

The McAlester City Council met in a Regular session on Tuesday, March 13, 2018, at 6:00 P.M. after proper notice and agenda was posted, March 12, 2018 at 2:07 P.M.

Call to Order

Mayor Browne called the meeting to order.

Councilman Robert Karr 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 Stasiak, City Manager; Toni Ervin, CFO; Jayme Clifton, Community Development Director; David Horinek, Public Works Director; Kirk Ridenour, Economic Development Director; Dalton Carlton, Utility Maintenance Superintendent; 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 citizens' 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 February 13, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for February 21, 2018 through March 6, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$93,914.73; Nutrition - \$1,249.57; Cemetery Care Fund - \$8,650.18; Tourism Fund - \$7,264.41; SE Expo Center - \$21,135.99; E-911 - \$633.66; Economic Development - \$5,810.50; CDBG Grants Fund - \$1,750.00; Fleet Maintenance - \$7,499.13; Dedicated Sales Tax – MPWA - \$500.00;

CIP Fund - \$37,956.00; Technology Fund - \$23,641.48 and Stormwater Fund - \$17,784.13.

- C. Concur with the Mayor's appointment of Ira Brinlee to the Pittsburg County Regional Expo Authority Board for a term to expire on June 30, 2020. (*John Browne, Mayor*)
- D. Consider and act upon, authorizing the Mayor to sign an Annual Engagement Letter with Crawford & Associates, P.C. for consultant services for the period of July 1, 2018 through June 30, 2019. (*Toni Ervin, Chief Financial Officer*)
- E. Consider and act upon, authorizing the Mayor to sign the attached "Outlay Report and Request for Reimbursement for Construction Programs" for Project 3-40-0057-015-2017 "Rehabilitate Runway 2/20 and Connecting Taxiways (Design Only)". (*David Horinek, Public Works Director*)
- F. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. (*Joe Ervin, City Attorney*) Resolution No. 18-06.
- G. Consider and act upon, authorization for the Mayor to sign the application for Voya Annuity Company for administration and investment of employee matching funds for our 457(b) plan. (*Toni Ervin, Chief Financial Officer*)

A motion to approve the Consent Agenda was made by Vice-Mayor Karr and 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.

A motion to open the Public Hearing to address two (2) ordinances was made by Councilman Stevens and seconded by Councilman Read.

There was no discussion, 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, and the Public Hearing was opened at 6:03 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 MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV, DIVISION 2, SECTION 62-256, R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT, SECTION 62-258, R-2 TWO-FAMILY DWELLING (DUPLEX) DISTRICT, AND SECTION 62-259, R-3 MULTIPLE-FAMILY DWELLING DISTRICT; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

AN ORDINANCE AMENDING CHAPTER 22, BUSINESSES, OF THE MCALESTER CITY CODE, CREATING ARTICLE VIII, MOBILE FOOD VENDORS; AMENDING CHAPTER 48, FEES, CHARGES AND SERVICE RATES, CREATING ARTICLE VIII, MOBILE FOOD VENDORS; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

Jim Miller, 118 E. Carl Albert Parkway addressed the Council expressing his concerns about mobile food trucks parking on Carl Albert Parkway.

There was no further comments and a motion to close the Public Hearing was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

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

Scheduled Business

1. Discussion and update on water project and concerns. (*Dalton Carlton, Utility Maintenance, Walt Herring, Inframark, Robert Vaughan, Infrastructure Solutions Group*)
Executive Summary
Discussion.

Manager Stasiak addressed the Council commenting that this item would address the concerns about the odor and taste of the City's water, update the Council on the projects at the water treatment plant, the 20 inch water line, the raw water pumps and the 30 inch water line.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council reviewing the activities around the MCC controls. He updated them on the status of the repairs.

There was a brief discussion concerning the status of the pumps and how many were operational.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council concerning the 20 inch line break that had left the City without water for a few days. He explained what had happened and added that they had received a quote to reroute the water line around the old water treatment plant but the cost was prohibitive. He stated that Dalton Carlton, Utility Maintenance Superintendent had obtained a quote for materials that was around

\$50,000.00 and with the City employees doing the work, the repairs would be much more affordable.

There was a brief discussion concerning how long it would take to complete the project and how the line would be moved.

Dalton Carlton, Utility Maintenance Superintendent updated the Council on the status of the 30” water line and how the repairs had been accomplished on the line at the same time that the raw water pumps were down. He explained that the water towers had been filled and the replacement parts for the water line were already on hand.

There was a brief discussion concerning the City’s secondary water source at Coal Creek, how it needed to be accessible and ready if needed, working with PSO to obtain costs for bringing that pump station on line, looking into the possibility of obtaining federal aid to help with those costs, how long these repairs would extend the life of the water plant, the cost of a new plant, and the capacity of the plant.

Walt Herring, Project Manager for Inframark addressed the Council concerning the odor and taste of the City’s water. He explained that they had started using a chemical Ozone and quit using carbon but the organics in the lake were too much for the Ozone and they had returned to using carbon. He added that the taste and odor of the water should improve as the water in the storage towers cycled.

There was no vote on this item.

2. Consider and act upon, an ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, Section 62-256, R-1B Single-family residential district, Section 62-258, R-2 Two-family dwelling (duplex) district, and Section 62-259, R-3 Multiple-family dwelling district; repealing all conflicting ordinances, and providing for severability. (*Jayme Clifton, Community and Economic 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, Section 62-256, R-1B Single-family residential district, Section 62-258, R-2 Two-family dwelling (duplex) district, and Section 62-259, R-3 Multiple-family dwelling district; repealing all conflicting ordinances, and providing for severability, and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the City had a number of small lots that did not meet the minimum lot size required by the current Code. She added that the Planning Commission had met on February 20, 2018 and voted unanimously to recommend this amendment to the Council. She added that this would amend the lot area from 6,000 square feet to 4,500 square feet.

There was discussion concerning the setbacks, the number of lots, the maximum square footage of the structures on smaller lots, and if this would affect structures that the City had already condemned.

ORDINANCE NO. 2620

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 62, LAND DEVELOPMENT, PLANNING, ZONING AND SUBDIVISIONS, ARTICLE IV, DIVISION 2, SECTION 62-256, R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT, SECTION 62-258, R-2 TWO-FAMILY DWELLING (DUPLIX) DISTRICT, AND SECTION 62-259, R-3 MULTIPLE-FAMILY DWELLING DISTRICT; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

A motion to approve **ORDINANCE NO. 2620**, was made by Councilman Smith and seconded by Councilman Read. There was no further 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.

3. Consider and act upon, an ordinance amending Chapter 22, Businesses, of the McAlester City Code by creating Article VIII, Mobile Food Vendors; amending Chapter 48, Fees, Charges and Service Rates, creating Article VIII, Mobile Food Vendors; repealing all conflicting ordinances, and providing for severability. (*Jayme Clifton, Community and Economic Development Director*)

Executive Summary

Motion to act upon and approve the above ordinance amending Chapter 22, Businesses, of the McAlester City Code by creating Article VIII, Mobile Food Vendors; amending Chapter 48, Fees, Charges and Service Rates, by creating Article VIII, Mobile Food Vendors, repealing all conflicting ordinances, providing for severability, and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the Planning Commission had met on February 20, 2018 and voted unanimously to recommend the Mobile Food Vending ordinance be approved.

Stephanie Giacomo, 228 W. Stonewall, Tabettha Howell, 2032 N. 14th and Nicole Stanfield all addressed the Council expressing their support for the Mobile Food Vending ordinance.

There was discussion concerning where the food trucks would be allowed to park, if they would be allowed to park in angled parking spaces, possible loss of parking in the Down Town area if the trucks parked in angled parking spaces and not decreasing the parking available Down Town.

Mayor Browne stated that a Special Meeting had been scheduled for 7:00 P.M. and the Council needed to address the meeting.

A motion to recess the Regular meeting was made by Councilman Read and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

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

The Regular Meeting was reconvened at 7:01 P.M.

There was further discussion concerning the collection of sales tax from the Mobile Food Vendors, making the changes to the ordinance that would prohibit the vehicles to sell on highways and adding language for specific areas allowed, if there had been any response from restaurants, what insurance would be required and if there was a change in the parking the City Manager would usually address with the Council.

ORDINANCE NO. 2621

AN ORDINANCE AMENDING CHAPTER 22, BUSINESSES, OF THE McALESTER CITY CODE, CREATING ARTICLE VIII, MOBILE FOOD VENDORS; AMENDING CHAPTER 48, FEES, CHARGES AND SERVICE RATES, CREATING ARTICLE VIII, MOBILE FOOD VENDORS; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

A motion was made by Mayor Browne and seconded Councilman Smith to approve **ORDINANCE NO. 2621**, with the removal of parking on Carl Albert Parkway. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

4. Consider and act upon, authorizing the Mayor to sign Change Order # 1 from KATCON Inc., in the amount of \$1,424.05 for the addition of removing and replacing failed and heaved pavement at two locations adjacent to the Cardinal Lane Curb and Gutter Improvements project. The failures were noticed as repair work began. The first location is at 2009 Cardinal Lane and the second location is at 2001 Cardinal Lane. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

The recommendation is to authorize the Mayor to sign Change Order # 1 from KATCON Inc., in the amount of \$1,424.05 for the addition of removing and replacing failed and heaved pavement at two locations adjacent to the Cardinal Lane Curb and Gutter Improvements project. The failures were noticed as repair work began. The first location is at 2009 Cardinal Lane and the second location is at 2001 Cardinal Lane.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that once the contractor had gotten into the area that more failures had occurred and they were beyond the scope of work.

There was no further discussion, and a motion to authorize the Mayor to sign Change Order # 1 from KATCON Inc., in the amount of \$1,424.05 for the addition of removing and replacing failed and heaved pavement at two locations adjacent to the Cardinal Lane Curb and Gutter Improvements project was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Submission, and Presentation of the 5-Year Capital Improvements Plan for FY 2018/19-2022/23. *(Peter Stasiak, City Manager)*

Executive Summary
Presentation.

Manager Stasiak addressed the Council presenting the 5-Year Capital Improvements Plan for FY 2018/19-2022/23. During his presentation Manager Stasiak highlighted the various proposed improvements, programs, expenditures for equipment and vehicles and the proposed funding for many of those items.

There was discussion concerning the landfill, the County sales tax, the revenue generated by the Expo Center and a feasibility study to put air conditioning in the arena area.

There was no vote on this item.

6. Consider and act upon, to accept the resignation of Councilman Weldon Smith as Chairman of the McAlester Southside Area Reinvestment Review Committee and to confirm the Mayor's appointment as replacement to the Chairperson.

Executive Summary
Confirm the Mayor's appointment as Chairperson of the Southside Area Reinvestment Review Committee.

Councilman Smith stated that he had asked the Mayor to do this because he did not have the extra time to continue with the Committee.

Councilman Stevens asked why the Mayor would appoint himself.

Mayor Browne stated that he had went through the individuals that would have the time during the day and he felt he would do a good job.

A motion was made by Councilman Read and seconded by Councilman Smith to accept the resignation of Councilman Weldon Smith as Chairman of the McAlester Southside Area

Reinvestment Review Committee and to confirm the Mayor's appointment as replacement to the Chairperson. There was no discussion, 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.

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 stated that he did not have anything to report tonight and he would present the preliminary Budget to the Council the first meeting in April.

Remarks and Inquiries by City Council

Councilman Stevens stated that he was glad Manager Stasiak was back and added that he had the opportunity to work with several of the City employees and they had been great.

Councilman Garvin inquired about the feasibility to have the City's ambulance service transport more patients out of town.

Councilman Barnett asked if the City had discussed with ODOT the number of accidents at the intersection of "A" Street and Carl Albert Parkway since the signal had been removed.

Manager Stasiak commented that there had been five (5) accidents since the change according to the information provided by ODOT and only one (1) had been because of the change. He added that ODOT was looking at the bridges and their construction.

Councilmen Smith, Read and Karr did not have any comments or inquiries for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne thanked Councilman Smith for his work with the TIF Committee. He commented that all City employees had gone through the Ethics training and he asked that all of the Council take the class as well. He added that it was on the website.

Attorney Ervin stated that the Ethics Board had asked City staff to report on the completion rate and they would review that at their next regular meeting.

Manager Stasiak commented that he had been provided the list and staff was working on how best to notify the individuals and work with them to complete the training.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Stevens. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 8:02 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:03 P.M.

Adjournment

There being no further business to come before the Council, Councilman Stevens moved for the meeting to be adjourned. The motion was seconded by Councilman Read.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:03 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk