

Council Chambers
Municipal Building
November 22, 2016

The McAlester City Council met in a Regular session on Tuesday, November 22, 2016, at 6:00 P.M. after proper notice and agenda was posted, November 17, 2016 at 3:54 P.M.

Call to Order

Mayor Browne called the meeting to order.

William J. Ervin gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Cully Stevens, Travis Read, Robert Karr, Jason Barnett & John Browne

Absent: Buddy Garvin

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; Leroy Alsup, Community & Economic Development Director; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Ceremony and Awards

Mayor Browne presented Tommy Hill as August 2016 “Employee of the Month”. Mr. Hill received a certificate of appreciation and a personal planner.

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.

Christi John, 119 E. Choctaw addressed the Council informing them of the award that McAlester Main Street had received from “Keep America Beautiful” for a “Pocket Park” that was constructed in between two (2) buildings in Old Town.

Mayor Browne thanked McAlester Main Street for everything they did in the city.

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the November 8, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for November 2, 2016 through November 15, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$108,630.68; Parking Authority - \$103.41; Nutrition - \$2,094.35; Landfill Res./Sub-title D - \$4,035.00; Tourism Fund - \$1,953.23; SE Expo Center - \$15,955.33; E-911 - \$14,590.06; Economic Development - \$1,302.92; CDBG Grants Fund - \$458.03; Fleet Maintenance - \$13,117.66; Worker's Compensation - \$941.68; CIP Fund - \$13,024.79 and Technology Fund - \$6,223.89.
- C. Consider and act upon, ratification of Change Order #1 to H & G Paving Contractors for Village Boulevard Street Improvements in the amount of \$20,235.00 adding five (5) days to the Substantial Completion date per Resolution 15-14, dated November 13, 2015. *(Peter Stasiak, City Manager)*
- D. Consider and act upon, a request from Savanna High School, to partner with them for the rental fee for the use of the Southeast Expo Center for ACT Testing for Juniors set for February 28, 2017 in the amount of \$125.00. *(Jerry L. Wilson Expo Manager)*
- E. Consider and act upon, approval of the Schedule of Council and Authorities 2017 meeting dates. *(Cora Middleton, City Clerk)*
- F. Consider and act upon, authorizing the Mayor to sign loan documents from First National Bank which is for Phase I of the AMI Project: (UTS) Utility Technology Services, Inc. This Project and funding was discussed on March 8th and approved acceptance on bidding August 23rd. *(Toni Ervin, Chief Financial Officer)*

Councilman Smith moved to approve the Consent Agenda. The motion was seconded by Councilman Read, there was no discussion and the vote was taken as follows:

AYE: Councilman Smith, Read, Stevens, Karr, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Smith to open a Public Hearing to address an ordinance amending Section 18-51 of the City of McAlester Code of Ordinances.

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

AYE: Councilman Read, Smith, Stevens, Karr, Barnett & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:09 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 CODE OF ORDINANCES, CITY OF
MCALESTER, OKLAHOMA AMENDING SECTION 18-51 AND
REPEALING ALL CONFLICTING ORDINANCES.**

There were no comments from the Council or the citizens and Councilman Read moved to close the Public Hearing. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Karr, Barnett, Stevens & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:10 P.M.

Scheduled Business

1. Discussion and presentation on granting a request by McAlester Public Schools to discharge fireworks during specific school functions. *(John Browne, Mayor)*
Executive Summary
Presentation.

This item was withdrawn.

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

Executive Summary

Motion to approve the repair and maintenance of our SCBA Packs and mask. The cost of the repairs not to exceed \$5000.00. Repairs to be made with funds from the City of McAlester Fire Department's portion of the county quarter cent excise tax for fire services.

Chief Brewer addressed the Council explaining that the department had several SCBA units that needed maintenance and repairs. He added that the estimates received were from Panhandle Breathing Air Systems, Inc. and they were the authorized service center for those SCBAs.

After a brief discussion concerning the cost of repairs to the cost of new units, a motion was made by Councilman Read to approve the repair and maintenance of several SCBA Packs and masks, not to exceed \$5,000.00 and the funding to come from the City of McAlester Fire Department's portion of the county quarter cent excise.

The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, an ordinance amending the Code of Ordinances, City of McAlester, Oklahoma amending Section 18-51 and repealing all conflicting ordinances. (*Leroy Alsup, Director Community & Economic Development, George Estrada, Building Inspector*)

Executive Summary

Motion to act upon and approve the above ordinance amending Section 18-51 and repealing all conflicting ordinances and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2587

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF MCALESTER, OKLAHOMA AMENDING SECTION 18-51 AND REPEALING ALL CONFLICTING ORDINANCES.

George Estrada, Building Inspector addressed the Council explaining that the International Residential Code (IRC), 2015 Edition had been adopted, with amendment, by the Oklahoma Uniform Building Code Commission with an effective date of November 1, 2016. He added that it was the Community & Economic Development Department's recommendation that the Council adopt the International Residential Code (IRC), 2015 Edition as amended.

Mayor Browne commented that this was just bringing the City's building code up to State standards.

A motion was made by Vice-Mayor Karr and seconded by Councilman Smith to approve **ORDINANCE NO. 2587**, amending section 18-51 by adopting the International Residential Code (IRC), 2015 Edition. There was no discussion, and the vote was taken as follows:

AYE: Councilman Karr, Smith, Barnett, Stevens, Read & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consideration of an appeal from William R. Billy in regards to the November 2, 2016 Notice of Violation/Administrative Order to abate the nuisance on the property at 1400 E. Pierce Avenue. (*George Estrada, Bldg. Inspector, James Schulz, Code Enforcement, Leroy Alsup, Director*)

Executive Summary

Motion to direct the McAlester Code Enforcement Officer and the Building Inspector to summarily abate the nuisance on the property at 1400 E. Pierce Avenue.

George Estrada, Building Inspector addressed the Council reviewing the events that had occurred concerning the property at 1400 E. Pierce Avenue. He commented that he believed that the citizen was living in the storage building at that address and storage buildings cannot be on a lot by themselves.

Jared A. Snedden, attorney for Mr. Billy addressed the Council stating that Mr. Billy did not live in the storage building and Mr. Billy had contacted a company to have the structure removed. He also wanted to make sure that Mr. Billy would not have to pay a fine.

After a lengthy discussion concerning why an address was requested, why the 911 department was contacted, why an address was not issued, if Mr. Billy was living in the storage building, if a ticket had been issued, and the Councils' authority to decide that the building be removed within a specific amount of time, Councilman Read moved to table this matter until the December 13th meeting and addressing it then if the structure had not been removed. The motion was seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Barnett, Stevens, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Discussion.

CFO Ervin addressed the Council briefly reviewing the City's financial status as of October 31, 2016. She informed the Council that the City was approximately a third through the year with sales tax revenues being two percent (2%) under budget but Use tax was four percent (4%) over budget. She commented that water sales for residential, commercial, wholesale and water districts were over budget.

CFO Ervin informed the Council that the audit was going well and was currently on schedule.

There was no vote on this item.

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 of the \$7,155.00 Grant from the Department of Justice to purchase additional body cameras for the Police Department. He stated that this should get all of the officers a body camera. He commented that the AMI infrastructure had arrived and it was

projected that the meters installations would begin sometime in December. He added that the focus with this phase was on the south side of the City. He informed the Council that a Public Meeting had been scheduled for December 15, 2015 at Puterbaugh to address any questions about the AMI system.

Remarks and Inquiries by City Council

Councilman Smith thanked the Fire Department for saving the structure on the west side of town.

Councilman Read inquired about the status of the Carl Albert traffic signals and the traffic light on the Bypass.

Manager Stasiak commented that the project had been sent out for bid and the bids received had been substantially over budget. He explained that the State would be rebidding the project. Manager Stasiak stated that the project was moving forward in a positive manner and the City should have some answers in the next week or so.

Vice-Mayor Karr wished everyone a Happy Thanksgiving.

Councilman Stevens and Barnett did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne wished everyone a Happy Thanksgiving. He commented that he had received this information from Pride In McAlester, that during the 2016 calendar year, they collected 1,034,114 pounds of waste, they have had 511 volunteers participate in their projects and Pittsburg County Drug Court was honored for their support of the Pride In McAlester cleanups. He read a letter that Police Chief Wansick had received from the District Attorney for Pittsburg and Haskell Counties commending the McAlester Police Department for the professionalism in their work.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Read. There was no discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Karr, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:42 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:43 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 Vice-Mayor Karr.

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

AYE: Councilman Read, Karr, Smith, Stevens, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:44 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk