

The McAlester City Council met in a Regular session on Tuesday, March 26, 2019, at 6:00 P.M. after proper notice and agenda was posted, March 21, 2019 at 2:44 P.M.

Call to Order

Mayor Browne called the meeting to order.

Pastor Roy Prince, North Gate Baptist Church 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, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Asst. City Manager; An-Chen Lai, CFO; Billy Sumner, Tourism/Expo Manager; Mel Priddy, Community Services Director; Jayme Clifton, Community Development Director; 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.

Deloures Smith, 1911 N. 11th Street and Rowena McElroy, 110 E. Harrison Ave. addressed the Council concerning Ms. Smith's need for a larger building to house her Summer Program.

Mayor Browne explained that the Council could not discuss this matter since it was not an agenda item and suggested that they contact the City Manager in the morning.

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 Claims for March 6, 2019 through March 19, 2019. (Toni Ervin, Assistant City Manager) In the following amounts: General Fund - \$75,861.92; Parking Authority - \$132.37; Nutrition - \$1,170.45; Landfill Res./Sub-Title D - \$1,405.20; Tourism Fund -

\$6,890.15; SE Expo Center - \$3,867.67; E-911 - \$30,469.18; Economic Development - \$12,970.33; CDBG Grants Fund - \$143.33; Fleet Maintenance - \$8,105.58; CIP Fund - \$17,045.64; Technology Fund - \$141.55; Stormwater Fund - \$3,850.00 and Infrastructure Fund - \$62,696.85.

- B. Consider and act upon, a request by Bobby Lenardo, on behalf of the Italian Festival Committee to partner with them for the rental fee for the use of the McAlester Expo Center, for the 49th Annual McAlester Italian Festival set for May 9, 10 & 11th, 2019 in the amount of \$2,125.00. (*Billy Sumner, Expo Manager*)
- C. Consider and act upon, a request from Larry Amos, member of the Pittsburg County Pow Wow Committee, to partner with them for the rental fee for the use of the McAlester Expo Center for the 2019 Pittsburg County Pow Wow, set for April 27th, 2019 in the amount of \$900.00. (*Billy Sumner, Expo Manager*)
- D. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. (*William Ervin, City Attorney*)
- E. Consider and act upon, a Resolution of the City of McAlester in support of permanent east bound and west bound traffic access through the Wade Watts Underpass. (*Peter Stasiak, City Manager*)
- F. Concur with the Mayor's reappointments of Mark Emmons, Chris Taylor, and Susan Kanard to the McAlester Board of Adjustments for terms ending March 31st, 2022. (*John Browne, Mayor*)
- G. Consider and act upon, approving the expenditure of interest monies from the Cemetery Perpetual Care Fund for Oakhill Cemetery for the purchase of a sprayer. (*Mel Priddy, Community Services Director*)

Councilman Brown requested that item "D" be removed for individual consideration. Councilman Prichard requested that items "B, C and E" be removed for individual consideration.

A motion to approve the Consent Agenda items "A, F and G" was made by Councilman Read. The motion was seconded by Councilman Smith. There was no other discussion, and the vote was taken as follows:

AYE: Councilman Read, Smith, Stevens, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

Items Removed From Consent Agenda

- D. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. (*William Ervin, City Attorney*)

There was discussion concerning the City of McAlester's ability to support more than one (1) cable television provider, what a different company would have to do to provide that service, how neither party could agree with the other on the language and the issue of some entities receiving free service.

A motion to approve a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A. LLC was made by Councilman Smith. The motion was seconded by Councilman Read and the vote was taken as follows:

AYE: Councilman Smith, Read & Mayor Browne

NAY: Councilman Stevens, Brown & Prichard

Mayor Browne declared the motion failed.

B. Consider and act upon, a request by Bobby Lenardo, on behalf of the Italian Festival Committee to partner with them for the rental fee for the use of the McAlester Expo Center, for the 49th Annual McAlester Italian Festival set for May 9, 10 & 11th, 2019 in the amount of \$2,125.00. (*Billy Sumner, Expo Manager*)

C. Consider and act upon, a request from Larry Amos, member of the Pittsburg County Pow Wow Committee, to partner with them for the rental fee for the use of the McAlester Expo Center for the 2019 Pittsburg County Pow Wow, set for April 27th, 2019 in the amount of \$900.00. (*Billy Sumner, Expo Manager*)

There was discussion of both items "B and C" concerning the requesting person or group providing the City with an economic impact analysis.

A motion was made by Councilman Read to approve the partnering requests for the 49th Annual Italian Festival in the amount of \$2,125.00 and the 2019 Pittsburg County Pow Wow in the amount of \$900.00. the motion was seconded by Councilman Smith and the vote was taken as follows:

AYE: Councilman Read, Smith, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

E. Consider and act upon, a Resolution of the City of McAlester in support of permanent east bound and west bound traffic access through the Wade Watts Underpass. (*Peter Stasiak, City Manager*)

There was discussion concerning the need for this resolution, what ODOT's initial plans were for that area and the options that the City had reviewed to address this matter.

A motion to approve RESOLUTION NO. 19-06, supporting permanent east bound and west bound traffic access through the Wade Watts Underpass was made by Councilman Prichard. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A motion was made by Councilman Smith and seconded by Councilman Read to open a Public Hearing to address two (2) ordinances. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:18 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 62-297, STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2626 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2018-2019; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

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

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:18 P.M.

Scheduled Business

1. **POSTPONED FROM THE MARCH 12, 2019 MEETING:** Consideration and action, to authorize the execution of the lease agreements with New Cingular Wireless PCS, LLC for the development of a cellular tower north of Mullens Park in Lots 5 and 6, Block 94, North McAlester, City of McAlester, and including an access utility easement. *(Jayme Clifton, Community Development Director)*

Executive Summary

Motion to approve and to authorize the execution of the lease agreements with New Cingular Wireless PCS, LLC for the development of a cellular tower north of Mullens Park in Lots 5 and 6, Block 94, North McAlester, City of McAlester, and including an access utility easement.

Director Clifton addressed the Council stating that she had time to communicate with Mr. Troy Williams with Branch Communications about the comments from the previous meeting. she stated that the document that was being passed out contained the proposed wording that was recommended to go into the contract. She added that she believed it addressed all of the concerns.

There was discussion concerning how the funds from the lease payments would be used, if the services provided the City would be at no cost, if zoning affected where cell towers were allowed, if area residents were notified prior to cell towers being built, what language had been changed, Chapter 100 "Telecommunications" being followed, how this will enhance communication services, the topography of the lot not making it easy to develop and if there was any liability on the City.

Troy Williams, Branch Communications addressed the City stating that all of the changes discussed with the City Attorney had been incorporated into the agreement, this tower would aid in service to emergency responders and the City was additional insured.

There was no further discussion, and a motion was made by Councilman Smith to approve and authorize the execution of the lease agreements with New Cingular Wireless PCS, LLC for the development of a cellular tower north of Mullens Park in Lots 5 and 6, Block 94, North McAlester, City of McAlester, and including an access utility easement with recommended changes pertaining to Sub-leasing and reserved areas for the City of McAlester. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Smith, Read, Brown & Mayor Browne

NAY: Councilman Stevens & Prichard

Mayor Browne declared the motion carried.

2. Consider and act upon, an ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, Section 62-295, Storage and Parking of Trailers and Commercial Vehicles; repealing all conflicting ordinances, and providing for severability. *(Jayme Clifton, Community Development Director)*

Executive Summary

Motion to act upon and approve the above ordinance amending McAlester City Code Chapter 62, Land Development, Planning, Zoning and Subdivisions, Article IV, Division 2, Section 62-295, Storage and Parking of Trailers and Commercial Vehicles; repealing all conflicting ordinances, and providing for severability, and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that the Planning Commission had tabled this matter several times until modifications that fit the City of McAlester could be made and presented. She stated that the Code as it had been written had been difficult to enforce. She added that at the Planning Commission meeting on March 14, 2019 the Commissioners had unanimously voted to recommend amending the regulations in Chapter 62 regarding the storage and parking of trailers and commercial vehicles to the City Council.

There was a brief discussion concerning the changes that had been made to the ordinance.

ORDINANCE NO. 2648

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 62-297, STORAGE AND PARKING OF TRAILERS AND COMMERCIAL VEHICLES; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

After discussion, a motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2648**. The vote was taken as follows:

AYE: Councilman Smith, Read, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting the bid amount of \$282,524.00 for Section A 2018 CDBG Sewer Improvements and \$202,808.00 for Section B for Connally Addition Sewer Improvements by City Infrastructure Funds for a total combined bid amount of \$485,332.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award and the Grantee Debarment Review and Certification. (*Robert Vaughan, Infrastructure Solutions Group*)

Executive Summary

The recommendation is to accept the bid from Built Right Construction, LLC of \$282,524.00 for Section A 2018 CDBG Sewer Improvements and \$202,808.00 for Section B for Connally Addition Sewer Improvements by City Infrastructure Funds for a total combined bid amount of \$485,332.00 and authorize the Mayor to sign the Notice of Award and the Grantee Debarment Review and Certification.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that on March 19, 2019 at 2:00 P.M. the City received and opened three (3) bids for Section A 2018 CDBG Sewer Improvements and Section B Connally Addition Sewer Improvements by City Infrastructure Funds.

Vice-Mayor Stevens commented that Built Right Construction, LLC was not the cheapest bid.

Mr. Vaughan informed the Council that the low bid received from Bates Instrumentation was incomplete, there was no legal bid security and the bid had been submitted on the wrong bid forms. He added those items caused it to be considered a non-responsive bid.

There was no further discussion, and a motion to accept the bid amount of \$282,524.00 for Section A 2018 CDBG Sewer Improvements and \$202,808.00 for Section B for Connally Addition Sewer Improvements by City Infrastructure Funds for a total combined bid amount of \$485,332.00 from Built Right Construction, LLC and authorize the Mayor to sign the Notice of Award and the Grantee Debarment Review and Certification was made by Vice-Mayor Stevens. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilman Stevens, Smith, Read, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, a proposal from Noah's Park & Playgrounds in the amount of \$63,000.00 for the purchase of playground equipment for Connally Park. (*Mel Priddy, Community Services Director*)

Executive Summary

Staff recommends accepting proposal from Noah's Park & Playgrounds in the amount of \$63,000.00 for the purchase of playground equipment for Connally Park.

Director Priddy addressed the Council stating that RFPs were received and opened on March 5, 2019 at 3:00 P.M. for the Connally Park playground equipment. He added that on March 13, 2019 City staff met and reviewed the fifteen (15) proposals from eight (8) playground equipment companies. It was the consensus of the group to recommend Noah's Park & Playgrounds, which offered thirty-one (31) play stations. Director Priddy informed the Council that the proposal had not included some of the amenities but Mr. Bob Saunier had agreed to donate funds for those items. He explained that the ground cover would be the engineered wood fiber.

There was no discussion, and a motion to accept a proposal from Noah's Park & Playgrounds in the amount of \$63,000.00 for the Connally Park playground equipment was made by Vice-Mayor Stevens. The motion was seconded by Councilman Read, and the vote was taken as follows:

AYE: Councilman Stevens, Read, Brown, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, an Ordinance amending Ordinance No. 2626 which established the budget for fiscal year 2018-2019; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*An-Chen Lai, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

CFO Lai addressed the Council explaining that there were two (2) exhibits for the amendment and they were to appropriate funds for the 2018 CDBG Grant projects.

Councilman Smith asked for clarification of the transfers.

ORDINANCE NO. 2649

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2626 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2018-2019; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion was made by Councilman Read and seconded by Councilman Smith to approve **OPRDINANCE NO. 2649**, amending the Fiscal Year 2018-2019 Budget. There was no further discussion, and the vote was taken as follows:

AYE: Councilman Smith, Read, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Read and seconded by Councilman Smith to approve the EMERGENCY CLAUSE.

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

AYE: Councilman Smith, Read, Brown, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Discussion and update on Monthly Financials. (*An-chen Lai, Chief Financial Officer*)

Executive Summary

Discussion.

CFO Lai addressed the Council reviewing the City of McAlester's financial status as of February 28, 2019. During her review She stated that the year was 66.67% complete. She explained that in the General Fund the revenue was slightly above budget at 68.46% and the expenditures were below budget at 63.10%. She commented that the Fund Balance was \$1,182,174.

CFO Lai then reviewed the MPWA Fund explaining that revenue was below budget at 65.79% but expenditures were also below budget at 62.90%. She added that MPWA Fund Balance was at \$759,934.

CFO Lai reviewed the Sales Tax Revenue chart explaining that March was a little low but that was expected. She then reviewed the Use Tax Chart stating that the trend continued to increase. She reviewed the MPWA revenues, which included residential, commercial and wholesale water sales. She added that the Treasury Report provided the amount of cash in the bank.

There was a brief discussion concerning the water sales, how they are tracked and what can affect those revenues.

There was no action taken 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 911 had moved to the Federal Building today with one (1) station staying at City Hall until April. He explained that the State had to move that station. He stated that CID and PD had moved last week and Court would not move for one to two weeks. They had to wait for approval of the requested construction. He informed the Council that the shopping center financing closing would be at the end of April. He stated that he had received a call from ODOT saying they would be working on the Carl Albert/270 Highway Bridge. He added that the CIP had been presented at the last meeting and there would be a Special Meeting Thursday, April 11, 2019.

Remarks and Inquiries by City Council

Vice-Mayor Stevens inquired about an impact study to see what the Expo brought into the City, if there could be a recommendation on new things to bring to the Expo and how much the Expo continued to lose.

Manager Stasiak commented that study would require a third party, but a study could be done if the Council wanted one. He added that the City was already working on bringing new events into the City and working with other communities to piggyback on events. Manager Stasiak explained that the Expo and what it brought to the City was more of a quality of life issue.

Councilman Brown recognized the three (3) college students that were in attendance during the meeting and thanked them for the attendance.

Councilman Prichard inquired about the Washington Street repairs and if all three (3) bridges on Carl Albert were on the ODOT plan for repair. He then inquired about the work on Arvest Park and the target start date for Streetscape.

Manager Stasiak explained that was a warranty issue that had to be repaired. He commented that ODOT had a study going on and they were asking their engineers to look at three (3) different analysis on each bridge. He stated that once ODOT had all of the analysis and recommendations they would probably have the Council involved. He informed the Council that work on Arvest Park was going slow, there had been some base problems. He stated that completion was probably thirty (30) days out. Manager Stasiak stated that it had gone out for bid but he did not know the date of the bid opening.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC explained that they planned to come to Council the second meeting in April, and start construction after the Armed Forces Day Parade. He then briefly reviewed the construction plan and schedule.

Councilmen Smith and Read did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne commented on a poll that would be taken by Main Street regarding the Down Town businesses preferences on parking. He then commented on the candidate forum yesterday afternoon stating that both candidates had done a very good job. He reminded everyone that the election was April 2, 2019.

Recess Council Meeting

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

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

Mayor Browne declared the motion carried and the meeting was recessed at 7:11 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:12 P.M.

Adjournment

There being no further business to come before the Council, Councilman Smith moved for the meeting to be adjourned. The motion was seconded by Vice-Mayor Stevens. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:12 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk