

The McAlester City Council met in a Regular session on Tuesday, April 24, 2018, at 6:00 P.M. after proper notice and agenda was posted, April 23, 2018 at 4:55 P.M.

### **Call to Order**

Interim Vice-Mayor Stevens 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, James Brown, Buddy Garvin & Jason Barnett  
Absent: John Browne  
Presiding: Cully Stevens, Interim Vice-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; Gary Wansick, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

### **Citizen's 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 March 27, 2018, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for April 3, 2018 through April 17, 2018. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$122,354.67; Parking Authority - \$203.94; Nutrition - \$2,034.39; Landfill Res./Sub-Title D - \$2,255.00; Tourism Fund - \$8,596.29; SE Expo Center - \$17,418.05; E-911 - \$13,197.10; Economic Development - \$675.51; Fleet Maintenance - \$9,723.19; CIP Fund - \$10,652.00; Technology Fund - \$8,138.92 and Stormwater Fund - \$70,118.81.

- C. Accept and place on file the Pride in McAlester 3rd Quarter Report for the months of January through March, 2018. *(Stephanie Giacomo, Executive Director)*
- D. Consider and act upon, concurrence with the City Manager’s recommendations and completing a Ballot for the Election of two (2) Trustees to the Board of Trustees of the Oklahoma Municipal Assurance Group. *(Cora Middleton, City Clerk)*
- 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)*
- F. Consider and act upon, concurrence with the Oklahoma Municipal Assurance Group (OMAG) recommendation to deny Claim No. 204390-ME. *(Cora Middleton, City Clerk)*

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: Councilman Smith, Read, Brown, Garvin, Barnett & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

Councilman Smith thanked Pride in McAlester for the work that they do.

A motion to open the Public Hearing, to address three proposed ordinances was made by Councilman Smith and seconded by Councilman Read.

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

AYE: Councilman Smith, Read, Brown, Garvin, Barnett & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried, and the Public Hearing was opened at 6:06 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 22, BUSINESSES, ARTICLE IV, PEDDLERS AND SOLICITORS, DIVISION 2, AGGRESSIVE BEGGING,**

**PANHANDLING OR SOLICITATION, SECTION 22-126, DEFINITIONS, AND REPEALING ALL CONFLICTING ORDINANCES.**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2604 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2017-18; 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 THE ALL THAT PART OF NE ¼ NE ¼ OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, LYING SOUTH OF HIGHWAY NO. 69, IN PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.**

There was no comments and a motion to close the Public Hearing was made by Councilman Read. The motion was seconded by Councilman Smith.

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

AYE: Councilman Read, Smith, Brown, Garvin, Barnett & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried, and the Public Hearing was closed at 6:06 P.M.

### **Scheduled Business**

1. Presentation of Oklahoma Municipal Assurance Group's OMAG Municipal Liability Protection Plan (MLPP) ***Recognition Program.*** (Cora Middleton, City Clerk)

Executive Summary

Presentation.

Bill Tackett, Director of Risk Management Services with Oklahoma Municipal Assurance Group (OMAG) addressed the Council informing them of the Retention and Recognition programs that OMAG had started the first of July, 2017. He briefly reviewed the requirements for the Retention program in order for the City to receive approximately \$27,000.00 and explained how the City could earn \$10,000.00 by participating in the Recognition program. He then reviewed the steps that the Council would need to take to qualify for the award.

There was a brief discussion concerning how long the training session would take.

There was no vote on this item.

2. Acceptance of the MDSA Quarterly Report and introduction of the new Director. (*Kevin Priddle, MDSA*)

Executive Summary  
Presentation.

Kevin Priddle with MDSA addressed the Council introducing the new Executive Director of MDSS, Jessica Gregg. Mr. Priddle then reviewed the activities of the Association for the previous quarter which included the meeting with Senator Inhofe, working on a website to increase visibility, participating in calls with The Spectrum Group to plan the McAlester Stampede, implementing fundraising events and adopting a mission statement.

There was no vote on this item.

3. Consider and act upon, a request from the property owner for a 90 day extension of Special Remodel Permit No. 17065 for the condemned property at 629 N C Street. (*George Estrada, Building Inspector, Jayme Clifton, Director*)

Executive Summary

Motion to grant a 90 day extension of Special Remodel Permit No. 17065 for the condemned property at 629 N C Street.

Director Clifton addressed the Council explaining that the property owner of 629 N. "C" Street had requested a ninety (90) day extension of Special Remodel Permit No. 17065. She added that extensive work had been done to the property.

Councilman Read asked if the house was secured.

Mr. Priddle, 314 W. Jackson explained that the house was secured but they continued to have theft of supplies. He explained some of the obstacles that the renovation had come across and commented that he was confident that this would be finished on time.

A motion to approve the ninety (90) day extension of Special Remodel Permit No. 17065 was made by Councilman Brown. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Brown, Smith, Garvin, Barnett, Read & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

4. Consider and act upon, an ordinance of the City of McAlester amending Chapter 22, Article IV, Division 2, Aggressive Begging, Panhandling or Solicitation, Section 22-126, Definitions, and repealing all conflicting ordinances. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to pass and approve the Mayor to sign an ordinance amending Chapter 22, Article IV, Division 2, Aggressive Begging, Panhandling or Solicitation, Section 22-126, Definitions, and repealing all conflicting ordinances.

Chief Wansick addressed the Council explaining that language in Section 22-126 of the City's Code of Ordinances could have some problems. He stated that he had discussed this with the City Attorney and the City Prosecutor.

There was a brief discussion concerning addressing the language as a safety matter, the Code prohibiting aggressive panhandling but not restricting some one's ability to ask for help and how businesses could address panhandling.

### **ORDINANCE NO. 2623**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 22, BUSINESSES, ARTICLE IV, PEDDLERS AND SOLICITORS, DIVISION 2, AGGRESSIVE BEGGING, PANHANDLING OR SOLICITATION, SECTION 22-126, DEFINITIONS, AND REPEALING ALL CONFLICTING ORDINANCES.**

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve **ORDINANCE NO. 2623**, amending language in section 22-126 of the City of McAlester Code of Ordinances. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Garvin, Barnett, Read, Brown & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

5. Consider and act upon, bids received for the Emergency Canal Wall Repair at 1000 E. Miami Avenue. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

Staff recommends acceptance of the bid recommendation by Infrastructure Solutions Group, LLC for the Emergency Canal Wall Repair at 1000 E. Miami Avenue.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that on April 10, 2018 the Council had passed an Emergency Declaration waiving the standard bidding requirements to address the potential collapse of the canal wall at 1000 E. Miami. He stated that four (4) contractors had submitted bids at the bid opening at 2:00 P.M. this afternoon and Built Right Construction, LLC had been the apparent low bidder.

After a brief discussion concerning previous experience with the contractor and the length of the warranty that would be furnished with this project, a motion to award the contract to Built Right Construction, LLC was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Barnett, Brown, Garvin & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

6. Consider and act upon, accepting the bid amount of \$19,850.00 from MJM Construction, LLC, and authorizing the Mayor to sign the Notice of Award for the Canal Wall Mitigation – Osage Avenue to 7<sup>th</sup> Street. (*Robert Vaughan, Infrastructure Solutions Group, LLC*)

Executive Summary

The recommendation is to accept the bid from MJM Construction, LLC for a total of \$19,850.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Mitigation – Osage Avenue to 7<sup>th</sup> Street.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this was a Stormwater project and bids had been opened on April 3, 2018 at 2:00 P.M. He stated that seven (7) contractors had submitted bids with MJM Construction, LLC being the apparent low bidder. He added that he had received good feedback when MJM's references had been checked.

A motion to accept the bid from MJM Construction, LLC for \$19,850.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Mitigation at Osage Avenue to 7<sup>th</sup> Street was made by Councilman Smith. The motion was seconded by Councilman Brown. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Brown, Read, Garvin, Barnett & Interim Vice-Mayor Stevens  
NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

7. Consider and act upon, accepting the bid amount of \$18,500.00 from Built Right Construction, LLC, and authorizing the Mayor to sign the Notice of Award for the Canal Wall Repair 703 S. 12<sup>th</sup> Street. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

The recommendation is to accept the bid from Built Right Construction, LLC for a total of \$18,500.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Repair 703 S. 12<sup>th</sup> Street.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this was a Stormwater project and bids had been opened on April 17, 2018 at 2:00 P.M. He stated that six (6) contractors had submitted bids with Built Right Construction, LLC being the apparent low bidder.

There was no discussion, and a motion to accept the bid from Built Right Construction, LLC in the amount of \$18,500.00 and authorize the Mayor to sign the Notice of Award for the Canal Wall Repair 703 S. 12<sup>th</sup> Street was made by Councilman Brown. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Brown, Smith, Garvin, Barnett, Read & Interim Vice-Mayor Stevens  
NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

8. Consider and act upon, an Ordinance amending Ordinance No. 2604 which established the budget for fiscal year 2017-2018; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the budget amendment ordinance.

CFO Ervin addressed the Council reviewing the exhibit for the budget amendment. She explained that this amendment was to appropriate funds for the request for funds from the McAlester Public Schools that had been approved at the April 10, 2018 Council meeting.

### **ORDINANCE NO. 2624**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2604 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2017-18; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion to approve **ORDINANCE NO. 2624** 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, Brown, Garvin, Barnett & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

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

AYE: Councilman Read, Brown, Garvin, Barnett, Smith & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried

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

Executive Summary

Discussion.

CFO Ervin addressed the Council updating them on the City's financials as of March 31, 2018. During her update CFO Ervin explained that the City was seventy-five percent (75%) through the year and the General Fund Revenues were 1.1% over budget and Expenses were .3% under budget. She added that MPWA Revenues were 1.1% under budget but the expenses were 4% under budget. CFO Ervin reviewed the various reports that were furnished to the Council. CFO Ervin also explained that the variation in water sales was due to the heavy rains the City had experienced. She stated that some of the meters had to be estimated and some of the meters had been changed from measuring cubic inches to measuring gallons.

There was no vote on this item.

10. 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 All that Part of NE ¼ NE ¼ of Section 19, Township 5 North, Range 15 East of the Indian Base and Meridian, lying South of Highway No. 69, in Pittsburg County, State of Oklahoma, from R-1B Single-family Residential District to C-5 Highway Commercial and Commercial Recreation District.  
*(Jayme Clifton, 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-5 Highway Commercial and Commercial Recreation District and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the 36.95 acre parcel was split between C-5 Highway Commercial and Commercial Recreation District and R-1B Single-family Residential. She stated that the applicant had requested that all of the 36.95 acre parcel be zoned as C-5 Highway Commercial and Commercial Recreation District. Director Clifton informed the Council that the Planning and Zoning Commission had met on April 9, 2018 and voted unanimously to recommend the applicant's request to the Council. She added that the Notice to Property Owners was sent to all owners within three hundred (300) feet as required and that three (3) of the owners had expressed their support of the change.

Ryan Wiley, 14 Crooked Oak Lane and Pam Nguyen, 43 Quail Court expressed their opposition to the rezoning.

There was a brief discussion concerning what type of screening would be constructed between the development and the private property.

Karla Taylor, 701 S. 13<sup>th</sup> Street expressed her support for the rezoning and added that she hoped the Council would be able to allay some of the property owners concerns.

There was another brief discussion concerning the possible extension of 14<sup>th</sup> Street and if there had been any plans to construct apartments in that area.

**ORDINANCE NO. 2625**

**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 ALL THAT PART OF NE ¼ NE ¼ OF SECTION 19, TOWNSHIP 5 NORTH, RANGE 15 EAST OF THE INDIAN BASE AND MERIDIAN, LYING SOUTH OF HIGHWAY NO. 69, IN PITTSBURG COUNTY, STATE OF OKLAHOMA, FROM R-1B SINGLE-FAMILY RESIDENTIAL DISTRICT TO C-5 HIGHWAY COMMERCIAL AND COMMERCIAL RECREATION DISTRICT.**

A motion to approve **ORDINANCE NO. 2625** was made by Councilman Read and seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:



AYE: Councilman Read, Smith, Brown, Garvin, Barnett & Interim Vice-Mayor Stevens  
NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

11. Consider and act upon, a Resolution to adopt the Capital Improvement Program for 2018/2019-2022/2023. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve the Resolution adopting the Capital Improvement Program for 2018/2019-2022/2023.

Manager Stasiak addressed the Council commenting that the 2018/2019-2022/2023 Capital Improvement Plan had been in place for a couple of months and the City had no received any questions or changes.

Interim Vice-Mayor Stevens asked if the improvements to the Expo Center were still in the Plan and if the changes that had been implemented to the Expo fees had seen any results. Manager Stasiak stated that what had been in the Capital Plan when presented was still included in the Plan. He added that there had not been enough time since the changes to the Expo fees to see any effect.

A motion to approve RESOLUTION NO. 18-09, adopting the Capital Improvement Program for 2018/2019-2022/2023 was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Garvin, Barnett & Interim Vice-Mayor Stevens  
NAY: None

Interim Vice-Mayor Stevens declared the motion carried.

12. Presentation and discussion of Fiscal Year 2018/2019 Budget. (*Peter Stasiak, City Manager*)

Executive Summary

Presentation.

Manager Stasiak addressed the Council presenting the preliminary budget for Fiscal Year 2018/2019. During his presentation Manager Stasiak stated that the budget was a work in progress and he reviewed some of the changes that were being made to the City's Organizational Chart with the addition of an Assistant City Manager's position. He added that the Assistant City Manager would report the City Manager and oversee the operational side of the City. He stated that the City was required to have a balanced budget and maintain ten percent (10%) in an Emergency Fund. Manager Stasiak reviewed the changes to the General Funds revenue, and the projected increases in job opportunities in the coming year. He then the McAlester Public Works Authority's projected revenues and expenses for the coming year. He also reviewed the City's expenditures by department for both the General Fund and the Public Works Authority. Manager Stasiak covered the City's bond Debt and the benefits that the City would continue to offer employees. He explained that in addition to the Assistant City Manager the City would

change the part-time Benefits position to full-time giving the City 222 employees and 80 seasonal employees.

Manager Stasiak reviewed the Capital Improvements Fund, its' recurring payments, projected programs and equipment purchases. He reviewed City's infrastructure needs and funding.

There was a brief discussion concerning prioritizing the City's needs and making more progress in those areas rather than throwing a little money at everything, the City's old water lines and holding a workshop in a couple of weeks to address questions and recommendations.

Manager Stasiak also informed the Council that the City would be adding two (2) funds; one would be for the 1/8 % Education sales tax receipts and the other for the 1/8 % Hospital funding. He asked that any comments or questions be submitted to him.

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 reported that he had nothing to report as he was in the middle of negotiations and finalizing the budget.

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

The Council did not have any comments for the evening.

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

Interim Vice-Mayor Stevens did not have any comments for the evening.

### **Recess Council Meeting**

Councilman Brown 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 Brown, Read, Garvin, Barnett, Smith & Interim Vice-Mayor Stevens

NAY: None

Interim Vice-Mayor Stevens declared the motion carried and the meeting was recessed at 7:44 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:19 P.M.

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:46 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: Councilman Read, Smith, Garvin, Barnett, Brown & Interim Vice-Mayor Stevens

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:46 P.M.

ATTEST:

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Cully Stevens, Interim Vice-Mayor

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Cora Middleton, City Clerk