

The McAlester City Council met in a Regular session on Tuesday, January 14, 2020, at 6:00 P.M. after proper notice and agenda was posted, January 10, 2020 at 8:40 A.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Kelly Benson, North Town Church of Christ 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, Maureen Harrison, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Assistant City Manager; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Sherri Swift, CFO; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Mel Priddy, Community Services Director; Oliver Skimbo, Environmental Program Coordinator; 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.*

There were no citizen 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 December 10, 2019, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

B. Approval of the Minutes from the December 17, 2019, Special Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

- C. Approval of Claims for December 11, 2019 through January 7, 2020. (*Toni Ervin, Assistant City Manager*) In the following amounts: General Fund - \$186,987.75; Nutrition - \$3,603.95; Landfill Reserve/Sub-Title D - \$8,225.00; Educational Fund - \$41,649.82; Tourism Fund - \$26,669.87; SE Expo Center - \$13,236.84; E-911 - \$8,087.87; Economic Development - \$27,085.11; Grants & Contributions - \$5,373.02; CDBG Grants Fund - \$30,208.50; Fleet Maintenance - \$19,463.09; Worker's Compensation - \$1,750.00; CIP Fund - \$133,119.02; Technology Fund - \$44,588.75; Stormwater Fund - \$89,211.14; Infrastructure Fund - \$252,853.85 and MRHC-Cancer Center Fund - \$41,649.82.
- D. Consider and act upon, a resolution supporting an application to the Recreational Trails Program from the City of McAlester to construct a new Parker Trail. (*Stephanie Giacomo, Grants*) Resolution No. 20-01.
- E. Consider and act upon, a resolution supporting an application to the Recreational Trails Program from the City of McAlester to refurbish the trail at Rotary Park. (*Stephanie Giacomo, Grants*) Resolution No. 20-02.
- F. Consider and act upon, to approve and authorize the Mayor to sign a Real Property Lease Agreement with Air Methods Corporation. (*Kirk Ridenour, Economic Development*)
- G. Concur with the Mayor's appointment of Donna Hobbs to the Housing Authority Committee to replace Ms. Betty Pickle. (*John Browne, Mayor*)

A motion to approve the Consent Agenda was made by Councilman Smith and seconded by Councilman Read.

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

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

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address four (4) proposed ordinances was made by Councilman Read and seconded by Councilman Smith

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

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

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:05 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 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.**

**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 6, IN BLOCK 606 CITY OF MCALESTER, FORMERLY KNOWN AS SOUTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE FAMILY RESIDENTIAL DISTRICT TO R-2 TWO FAMILY DWELLING (DUPLEX) DISTRICT.**

**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 WESTERLY 80 FEET OF THE EASTERLY 230 FEET OF LOT 29; AND THE WESTERLY 80 FEET OF THE EASTERLY 230 FEET OF LOT 30; AND THE NORTHERLY 30 FEET OF THE EASTERLY 150 FEET OF LOT 30; AND THE EASTERLY 230 FEET OF LOT 31 LESS THE NORTHERLY 10 FEET THEREOF; ALL IN BLOCK 10, CONNALLY ADDITION, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 NEIGHBORHOOD CONVENIENCE DISTRICT.**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV, DIVISION 2, THE USES PERMITTED AFTER REVIEW FOR SEC. 62-255 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-256 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-258 R-2 TWO-FAMILY DWELLING DISTRICT, AND SEC. 62-259 R-3 MULTIPLE-FAMILY DWELLING DISTRICT; AMENDING THE DEVELOPMENT STANDARDS OF SEC. 62-274 COTTAGE HOUSE DEVELOPMENT OVERLAY DISTRICT; AND REPEALING ALL CONFLICTING ORDINANCES.**

There were no comments or discussion concerning any of the proposed ordinances, and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:05 P.M.

## **Scheduled Business**

1. Discussion and presentation of the Quarterly Report from the Oklahoma Small Business Development Center. (*Dana Hugle, Business Development Specialist, OSBDC*)

Executive Summary  
Presentation.

Dana Hugle and Henry Lehr addressed the Council updating them on the Center's activities for the past quarter. During the update Ms. Hugle explained the services that the OSBDC provided to the City of McAlester and surrounding area. Ms. Hugle and Mr. Lehr reviewed the activities and results for Pittsburg County and they discussed the training opportunities for clients.

There was discussion concerning how the Center would address the layoffs that had been recently announced, how the Center was funded and furnishing information that was specific for McAlester.

Manager Stasiak requested that information be sent to the Economic Development Director and he would distribute it.

There was no action taken on this item.

2. Consider and act upon, authorizing the Mayor to sign an Agreement with Alan Plummer Associates, Inc. for the evaluation of the City of McAlester East and West Wastewater Treatment Plants. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve and authorize the Mayor to sign an Agreement with Alan Plummer Associates, Inc. for engineering services to evaluate the City of McAlester East and West Wastewater Treatment Plants.

Manager Stasiak addressed the Council explaining that tonight David Howerton, Josh Frisinger, P.E. and Alan Swartz, P.E. with Plummer Associates, Inc. were present. He stated that the City had been working with this firm for six (6) to nine (9) months, they had toured the facilities, worked with Dalton Carlton and Wayne Russell and were to evaluate the City's wastewater treatment plants.

David Howerton of the Alan Plummer Associates, Inc. addressed the Council reviewing a presentation of the services that the firm provides and the process for an evaluation of the City's East and West Wastewater Treatment Plants.

Josh Frisinger, P.E. addressed the Council reviewing that capacity of each of the wastewater treatment plants, the ongoing maintenance and investment that was needed for the plants per year, how lack of maintenance can diminish capacity, the equipment related to the plants, the average age of the plants and equipment, what the City needed and the condition of the existing plants. He added that their goal was to help develop a blueprint for the future and develop some contingency plans. He reviewed the assessment process and reviewed the priority list.

After a brief discussion concerning the cost to update the plants, how long before the plant could fail, the cost of the study and how the City compared to other cities its size, a motion to approve and authorize the Mayor to sign an Agreement with Alan Plummer Associates, Inc. for the evaluation of the City of McAlester East and West Wastewater Treatment Plants was made by Councilman Smith. The motion was seconded by Councilman Brown, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the City Manager to enter into an Interagency Agreement with the Oklahoma Department of Environmental Quality to receive reimbursement up to \$25,000.00 for costs related to the purchase of a new baler for the McAlester Recycling Center. (*Stephanie Giacomo, Grants*)

Executive Summary

Staff recommends acceptance of the conditions and authorizing the City Manager to execute the agreement with the Oklahoma Department of Environmental Quality.

Stephanie Giacomo, Grant Writer addressed the Council explaining that the City's request for funding through reimbursement from the Oklahoma Department of Environmental Quality had been approved and this agreement would facilitate that reimbursement up to \$25,000.00 for the purchase of a new baler for the McAlester Recycling Center.

After a brief discussion concerning what department maintained the Recycling Center, a motion to accept the conditions and authorize the City Manager to execute the agreement with the Oklahoma Department of Environmental Quality to receive reimbursement up to \$25,000.00 for costs related to the purchase of a new baler for the McAlester Recycling Center was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

4. 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. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

Manager Stasiak addressed the Council explaining that this amendment was part of the Mid-Year Budget Review. He then reviewed the exhibit for the amendment adding that this was the result of an evaluation of what projects could be accomplished by June 30, 2020.

**ORDINANCE NO. 2675**

**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.**

After a brief discussion concerning the list of amendments to date and the evaluation of the clearwell at the Water Treatment Plant, a motion to approve **ORDINANCE NO. 2675**, amending fiscal year 2019/2020 Budget was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

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

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

Mayor Browne declared the motion carried.

5. Consider and act upon, authorizing the Mayor to sign Change Order #1 from Built Right Construction, LLC in the amount of \$4,075.00. This change order is for removal and replacement of sidewalk and to add 15 days to the completion date for 5<sup>th</sup> and Miami Sewer Project. (*Dale Burke, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the Mayor to sign Change Order #1 from Built Right Construction, LLC in the amount of \$4,075.00. This change order is for removal and replacement of sidewalk and to add 15 days to the completion date for 5<sup>th</sup> and Miami Sewer Project.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that this was to move two (2) gas lines, one (1) sewer line and to remove and replace a sidewalk. He added that this would also add fifteen (15) days. He distributed photos of the area that was being worked on.

A motion to authorize the Mayor to sign Change Order #1 from Built Right Construction, LLC in the amount of \$4,075.00 to remove and replace a sidewalk and add fifteen (15) days to the completion date was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign Change Order #1 from Built Right Construction, LLC in the amount of \$17,000. This change order adds the replacement (labor only) for 4 each existing 16" wall pipes that are failing due to the construction, labor for additional fittings that are required and the addition of the labor to install an additional 30" valve that was added to the plans during the final design review with the city and was mistakenly omitted from the bid schedule. The 30" valve was added to reduce the risk of a water outage by eliminating the need to shut the system down and modifying the system an additional time for the Lake McAlester Raw Water Main Improvements. *(Dale Burke, Infrastructure Solutions Group, LLC)*

Executive Summary

Motion to authorize the Mayor to sign Change Order #1 from Built Right Construction, LLC in the amount of \$17,000. This change order adds the replacement (labor only) for 4 each existing 16" wall pipes that are failing due to the construction, labor for additional fittings that are required and the addition of the labor to install an additional 30" valve that was added to the plans during the final design review with the city and was mistakenly omitted from the bid schedule. The 30" valve was added to reduce the risk of a water outage by eliminating the need to shut the system down and modifying the system an additional time for the Lake McAlester Raw Water Main Improvements.

Manager Stasiak informed the Council that Built Right Construction, LLC was not the company that the Change Order was for. He commented that the correct company was Collins Water Works, LLC.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that this Change Order was to add a thirty-inch (30") valve and replace four (4) existing 16" wall pipes that were failing.

There was a brief discussion concerning what had caused the wall pipes to fail and the cost of the Change Order.

Councilman Smith moved to authorize the Mayor to sign Change Order #1 from Collins Water Works, LLC in the amount of \$17,000.00, adding a thirty-inch (30") valve and replacing four (4) 16" wall pipes. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Stevens, Read, Harrison, Prichard & 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 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Section B – Talawanda Dam 20" Water Main and accept the project as completed. *(Dale Burke, Infrastructure Solutions Group, LLC)*

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final Pay Estimate in the amount of \$8,125.00 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Section B – Talawanda Dam 20" Water Main and accept the project as completed.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explained that this was line that replaced the line that went down by the old plant below the dam. He added that this moved the line on top of the dam. He informed them that the final inspection on the project had been performed on December 20, 2019 and the two (2) year warranty period would start on that date.

A motion was made by Councilman Read and seconded by Councilman Smith to authorize the Mayor to sign the Contractor's Final Pay Estimate in the amount of \$8,125.00 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Section B – Talawanda Dam 20" Water Main and accept the project as completed. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 8 and Certificate of Substantial Completion for the contract with Sunrise Construction, LLC for the 10<sup>th</sup> Street Canal Bank Stabilization and accept the project as completed. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 8 in the amount of \$12,112.18 and the Certificate of Substantial Completion for the contract Sunrise Construction, LLC for the 10<sup>th</sup> Street Canal Bank Stabilization and accept the project as completed.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council stating that the final inspection for the project had been performed on December 5, 2019 and the two (2) year warranty period would begin on that date.

A motion to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 8 in the amount of \$12,112.18 and the Certificate of Substantial Completion for the contract Sunrise Construction, LLC for the 10<sup>th</sup> Street Canal Bank Stabilization and accept the project as completed was made by Councilman Read and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

9. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 4 in the amount of \$10,439.50 and Certificate of Substantial Completion for the



contract with Built Right Construction, LLC for the Connally Addition Sewer Improvements and accept the project as completed. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 4 in the amount of \$10,439.50 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Connally Addition Sewer Improvements and accept the project as completed.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed Council commenting that this was the second part of the Connally Addition Sewer Improvements project. He stated the City had taken the opportunity to bid this project when the CDBG project had been bid. He added that half of Connally Addition sewer had been replaced. He commented that the final inspection had been performed on October 22, 2019, all deficiencies had been addressed and the two (2) year warranty period would begin on October 22, 2019.

There was a brief discussion concerning the length of time to receive the invoice and the number of houses in the Connally Addition.

A motion to authorize the Mayor to sign the Contractor's Final Pay Estimate No. 4 in the amount of \$10,439.50 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Connally Addition Sewer Improvements and accept the project as completed was made by Councilman Smith. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

10. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay Estimate No. 4 in the amount of \$25,076.20 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for 2018 CDBG Sewer System Improvements and accept the project as completed. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final pay Estimate No. 4 in the amount of \$25,076.20 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for 2018 CDBG Sewer System Improvements and accept the project as completed.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council commenting that this was the CDBG portion of the project. He added that the final inspection had been performed on October 22, 2019, all deficiencies had been addressed and the two (2) year warranty would begin on October 22, 2019.

Councilman Smith moved to authorize the Mayor to sign the Contractor's Final pay Estimate No. 4 in the amount of \$25,076.20 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for 2018 CDBG Sewer System Improvements and accept the

project as completed. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Mayor Browne commented that Manager Stasiak had informed him that made \$1.1 million in projects that the City had completed.

11. Consider and act upon, accepting the bid amount of \$178,349.00, from Sunrise Construction, LLC and authorize the Mayor to sign the notice of award for the 2019 CDBG Sewer Project. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

The recommendation is to accept the bid amount of \$178,349.00, from Sunrise Construction, LLC and authorize the Mayor to sign the notice of award for the 2019 CDBG Sewer Project.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this project had been advertised and bids opened on January 7, 2020. He add that of the ten (10) plan holders eight (8) contractors had submitted bids with Sunrise Construction, LLC being the low bid at \$178,349.00.

After discussion regarding requirements to spend CDBG funds, where this project would be located, the number of houses served by the project, what would be done with the funds left over from the bid and if those funds could be used on street repair, a motion to accept the bid amount of \$178,349.00, from Sunrise Construction, LLC and authorize the Mayor to sign the notice of award for the 2019 CDBG Sewer Project was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

12. 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 6, in Block 606, City of McAlester, formerly South McAlester, Pittsburg County, State of Oklahoma, from R-1B Single Family Residential District to R-2 Two Family Dwelling (duplex) 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 R-2 Two Family Dwelling (duplex) District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council reviewing the proposed ordinance. She explained that the applicant was requesting that the zoning be changed from R-1B Single Family Residential District to R-2 Two Family Dwelling (duplex) District. She stated that the surrounding property owners had protested against the change and had provided the Planning Commission with a petition containing signatures from twenty percent (20%) of the interested property owners. She explained that the Planning and Zoning Commission had voted, 5 yes to 3 no, to recommend that the applicant's request be approved as presented. She added that with the submitted petition it would take a three-fourths (3/4) affirmative vote of the Council to approve the change.

After discussion regarding how this could affect property values, the number of people that had responded against the application, what could be built on the property if this item failed, why some members of the Planning and Zoning Commission had voted no, and giving residents of adjacent property a say in what is built next to them.

A motion to disapprove the proposed ordinance amending the zoning was made by Councilman Read.

There was another brief discussion concerning what the objections to the application had been and the percent needed to approve the change.

Attorney Ervin clarified that the motion was to not change the zoning.

The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Harrison & Mayor Browne

NAY: Councilmembers Stevens, Brown & Prichard

Mayor Browne declared the motion carried.

13. 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 Westerly 80 feet of the Easterly 230 feet of Lot 29; and The Westerly 80 feet of the Easterly 230 feet of Lot 30; and The Northerly 30 feet of the Easterly 150 feet of Lot 30; and The Easterly 230 feet of Lot 31 less the Northerly 10 feet thereof; All in Block 10, Connally Addition, Pittsburg County, State of Oklahoma, from R-1B Single Family Residential District to C-2 Neighborhood Convenience 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-2 Neighborhood Convenience District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the applicant was requesting that the zoning of the property be changed from R-1B Single Family Residential District to C-2 Neighborhood Convenience District. She commented that this property was next to property that was zoned C-2 and her staff had not received any comments in favor or against the change.

**ORDINANCE NO. 2676**

**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 WESTERLY 80 FEET OF THE EASTERLY 230 FEET OF LOT 29; AND THE WESTERLY 80 FEET OF THE EASTERLY 230 FEET OF LOT 30; AND THE NORTHERLY 30 FEET OF THE EASTERLY 150 FEET OF LOT 30; AND THE EASTERLY 230 FEET OF LOT 31 LESS THE NORTHERLY 10 FEET THEREOF; ALL IN BLOCK 10, CONNALLY ADDITION, PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE FAMILY RESIDENTIAL DISTRICT TO C-2 NEIGHBORHOOD CONVENIENCE DISTRICT.**

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2676**. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

14. **POSTPONED FROM THE DECEMBER 10, 2019 MEETING;** Consider and act upon, an ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, the Uses Permitted After Review for Sec. 62-255 R-1A Single-family Residential District, Sec. 62-256 R-1B Single-family Residential District, Sec. 62-258 R-2 Two-family Dwelling District, and Sec. 62-259 R-3 Multiple-family Dwelling District, amending the development standards of Sec. 62-274 Cottage House Development Overlay District; and repealing all conflicting ordinances.  
*(Jayme Clifton, Community Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, the Uses Permitted After Review for Sec. 62-255 R-1A Single-family Residential District, Sec. 62-256 R-1B Single-family Residential District, Sec. 62-258 R-2 Two-family Dwelling District, and Sec. 62-259 R-3 Multiple-family Dwelling District, amending the development standards of Sec. 62-274 Cottage House Development Overlay District; repealing all conflicting ordinances and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that this change would allow cottage house developments in other residential districts as a use permitted after review.

There was discussion concerning no change in the proposed ordinance since it was first presented on December 10, 2019, the length of time the application process takes and the process that would need to be followed if the Planning and Zoning Commission approved any applications for this type of development.

Councilman Prichard moved to adopt the proposed ordinance change as a permitted use in all four (4) districts. The motion was seconded by Vice-Mayor Stevens.

Before the vote there was discussion concerning allowing adjacent property owners to have a say in what is built next to them, the unknown affect this type of development could have on property values, the need for housing in the City and City staff still having review responsibilities during the development process.

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

AYE: Councilmembers Prichard & Stevens

NAY: Councilmembers Smith, Read, Brown, Harrison & Mayor Browne

Mayor Browne declared the motion failed.

A motion to adopt the proposed ordinance change as a permitted use, without review, in R-2 Two-Family Dwelling District and R-3 Multiple-Family Dwelling District was made by Councilman Prichard. The motion was seconded by Vice-Mayor Stevens.

Before the vote, Attorney Ervin clarified the motion as adopting after review in R-1A and R-1B and as a use without review in R-2 and R-3.

There was discussion concerning the use permitted after review process, how this type of development could affect property values, the building code standards remaining the same and allowing residents in the area to have input on what was built next to them.

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

AYE: Councilmembers Prichard, Stevens & Mayor Browne

NAY: Councilmembers Read, Brown, Harrison & Smith

Mayor Browne declared the motion failed.

### **ORDINANCE NO. 2677**

**AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV, DIVISION 2, THE USES PERMITTED AFTER REVIEW FOR SEC. 62-255 R-1A SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-256 R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT, SEC. 62-258 R-2 TWO-FAMILY DWELLING DISTRICT, AND SEC. 62-259 R-3 MULTIPLE-FAMILY DWELLING DISTRICT; AMENDING THE DEVELOPMENT STANDARDS OF SEC. 62-274 COTTAGE HOUSE DEVELOPMENT OVERLAY DISTRICT; AND REPEALING ALL CONFLICTING ORDINANCES.**

After further discussion, a motion to approve **ORDINANCE NO. 2677** as written was made by Mayor Browne. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: Councilmembers Prichard & Stevens

Mayor Browne declared the motion carried.

15. Consider and act upon, authorization to purchase a certificate of deposit for \$775,000 to be used as collateral for the purchase of 21 new fleet vehicles. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends approval and authorization for the Mayor to allow the use of funds to be used to purchase a certificate of deposit.

Manager Stasiak addressed the Council explaining that staff had been looking at financing options that would allow the City of McAlester to upgrade twenty-one (21) fleet vehicles. He stated that the old vehicles would be surplus and disposed of in approved methods. He commented that several leasing options had been considered and after that review it was decided that the most cost-effective method was to purchase a certificate of deposit in the amount of \$750,000.00 to \$775,000.00 at an interest rate of 1.35%. He added that this certificate of deposit would be used a collateral for a line of credit amortized over five (5) years at an interest rate of 1.85%.

There was discussion regarding using cash to purchase the vehicles, the financing of the vehicles, when the payments would begin, what the Bank would have as collateral, if the City would have title to the vehicles, the percentage difference between the CD and the loan, purchasing the vehicles out right with the cash instead of purchasing a CD, the CD still being an asset, the vehicles becoming assets, the purchase of the CD would not prevent the City from doing something that was already planned and budgeted and the City paying off some existing notes before the end of the fiscal year.

A motion was made by Councilman Read to approve and authorize the Mayor to allow the use of funds to be used to purchase a certificate of deposit. The motion was seconded by Councilman Smith.

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

AYE: Councilmembers Read, Smith, Brown, Stevens & Mayor Browne

NAY: Councilmember Prichard

ABSTAIN: Councilmember Harrison (counted as a no vote)

Mayor Browne declared the motion carried.

16. Consider and act upon, authorizing the purchase of 21 new and unused vehicles. This includes 6 Ford pursuit SUVs. Total cost of all 21 vehicles is \$762,906 and includes all aftermarket additions. Vehicles will be purchased with loan proceeds using a certificate of deposit as collateral as mentioned in a separate agenda item. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve the purchase of 21 new and unused vehicles.

Manager Stasiak addressed the Council explaining that the purchase of the twenty-one (21) vehicles included six (6) Ford pursuit SUVs. He stated that the total cost of the vehicles was \$762,906.00 and included all aftermarket additions. He added that the vehicles would be purchased from Freedom Ford in McAlester and this dealership was matching or beating the state bid price. He commented that the old vehicles would be surplus and disposed of.

There was a brief discussion concerning the number of Crown Victoria vehicles still in the City's fleet, a motion to approve the purchase of twenty-one (21) new and unused vehicles was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Smith, Brown & Mayor Browne

NAY: Councilmembers Prichard & Stevens

ABSTAIN: Councilmember Harrison (counted as a no vote)

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.*

Manager Stasiak addressed the Council explaining that when Built Right removed the top from the intersection of 5<sup>th</sup> Street and Washington Avenue it was discovered that the water line was lying six inches (6") below the asphalt in a trough cut in the rock. He added that this change order would allow for the relocation of the water and sewer lines add manholes, valves and a fire hydrant assembly.

After a brief discussion concerning the amount of the change order, the fifteen percent (15%) limit, how deep the lines had been laid and how deep the lines should have been laid, a motion to approve and authorize the Mayor to sign a Change Order from Built Right Construction, LLC in the amount of \$43,325.00 for water and sewer line improvements on the Washington Avenue Improvement Project was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Read, Harrison, Smith & Mayor Browne

NAY: Councilmembers Prichard, Stevens & Brown

Mayor Browne declared the motion carried.

### **City Manager's Report**

- Report on activities for the past two weeks.

Manager Stasiak reported that at the next meeting the Mid-Year Budget would be presented to the Council.

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

Vice-Mayor Stevens inquired about the amount of funds the Stormwater fee generated and at what rate would it stop.

Manager Stasiak stated he thought it was around \$750,000.00 to \$800,00.00 and it would cap out at \$5.00 and then generate around \$1 million.

Councilman Brown asked about getting a report on the number of homeless in the City of McAlester.

Mayor Browne informed the Council that on January 25, 2019 there would be an event addressing homelessness in McAlester and that data would be available there.

Councilwoman Harrison stated that the Dr. Marten Luther King, Jr. banquet would be this Saturday and she announced that Edmond Doyle School had received an "A" from the State.

Councilmembers Smith, Read and Prichard did not have any comments for the evening.

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

Mayor Browne did not have any comments for the evening.

### **Recess Council Meeting**

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

Mayor Browne declared the motion carried and the meeting was recessed at 8:22 P.M.

### **Reconvene Council Meeting**

The Regular Meeting was reconvened at 8:23 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 Smith.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:23 P.M.

ATTEST:

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John Browne, Mayor

\_\_\_\_\_  
Cora Middleton, City Clerk