; 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 Read. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

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

## **Scheduled Business**

1. Consider and act upon, acceptance of the Master Drainage Plan by Meshek and Associates and authorizing the Mayor to sign a Resolution for the adoption of a Stormwater Master Drainage Plan. (*Oliver Skimbo, Environmental Program Coordinator, David Horinek, Public Works Director*)

Executive Summary

Motion to approve the Master Drainage Plan and its recommendations for Stormwater Management and authorize the Mayor to sign the Resolution for adoption.

Oliver Skimbo, Environmental Program Coordinator addressed the Council explaining that this project had been implemented ten (10) years ago with Cliff Pitner to address flooding problems. He then introduced Kyle Miller, P.E., CFM Meshek & Associates.

Mr. Miller addressed the Council commenting on how flooding could affect a community. He then reviewed the purpose of a Master Drainage Plan (MDP), commenting that it could be used for future planning of infrastructure improvements, hazard mitigation, emergency management and aid in future flooding problems. He reviewed the processes used to develop an MDP, the four (4) watershed areas of the City that had been included in the study, the importance of City and public input, the development of a prioritization plan for problem areas and the final report with recommendations, cost estimates, prioritization, floodplain maps and flood profiles.

During the presentation there was a brief discussion concerning detention ponds, if OSP had been included, health concerns with flooding, which areas had more issues, the number of problem areas, if the plans for those areas were prioritized, if all concerns had been addressed and how the areas had been prioritized.

A motion was made by Councilman Read to approve RESOLUTION NO. 19-20, adopting the Stormwater Master Drainage Plan. The motion was seconded by Councilwoman Harrison. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Harrison, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

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 The Southerly 135 feet of Lot 6, in Block 294 City of McAlester, formerly known as South McAlester, Pittsburg County, State of Oklahoma, from C-2 Neighborhood Convenience 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 C-2 Neighborhood Convenience District to C-4 Restricted Commercial District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the applicant was requesting a zoning change from C-2 (Neighborhood Convenience District) to C-4 (Restricted Commercial District). She stated that the McAlester Planning and Zoning Commission had unanimously voted to recommend the request at their September 17, 2019 meeting. She added that staff had not received any opposition or support for the rezoning from the surrounding residents and she explained that during the Planning and Zoning Commission meeting traffic on Washington had been discussed. She added that Ms. Deloures Smith had contacted the Community Development Department and spoken with Planning Tech Samantha Perry.

Councilman Brown asked what would be put there.

Director Clifton stated that a Micro-Brewery was proposed for the site. She added that it would be family friendly.

Councilwoman Harrison asked what the hours of operation would be, how it would be family friendly, if the owners of this property had met with any of the surrounding property owners and if there were plans to purchase any other property in the area.

Director Clifton commented that the hours had not been established at this time, it was not a requirement to meet with other property owners and she did not know of any plans to purchase other property.

Mayor Browne explained that as long as there was a barrier between the bar and the common area children could be in the establishment.

Councilman Prichard asked why this property had to be rezoned, if the business could be set up in C-2 zoning and if the 50,000 square foot requirement would apply to this property.

Director Clifton stated that it was more appropriate for the use of the property to be C-4, liquor stores were allowed in C-2 but not restaurants or lodge halls and with the adjoining property already being zoned C-4 the minimum square footage did not have to be met to rezone.

Ms. Deloures L. Smith, 1911 N. 11<sup>th</sup> Street and Rowena McElroy, 110 E. Harrison Ave. addressed the Council expressing their concerns with the business that was proposed to be constructed across the street from the Grand Avenue Community Center. They requested that the City help them find a new location for the Community Center or delay the approval of the rezoning request.

Mayor Browne explained that the Council could not make a decision because they did not like what the business was, they had to have a legal reason to not approve the request and the City was limited in how it could help a private citizen.

Councilman Brown asked if the Council could delay action on this item to allow Ms. Smith time to relocate.

Attorney Ervin stated that he did not know of any legitimate reason to delay action on this item.

Mayor Browne commented that there were two (2) different issues going on and the City was limited on what it could do.

Tierra Landren, 34 E. Madison Ave. addressed the Council to express her concerns with the proposed business.

There was a brief discussion concerning property value in the area, parking requirements and the area remaining C-2.

Councilman Brown asked Mark Fields if there was any way that the two (2) groups could work something out.

Mr. Fields stated that he was more than happy to discuss with any of the landowners in the area but he did not see how the rezoning would affect the Community Center moving.

Councilwoman Harrison asked if Mr. Fields was an attorney or one of the property owners.

Mr. Fields stated that he was an attorney and one of the property owners.

**ORDINANCE NO. 2669**

**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 THE SOUTHERLY 135 FEET OF LOT 6, IN BLOCK 294 CITY OF MCALESTER, FORMERLY KNOWN AS SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM C-2 NEIGHBORHOOD CONVENIENCE DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.**

Councilman Read moved to approve **ORDINANCE NO. 2669**, changing the zoning of the southerly 135 feet of Lot 6, in block 294 from C-2 (Neighborhood Convenience District) to C-4 (Restricted Commercial District). The motion was seconded by Mayor Browne. There was no further discussion, and the vote was taken as follows:

AYE: Councilmember Read, Harrison, Brown & Mayor Browne

NAY: Councilmember Prichard

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the City Manager to accept a grant award from the FY 19 Body-Worn Camera Policy and Implementation Program in the amount of \$46,733 for City of McAlester. (*Stephanie Giacomo, Grant Administrator*)

Executive Summary

Staff recommends acceptance of the grant award and conditions and authorizing the City Manager to execute the agreement with the Bureau of Justice Assistance.

Stephanie Giacomo, Grant Administrator addressed the Council explaining that the City had received a grant opportunity from the Department of Justice to expand the body-worn camera program. She stated that it was a grant in the amount of \$46,733.00 which the City would match at \$46,789.00. She added that the City would implement the program within the next two (2) years.

Councilman Read asked what the success had been of the current cameras and if the City was getting the benefit of the cameras.

Manager Stasiak stated that the current cameras were five (5) years old and were having maintenance issues. He commented that Chief Wansick could address his question regarding the benefit of the cameras.

Chief Wansick commented that he felt the cameras had been a resounding success. He stated that they had helped to reduce complaints and satisfy any complaints in a timelier manner.

There was discussion concerning how much time was spent responding to open record requests for body cam video, how often the requests are received, how the cameras had helped resolve

complaints, furnish evidence in criminal trials, reduces use of force issues, help with how both the officers and citizens act, the reduction in law suits, the quality of the audio and video, what would be redacted from the videos and how they helped protect the officers from unfounded allegations.

A motion was made by Councilman Prichard and seconded by Councilman Brown to accept the grand award in the amount of \$46,33.00 and conditions and authorize the City Manager to execute the agreement with the Bureau of Justice Assistance. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Prichard, Brown, Read, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, accepting the bid amount of \$49,475.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award for the 5<sup>th</sup> and Miami Sewer Improvements Project. (*David Horinek, Public Works Director*)

Executive Summary

The recommendation is to accept the bid amount of \$49,475.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award for the 5<sup>th</sup> and Miami Sewer Improvements Project.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that the Bid Tabulation sheet had gotten mixed up and had not been included in the Council Agenda. He stated that the Bid Tabulation sheet had been placed at the Council seats. Mr. Vaughan informed the Council that three (3) bids had been received and opened for this project on Thursday, September 26, 2019 at 2:00 P.M. with the apparent low bidder being Built Right Construction, LLC.

Councilman Prichard commented on the amount of the bid and Mr. Vaughan stated that the bid had come in lower than expected.

There was no further discussion, and a motion was made by Councilman Read to accept the bid in the amount of \$49,475.00 from Built Right Construction for the 5<sup>th</sup> and Miami Sewer Improvements Project and authorize the Mayor to sign the Notice of Award. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

AYE: Councilmembers Read, Harrison, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, an Ordinance amending Ordinance No. 2656 which established the budget for fiscal year 2019-2020; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Assistant City Manager*)

Executive Summary

Motion to approve the budget amendment ordinance.

Manager Stasiak distributed a revised exhibit that corrected the fund that was being amended. He explained that the amendment was to appropriate funds for Patrol Worker's Compensation claim that had been previously approved.

**ORDINANCE NO. 2670**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion to approve **ORDINANCE NO. 2670**, amending Fiscal Year 2019/2020 Budget was made by Councilman Read and seconded by Mayor Browne. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Brown, Harrison, Prichard & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

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

AYE: Councilmembers Read, Brown, Harrison, Prichard & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, to authorize the Mayor to accept and sign State Contract #0-5137 for a period of one year for the Supplies, Pavement Marking and Traffic Striping Services of city streets pursuant to Section 2-275 of the McAlester City Code. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends authorization for the Mayor to accept and sign State Contract #0-5137 for the Supplies, Pavement Marking and Traffic Striping Services of city streets per the attached list.

Manager Stasiak addressed the Council explaining that this was phase four (4) of the Street striping program. He reviewed the streets that had been striped previously and explained that this would be the last striping program for the City. He added that going forward the City would perform maintenance on the streets.

Councilman Read moved to approve and authorize the Mayor to sign State Contract #0-5137 for the Supplies, Pavement Marking and Traffic Striping Services of certain city streets. The motion was seconded by Councilman Brown. There was no discussion, and the vote was taken as follows:



AYE: Councilmembers Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act upon, a resolution to rename a public facility commonly known as B & Jefferson Park to Leadership Park and authorizing the mayor to sign the resolution. *(Jayme Clifton, Community Development Director)*

Executive Summary

Motion to act upon and approve the resolution to rename a public facility commonly known as B & Jefferson Park to Leadership Park and authorizing the mayor to sign the resolution.

Director Clifton addressed the Council explaining that the McAlester Area Chamber of Commerce and Leadership McAlester had requested that the park at “B” and Jefferson be formally renamed as Leadership Park. She informed the Council that staff had not been able to locate any name for the park. She added that the Planning Commission had met on September 17, 2019 and unanimously voted to recommend the request be approved.

Councilman Prichard moved to approve RESOLUTION NO. 19-21, renaming “B” and Jefferson Park to Leadership Park. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Prichard, Brown, Read, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, authorizing the City Manager to accept a grant award from the Oklahoma Highway Safety Office in the amount of \$44,000.00 to implement the McAlester Impaired Driving Enforcement Program. *(Stephanie Giacomo, Grant Administrator)*

Executive Summary

Staff recommends acceptance of the grant award and conditions and authorizing the City Manager to execute the agreement with the Oklahoma Highway Safety Office.

Stephanie Giacomo, Grant Administrator addressed the Council informing them that this was an annual grant that the City participates in. She stated that Lt. Richard Parker was the one that writes, administers and reports on this grant and added that there was no matching requirement for this grant.

Councilman Prichard moved to accept the grant award in the amount of \$44,000.00 and authorize the City Manager to execute the agreement with the Oklahoma Highway Safety Office. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

AYE: Councilmembers Prichard, Harrison, Brown, Read & 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 break in the 12" water line that went into Steven Taylor Industrial Park. He informed them that Bates Instrumentation had welded 720' of pipe together and the line was repaired. He stated that four (4) days before the break a lightening storm had taken out the entire SCADA system at the Water Treatment Plant. He commented that this system was what told the operators the levels of the water storage tanks. He added that system had been repaired and the City would be turning in a claim to the insurance. He updated the Council on the sewer issue that had been occurring at "A" Street and Peoria. He explained that after several attempts to cut through to the obstruction, the City had contracted with a company out of Tulsa but they were unsuccessful also. He stated that the City contracted with Bates Instrumentation and they were able to dig up the area around the manhole and build a bypass. He commented that once the bypass was completed, they were able to get to a huge root ball. He added that in the center of the root ball was a traffic cone that had somehow gotten into the pipe and over time had sealed off the pipe. Manager Stasiak informed the Council that at the next Council meeting on October 22<sup>nd</sup>, the Action Plan for the Comprehensive Plan would be presented to the Council. He explained that staff had identified twelve (12) areas but had pared them down to the six (6) top areas and hoped to start working that Plan and making those improvements to the City.

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

Councilman Read expressed his appreciation for all of the City employees involved in the water line break repair and the sewer line repair. He added that they were always willing to get out and do whatever it took to get the job done.

Councilman Brown agreed with Councilman Read about the City employees. He mentioned hosting the Student Government Day again this year. Mayor Browne commented that he was putting Councilman Brown in charge of organizing that event.

Councilwoman Harrison asked if there was any way to change her vote on Agenda Item 2, the rezoning request.

Attorney Ervin explained that she would have to reconsider the vote. There would have to be a motion to reconsider the vote, a second on that motion, then there would have to be another motion to consider the item, a second to that motion and then another vote on the item.

Councilwoman Harrison moved to reconsider Agenda Item 2, an ordinance rezoning property from C-2 to C-4. Mayor Browne stated the motion died for lack of a second.

Councilwoman Harrison commented on the many awareness events going on this month and Make a Difference Day was Saturday, October 26th. She added that she was holding a “Come and go with the Councilwoman” at TJ’s at 3410 N. Main this Saturday and her guest would be Mayor Browne.

Councilman Prichard asked when the trees would go in the Streetscape and if there was a date for groundbreaking on the 14<sup>th</sup> Street Retail Development.

Manager Stasiak commented that nothing could be planted until February or March and there was no date at this time but they had asked for an invitee list.

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

Mayor Browne stated that the LEAD Committee had met today and they discussed in depth the “Collateral Agreement”. He thanked the members of that committee and Director Ridenour for their time. He then thanked the City employees for their work during the water line break issues and the public for their patience during that time.

### **Recess Council Meeting**

Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Brown.

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

AYE: Councilmembers Read, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:41 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 7:42 P.M.

### **Adjournment**

There being no further business to come before the Council, Councilman Read 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: Councilmembers Read, Prichard, Brown, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:43 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk