

The McAlester City Council met in a Regular session on Tuesday, December 12, 2017, at 6:00 P.M. after proper notice and agenda was posted, December 8, 2017 at 10:47 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, Robert Karr, Buddy Garvin, Jason Barnett & John Browne
Absent: None
Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; David Horinek, Public Works Director; Toni Ervin, CFO; Mel Priddy, Community Services Director; Jayme Clifton, Community Development Director; Kirk Ridenour, Economic Development Director; Brett Brewer, Fire Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne recognized Ms. Marva Elizabeth Harvey for her community service.

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.

None

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 24, 2017, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

- B. Approval of Claims for November 22, 2017 through December 6, 2017. (*Toni Ervin, Chief Financial Officer*) In the following amounts: General Fund - \$118,254.00; Nutrition - \$2,229.33; Tourism Fund - \$11,233.25; SE Expo Center - \$10,101.81; E-911 - \$1,688.39; Economic Development - \$17,070.10; Grants & Contributions - \$6,800.00; CDBG Grants Fund - \$4,208.40; Fleet Maintenance - \$12,150.55; CIP Fund - \$36,022.00; Technology Fund - \$4,058.75 and Stormwater Fund - \$22,519.13.
- C. Consider and act upon, to approve a Memorandum of Understanding for Emergency Law Enforcement Response between the City of Eufaula Police Department and the City of McAlester Police Department. (*Gary Wansick, Chief of Police*)
- D. Concur with the Mayor's appointment of Mr. Randy Hass to the Expo Board for a four year term to expire in June, 2021. (*John Browne, Mayor*)
- E. Concur with the Mayor's reappointments of Ms. Tedi Graham, Ms. Sabra Tate, and Ms. Rachel Gronwald to the Community Tree Board for terms to expire in September, 2019. (*John Browne, Mayor*)
- F. Concur with the Mayor's appointment of Mr. Richard Askew to the Community Tree Board for a term to expire in September, 2019. (*John Browne, Mayor*)
- G. Concur with the Mayor's appointment of Mr. Chris Plunkett to the Ethics Board for a term to expire in February, 2018. Mr. Plunkett is to replace Mr. T. Shawn Howard. (*John Browne, Mayor*)
- H. Consider and act upon, a \$250 one-time net pay for all full and part time regular employees. (*Peter Stasiak, City Manager*)

Councilman Read requested that item "G" be removed for individual consideration.

A motion to approve Consent Agenda items "A through F and H" was made by Councilman Smith and seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- G. Concur with the Mayor's appointment of Mr. Chris Plunkett to the Ethics Board for a term to expire in February, 2018. Mr. Plunkett is to replace Mr. T. Shawn Howard. (*John Browne, Mayor*)

After a brief discussion concerning Mr. Plunkett's residency and that information being furnished to the Council, a motion to concur with the Mayor's appointment of Mr. Chris Plunkett to the Ethics Board for a term to expire in February, 2018 replacing T. Shawn Howard was made by Mayor Browne. The motion was seconded by Councilman Stevens and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address six (6) ordinances was made by Councilman Smith and seconded by Councilman Stevens. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and them Public Hearing was opened at 6:12 P.M.

Public Hearing

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE III, DIVISION 1, SECTION 2-79, BOARD OF ETHICS, REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

AN ORDINANCE AMENDING CHAPTER 62, LAND DEVELOPMENT CODE, OF THE McALESTER CITY CODE BY CREATING SECTION 62-274, COTTAGE HOUSE DEVELOPMENT OVERLAY DISTRICT; REPEALING ALL CONFLICTING ORDINANCES AND DECLARING AN EMERGENCY.

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF FIVE EIGHTHS PERCENT (.625%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE

ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF PERCENT (.50%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE EIGHTH PERCENT (.125%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

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

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

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

Scheduled Business

1. Consider and act upon, an ordinance amending City Code Chapter 2, Section 2-79, Board of Ethics, to designate a Chairperson be nominated and approved during the first meeting of the board each June. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve the amended ordinance.

ORDINANCE NO. 2608

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 2, ADMINISTRATION, ARTICLE III, DIVISION 1, SECTION 2-79, BOARD OF ETHICS, REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

Manager Stasiak explained that changing the date, of the selection of the Chairperson for the Ethics Board, from July to June would coincide with the fiscal year.

There was no further discussion, and Councilman Stevens moved to approve Ordinance No. 2608, amending Code Section 2-79. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

2. Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA'S National Pollutant Discharge elimination System (NPDES). (*David Horinek, Public Works Director*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program activities during FY 2017-2018 for a fee not to exceed \$72,500.

Manager Stasiak addressed the Council explaining that this contract would run from July 1, 2017 through June 30, 2018. He then introduced Brandon Claborn with Meshek & Associates, PLC.

Mr. Claborn addressed the Council updating them on the City's Stormwater Management Program, the permit and the other areas that Meshek had been able to help the City.

There was a brief discussion concerning the City's Stormwater fee, what that fee could and had been used for, the purchase of the Street Sweeper, the Stormwater Advisory Committee and the Stormwater master drainage program.

Vice-Mayor Karr moved to authorize the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program activities during FY 2017-2018 for a fee not to exceed \$72,500. The motion was seconded by Councilman Smith, there was no other discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

3. 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 repair and maintenance of our SCBA Packs and masks. The cost of the repairs not to exceed \$2000.00. Repairs to be made with funds 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 informing them of the need to have maintenance and repairs made to several of the Fire Department's SCBA packs and masks.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to approve the repair and maintenance of our SCBA Packs and masks. The cost of the repairs not to exceed \$2000.00. Repairs to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. 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 8 new SCBA Mask. The cost of the masks not to exceed \$7,000.00. Purchase to be made with funds 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 informing them that the Fire Department would like to purchase eight (8) new SCBA Masks and two (2) estimates had been provided.

Councilman Garvin moved to approve the purchase of 8 new SCBA Mask, from Panhandle Breathing Air System's Inc. The cost of the masks not to exceed \$7,000.00 and the +purchase to be made with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services. The motion was seconded by Vice-Mayor Karr and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, a resolution setting the election dates for Wards 2, 4, and 6. (*Cora Middleton, City Clerk*)

Executive Summary

Motion to approve resolution setting the election dates for Wards 2, 4, and 6.

Manager Stasiak addressed the Council explaining that the State of Oklahoma sets the election dates each year and those dates do not always correspond with the City's Charter. He stated that this had happened in 2014 and would happen again in 2018.

There was a brief discussion concerning the dates that were available for the City to call the election for Wards 2, 4 and 6 and the Attorney's recommendation.

A motion to approve RESOLUTION NO. 17-20, setting the election dates, of April 3, 2018, for the Primary election and June 26, 2018 for the General election (if needed), for Wards 2, 4 and 6 was made by Mayor Browne and seconded by Councilman Smith.

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

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

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, an ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-274, Cottage House Development Overlay District; repealing all conflicting ordinances and declaring an emergency. *(Jayme Clifton, Community & Economic Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 62, Land Development Code, of the McAlester City Code by creating Section 62-274, Cottage House Development Overlay District; repealing all conflicting ordinances and declaring an emergency and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council reviewing what a Cottage House Development Overlay District was, what the regulations for this district would be and some of the advantages of this type of district could be.

There was discussion concerning the maximum square footage of the homes could be, the number of homes that could be located on the development area, where in the City this could be done, waiting for the completion of the Comprehensive Plan, notifying all of the property owners in the area, the vote of the Planning and Zoning Commission, if this could be considered for income based housing, having plans and photos of this possible development, what effect this could have on the area and postponing this until the residents could be notified.

A motion was made by Mayor Browne to postpone this item until January and the notification of all citizens within a 360 foot radius of the proposed zoning change. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act upon, Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$15,247.00, with Sam Azarian dba J & S Construction & Demolition in the sum of \$8,500.00, and with Dustin Harris dba Harris

Construction Services in the sum of \$7,899.98. (*Jayme Clifton, Community & Economic Development Director*)

Executive Summary

Motion to award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$15,247.00, with Sam Azarian dba J & S Construction & Demolition in the sum of \$8,500.00, and with Dustin Harris dba Harris Construction Services in the sum of \$7,899.98 and to authorize the Mayor to execute the respective Building Demolition & Site Clearance Contracts.

Director Clifton addressed the Council explaining that bids were accepted and opened on November 28, 2017 and three (3) contractors responded. She added that the contracts were included in the agenda packet and were for seven (7) of the thirteen condemned sites.

Councilman Read moved to award Building Demolition & Site Clearance Contracts with Henry Moss dba Moss Trucking in the sum of \$15,247.00, with Sam Azarian dba J & S Construction & Demolition in the sum of \$8,500.00, and with Dustin Harris dba Harris Construction Services in the sum of \$7,899.98 and authorize the Mayor to execute the respective Building Demolition & Site Clearance contracts. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, an ordinance imposing an excise tax of five eighths percent (.625%) for the purpose of funding improvements to City infrastructure and the remaining one eighth percent (.125%) for economic development, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code. (*Cully Stevens, Councilman, Ward Two*)

Executive Summary

Motion to approve an ordinance imposing an excise tax of five eighths percent (.625%) for the purpose of funding improvements to City infrastructure and the remaining one eighth percent (.125%) for economic development, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

This item was pulled.

9. Consider and act upon, an ordinance imposing an excise tax of one half percent (.50%) for the purpose of funding repairs, maintenance, construction, and improvements to City infrastructure, replacing an existing one half percent (.50%) expiring on July 1, 2018. Said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve an ordinance imposing an excise tax of one half percent (.50%) for the purpose of funding repairs, maintenance, construction, and improvements to City infrastructure, replacing an existing one half percent (.50%) expiring on July 1, 2018. Said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Attorney Ervin addressed the Council reviewing the proposition and its terms. There was a brief discussion concerning changes to the language of the proposition and the term of the proposed tax.

ORDINANCE NO. 2609

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE HALF PERCENT (.50%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilman Read moved to approve **ORDINANCE NO. 2609**, with the changes discussed. The motion was seconded by Councilman Smith and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

10. Consider and act upon, an ordinance imposing an excise tax of one eighth percent (.125%) to provide revenues for Economic Development of the City of McAlester, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code. *(Joe Ervin, City Attorney)*

Executive Summary

Motion to approve an ordinance imposing an excise tax of one eighth percent (.125%) to provide revenues for Economic Development of the City of McAlester, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Attorney Ervin addressed the Council explaining that this was a standalone ordinance for .125% sales tax and would expire in 2033.

There was a brief discussion concerning the difference in the length of the tax for the City's infrastructure and economic development and the school and hospital tax, how long those terms should be and restricting the City's revenue stream for the length of those terms.

ORDINANCE NO. 2610

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE EIGHTH PERCENT (.125%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

A motion was made by Councilman Read and seconded by Vice-Mayor Karr to approve **ORDINANCE NO. 2610**. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Stevens

Mayor Browne declared the motion carried.

11. Consider and act upon, an ordinance imposing an excise tax of one eighth percent (.125%) to provide revenues for The McAlester Public Schools (Pittsburg County ISD-80) to construct a new Early Childhood Center and to construct safe room/structures in existing McAlester Public School Facilities, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve an ordinance imposing an excise tax of one eighth percent (.125%) to provide revenues for The McAlester Public Schools (Pittsburg County ISD-80) to construct a new Early Childhood Center and to construct safe room/structures in existing McAlester Public School Facilities, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Attorney Ervin address the Council reviewing how this proposition had been developed, what the sales tax would be used for and changing the term of the tax to fifteen (15) years.

ORDINANCE NO. 2611

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE EIGHTH PERCENT (.125%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE);

SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

A motion was made by Councilman Barnett and seconded by Councilman Read to approve **ORDINANCE NO. 2611** and changing the term of the tax to fifteen (15) years as discussed. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

12. Consider and act upon, an ordinance imposing an excise tax of one eighth percent (.125%) to provide revenues for the McAlester Regional Health Center Authority to construct a modern regional cancer treatment center to provide expanded cancer care and ancillary services for Southeast Oklahoma, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve an ordinance imposing an excise tax of one eighth percent (.125%) to provide revenues for the McAlester Regional Health Center Authority to construct a modern regional cancer treatment center to provide expanded cancer care and ancillary services for Southeast Oklahoma, in addition to any and all other excise taxes now in force; said excise tax to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

Councilman Barnett requested that the term of the tax be changed to fifteen (15) years.

ORDINANCE NO. 2612

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES TAX) OF ONE EIGHTH PERCENT (.125%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE); SAID EXCISE TAX TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF

TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED, EXCEPT AS PROVIDED ABOVE; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Councilman Barnett moved to approve **ORDINANCE NO. 2612** and changing the term of the tax to fifteen (15) years as discussed. The motion was seconded by Councilman Garvin. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

13. Consider and act upon, to adopt a resolution authorizing the calling and holding of a special election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of ordinances relating to excise tax (sales tax), replacing expiring excise taxes, and in addition to all present city, county, and state excise taxes and containing other provisions relating thereto.
(*Joe Ervin, City Attorney*)

Executive Summary

Motion to adopt a resolution authorizing the calling and holding of a special election in the City of McAlester, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of ordinances relating to excise tax (sales tax), replacing expiring excise taxes, and in addition to all present city, county, and state excise taxes and containing other provisions relating thereto.

Attorney Ervin addressed the Council explaining that the resolution authorized the calling and holding of an election and it would have been hard to produce the document prior to the Ordinances being approved. He added that he would revise the resolution to reflect the changes that the Council had approved.

A motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to approve RESOLUTION NO. 17-21, calling for and holding a special election, with the changes discussed.

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

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

NAY: None

Mayor Browne declared the motion carried.

14. Consider and act upon, to authorize the Mayor to issue a proclamation for the special election regarding the excise tax (sales tax) propositions for the McAlester. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to authorize the Mayor to issue a proclamation for the special election regarding the excise tax (sales tax) propositions for the McAlester.

Attorney Ervin commented that he would draft the proclamation with the changes that had been approved by the Council and have the Clerk verify the precinct information. He added that it would mirror the Resolution.

A motion was made by Councilman Read and seconded by Councilman Smith to approve and authorize the Mayor to sign a proclamation for the Special Election regarding the excise tax (sales tax) propositions for the McAlester. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Karr, Garvin, Barnett & 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 addressed the Council reporting that some areas of the City had woke up with low water pressure. He explained that this had been caused by a valve on the Seminole tank that did not close completely during maintenance on that tank. He updated the Council on the Ethics training that had been conducted last Thursday and Friday and informed them that the training and test was now on the City's website. Manager Stasiak informed the Council that he would prepare a summary of the projects that had been done with the Stormwater fee for the Council. He then wished the Council a "Merry Christmas".

Remarks and Inquiries by City Council

Councilman Barnett wished everyone a "Merry Christmas".

Councilman Garvin wished everyone a "Merry Christmas" and commented on the condition of the Recycling Center and asked if the City was now recycling glass.

Manager Stasiak commented that the City was recycling glass. He informed the Council that the Recycling Center was being monitored by the Police Department on fifteen (15) minute rotations. He stated that cardboard was currently being bailed at the Armory and the Recycling Center would be moved to the Armory and there would be more security at the Armory.

Vice-Mayor Karr wished everyone a “Merry Christmas” and commented that hopefully the Armory could be monitored better.

Councilman Read asked if the Stormwater Committee had been created by ordinance and if not could that be accomplished.

Manager Stasiak stated that he would verify that information and bring it to the Council with the summary that was going to be prepared.

Councilman Stevens did not have any comment for the evening.

Councilman Smith wished everyone a “Merry Christmas” and a productive New Year.

Mayor’s Comments and Committee Appointments

Mayor Browne commented that he was glad that the employees could be given the \$250.00 and he thanked the City employees for all of the work that they do. He reminded everyone of the shelters in the City and entities that work with them and stated that those shelters could use donations, especially at this time of the year. He stated that he would be available to answer any questions that people had regarding the sales tax propositions and he would be setting up a Town Hall meeting soon. He commented about an issue on the service road in front of the Cato shop and then wished everyone a “Merry Christmas”.

Recess Council Meeting

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, Garvin, Barnett, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:33 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:34 P.M.

Adjournment

There being no further business to come before the Council, Vice-Mayor Karr 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: Councilman Karr, Smith, Stevens, Read, Garvin, Barnett & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:34 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk