

The McAlester City Council met in a Regular session on Tuesday, August 13, 2019, at 6:00 P.M. after proper notice and agenda was posted, August 9, 2019 at 11:15 A.M.

Call to Order

Mayor Browne called the meeting to order.

Pastor Rusty McMullen, First 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, Maureen Harrison, Zach Prichard & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Asst. City Manager; Jayme Clifton, Community Development Director; Stephanie Giacomo, Grant Writer/Public Information Officer; Brett Brewer, Fire Chief; Billy Sumner, Tourism/Expo Manager; Mel Priddy, Community Services Director; David Horinek, Public Works Director; Gary Wansick, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne issued a proclamation proclaiming August 13, 2019 as J.P. Tedesco Day.

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 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 July 23, 2019, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)

- B. Approval of Claims for July 17, 2019 through August 6, 2019. *(Toni Ervin, Assistant City Manager)* In the following amounts: General Fund - \$139,293.93; Nutrition - \$3,045.59; Landfill Res./Sub-Title D - \$4,947.55; Education Fund - \$45,154.45; Tourism Fund - \$68,956.04; SE Expo Center - \$15,169.17; E-911 - \$8,250.89; Economic Development - \$17,761.01; Grants & Contributions - \$417.59; CDBG Grants Fund - \$100,988.94; Fleet Maintenance - \$21,859.82; Dedicated Sales Tax-MPWA - \$500.00; CIP Fund - \$42,045.10; Stormwater Fund - \$37,107.40; Infrastructure Fund - \$199,047.00 and MRHC-Cancer Center Fund - \$45,154.45.
- C. Accept and place on file the McAlester Defense Support Association Quarterly Report. *(Jessica Gregg, Executive Director)*
- D. Concur with the Mayor's nomination of Robert Johnston, City Manager, Frederick, Oklahoma, for Trustee of the Oklahoma Municipal Retirement Fund as an at-large trustee and authorizing the Mayor to sign a resolution casting a vote in support of this nomination. *(John Browne, Mayor)* Resolution No. 19-18.
- E. Accept and place on file the Pride in McAlester Annual Report for Fiscal Year 2018-2019. *(Megan Waters, Executive Director)*

A motion to approve the Consent Agenda was made by Councilman Brown and seconded by Councilwoman Harrison. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Harrison, Stevens, Prichard & Mayor Browne
 NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address an ordinance amending Fiscal Year 2019/2020 Budget was made by Councilman Brown and seconded by Vice-Mayor Stevens. There was no discussion, and the vote was taken as follows:

AYE: Councilmembers Brown, Stevens, Harrison, Prichard & Mayor Browne
 NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:07 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 ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments, and a motion to close the Public Hearing was made by Councilman Brown. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilmembers Brown, Stevens, Harrison, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:07 P.M.

Scheduled Business

1. Consider and act upon, an Ordinance amending Ordinance No. 2656 which established the budget for fiscal year 2019-2020; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Toni Ervin, Assistant City Manager*)

Executive Summary

Motion to approve the budget amendment ordinance.

Assistant Manager Ervin addressed the Council reviewing the budget amendments and explaining that this was to move capital projects that had not been completed from the fiscal year 2018/2019 budget into the fiscal year 2019/2020 budget.

There was a brief discussion of the locations of the City's lift stations and which lift station was included in the budget amendment.

ORDINANCE NO. 2663

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion to approve **ORDINANCE NO. 2663**, amending Fiscal Year 2019/2020 Budget was made by Vice-Mayor Stevens and seconded by Councilwoman Harrison. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Stevens, Harrison, Brown, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

Councilman Brown moved to approve the EMERGENCY CLAUSE. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

AYE: Councilmembers Brown, Prichard, Harrison, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. 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 Firefighting Bunker Gear. Cost not to exceed \$12,000.00 with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

Assistant Chief Brooks addressed the Council explaining that the Department needed to purchase new Bunker Gear. He commented that this was to replace some of the old gear as well as purchase gear for two (2) new Firefighters.

There was a brief discussion concerning what was done with the old gear and if it was ever donated to other fire departments.

Assistant Chief Brooks stated that the gear that was being replaced could no longer be used and had to be disposed of.

A motion to approve the purchase of Firefighting Bunker Gear at a cost not to exceed \$12,000.00 with funds to be used from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services was made by Vice-Mayor Stevens. The motion was seconded by Councilman Brown. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Stevens, Brown, Prichard, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting the bid amount of \$141,950.00 from Collins Water Works, LLC for Section A 30" McAlester Lake Raw Water Relocation and authorizing the Mayor to sign the Notice of Award for the Raw Water Main & Transmission Water Main Improvements Section A. (*David Horinek, Public Works Director*)

Executive Summary

The recommendation is to accept the bid amount of \$141,950.00 from Collins Water Works, LLC for Section A McAlester Lake Raw Water Relocation and authorize the Mayor to sign the Notice of Award for the Raw Water Main & Transmission Water Main Improvements Section A.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that bids had been received and opened on Thursday, July 25, 2019 at 2:00 P.M. and out of the five (5) bids received, Collins Water Works, LLC had been the apparent low bidder on Section A with a bid of \$141,950.00. He stated that Collins Water Works, LLC had not been the low bidder on Section B. He added that Infrastructure Solutions Group, LLC recommended that the City award Collins Water Works, LLC Section A of the bid.

Manager Stasiak reminded the Council that the bid was only for labor, the parts had been purchased previously.

There was a brief discussion concerning raw water, and what would the project cost if the City's staff completed the project.

Manager Stasiak explained that the City had already saved \$141,000.00 and with the loss of the Utility Maintenance Superintendent the City could not do the work.

A motion to accept the bid amount of \$141,950.00 from Collins Water Works, LLC for Section A McAlester Lake Raw Water Relocation and authorize the Mayor to sign the Notice of Award for the Raw Water Main & Transmission Water Main Improvements Section A was made by Councilman Prichard. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

AYE: Councilmembers Prichard, Harrison, Stevens, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, accepting the bid amount of \$162,500.00 from Built Right Construction, LLC for Section B (Talawanda Dam 20" Water Main) and authorizing the Mayor to sign the Notice of Award for the Raw Water Main & Transmission Water Main Improvements Section B. (*David Horinek, Public Works Director*)

Executive Summary

The recommendation is to accept the bid amount of \$162,500.00 from Built Right Construction, LLC for Section B (Talawanda Dam 20" Water Main) and authorizing the Mayor to sign the Notice of Award for the Raw Water Main & Transmission Water Main Improvements Section B.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that bids had been received and opened on Thursday, July 25, 2019 at 2:00 P.M. and out of the five (5) bids received Built Right Construction, LLC had been the apparent low bidder with a bid of \$162,500.00. He stated that Infrastructure Solutions Group, LLC recommended that the City award Section B of this bid to Built Right Construction, LLC.

After a brief discussion, concerning the age of the water line and this had been the line that broke last year leaving the City without any water, a motion to accept the bid amount of \$162,500.00 from Built Right Construction, LLC for Section B (Talawanda Dam 20" Water Main) and authorizing the Mayor to sign the Notice of Award for the Raw Water Main & Transmission Water Main Improvements Section B was made by Councilman Brown. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilmembers Brown, Stevens, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

5. Consider and act upon, acceptance of the bid from Lambert Mechanical, Inc. in the amount of \$45,500.00 and authorizing the Mayor to sign a Service Agreement to replace the air conditioning system for the White Acre Room at the McAlester Library. (*David Horinek, Public Works Director*)

Executive Summary

Motion to accept the bid from Lambert Mechanical, Inc. in the amount of \$45,500.00 and authorize the Mayor to sign a Service Agreement to replace the air conditioning system for the White Acre Room at the McAlester Library.

Director Horinek addressed the Council stating that bid packets had been sent to seven (7) vendors but only one submitted a bid, which was opened on August 1, 2019 at 200 P.M. He explained that the A/C unit had been installed in 1971 and had become difficult to repair.

There was discussion concerning obtaining more bids, if there was a budget for this project, the amount of the bid being high, this being the result of equipment failure and considered an emergency, if accepted when would work begin on the installation, possibly rebidding to get more interest, the difficulty this has caused the Library to continue its' Summer and Winter programs, why this was not addressed sooner, the original quotes being over \$50,000.00 and how long this issue had been occurring.

There was no further discussion, and a motion to accept the bid from Lambert Mechanical, Inc. in the amount of \$45,500.00 and authorize the Mayor to sign a Service Agreement to replace the air conditioning system for the White Acre Room at the McAlester Library was made by Councilman Brown. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

AYE: Councilmembers Brown, Harrison, Stevens, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, to confirm the appointment of representatives to serve on the Local Economic Advancement and Development (LEAD) Committee. (*Kirk Ridenour, Economic Development Director*)

Executive Summary

Motion to approve the appointment of Mr. Ben Capers and Mr. Jim "Red" Mills to the Local Economic Advancement and Development (LEAD) Committee.

Director Ridenour addressed the Council reminding them that at the last Regular Council meeting seven (7) members from various economic sectors had been appointed to the Committee but the two (2) at-large members had not been appointed. he stated that there were two (2) citizens that were willing to serve in that capacity.

Councilman Prichard asked who had selected these individuals and if this had been discussed at the Committees first meeting.

Mayor Browne stated that he had selected Mr. Mills and Mr. Capers had been recommended to him. He added that the individuals had not been discussed but had both attended the meeting so they could get an idea of the Committees task.

Councilwoman Harrison inquired about how the LEAD Committee differed from a steering committee.

Mayor Browne explained that it was an advisory committee on economic development.

Mayor Browne moved to approve the appointments of Ben Capers and Jim “Red” Mills to the Local Economic Advancement and Development (LEAD) Committee. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Brown, Stevens, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act upon, acceptance of a revision on a lease between the City of McAlester and the Girl Scouts of Eastern Oklahoma and authorize the Mayor to sign the revision. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the revised lease between the City of McAlester and the Girl Scouts of Eastern Oklahoma.

Director Priddy addressed the Council explaining that in 2006 the City leased the entire Chaney Park to the Girl Scouts. He commented that in the revised lease, the City would take back the majority of the park property and erect a second backstop allowing more space for baseball and softball practice. He added that an additional backstop was planned for Hutchison Park also.

After a brief discussion concerning why no representatives from the Girl Scouts were present, the Girl Scouts continued access to the park and ownership of their building.

A motion to approve the revised lease between the City of McAlester and the Girl Scouts of Eastern Oklahoma was made by Councilman Prichard. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

AYE: Councilmembers Prichard, Stevens, Brown, Harrison & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

8. Consider and act upon, a resolution adding a full-time position of Recycle Center worker to the city’s work force. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the resolution for a full-time position of Recycle Center worker.

Director Priddy addressed the Council explaining that due to the volume of recyclable materials going through the recycle center there was a need to add an employee at the center.

After a brief discussion concerning the Kibois employees remaining at the center and if funding for the new position was in available, Councilman Brown moved to approve RESOLUTION NO. 19-19, adding a full-time position of Recycle Center worker. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

AYE: Councilmembers Brown, Harrison, Prichard, Stevens & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

9. Discussion and possible action on directing city staff to research contract options for mowing highways, right of ways, and other miscellaneous properties that are currently the responsibility of the City Parks and Recreation Department. (*Cully Stevens, Councilman Ward Two*)

Executive Summary

Discussion and possible action on contract options for the maintenance of highways, right of ways, and other miscellaneous properties through out the city.

Vice-Mayor Stevens addressed the Council explaining that this item had come from discussions with Manager Stasiak regarding the responsibilities of the City's Parks Department. He stated that during those discussions he became aware of the additional duties mowing the highways, right-of-ways and miscellaneous properties with in the City. He reviewed some of the options that could address the additional duties of the Parks Department.

Director Priddy reviewed a list of twenty-seven (27) functions that the Parks Department performed in addition to regular mowing and the time it took to perform those functions. He added that **ORDINANCE NO. 2462** had helped because it required citizens to mow up to the curb line including the right-of-way.

There was discussion concerning the home owner's mowing responsibilities, the State turning over the mowing responsibilities on the highways within City limits, fire ant control, bee control, mosquito abatement, the need to address low hanging limbs, dead trees, maintaining the Department's equipment, if any mowing was performed by contractors and many other duties the Department performed.

Vice-Mayor Stevens commented that he felt the Council could help the Parks Department be more effective and continue to improve the City.

Sherman Miller, Land Maintenance Superintendent addressed the Council informing them that the Department should be entering into the last mowing cycle of the highways and right-of-ways and this would give them time through the winter to have something in place by next Spring.

There was another brief discussion concerning PSO's activities in the City and the best way to put this out to bid.

Vice-Mayor Stevens moved to direct City staff to put together a bid plan addressing the highways, right-of-ways, alleys and other miscellaneous properties thought out the City to be put out in a bid package. The motion was seconded by Councilman Brown, and the vote was taken as follows:

AYE: Councilmembers Stevens, Brown, Harrison, Prichard & 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 reported that the asphalt machine was in the shop in Tulsa for repairs and was still under warranty. He added that last week the City had been able to do asphalt overlays on 15th and 16th Streets between Comanche and Kiowa, and also Kiowa. He stated that the Street crew had turned their attention to Arvest Park and once the sidewalks and curbing are completed it will be ready for sod. He added that would conclude work on the park for this year.

Remarks and Inquiries by City Council

Vice-Mayor Stevens commented that he was going to start working on the Ordinance that regulates how water is turned on in the City, researching more information on curbside recycling in the City and he asked that Manager Stasiak refresh what the Stormwater Fee is used for.

Manager Stasiak stated that refreshing the Council on what the Stormwater Fee was doing was a good idea.

Councilwoman Harrison stated that she had been invited to tour McAlester Regional Health Center.

Councilman Prichard inquired about the progress of the Streetscape Project, the status of the search for the CFO and the Utility Maintenance Superintendent.

Manager Stasiak stated that Main Street to 1st Street was done and the permanent striping was put on Sunday. The next phase was a two (2) to three (3) week process from 1st Street to 2nd

Street. He commented that they did notice the big area that was blocked off to the retailer businesses but after they complete the demolition some sections should be opened up. He added that when that phase was finished the contractor would be moving to the north side and it should take about the same amount of time. He stated that the project was probably six (6) to eight (8) weeks out.

Manager Stasiak stated that he had signed an offer letter today for the CFO position and expect to hear back tomorrow or Thursday. He commented that the City had interviewed another individual on Monday. He added that it may be a combination of who we have currently working for the City and bringing someone new aboard.

Councilman Prichard announced that the Down Town Review Committee would be meeting August 30, 2019 at noon in the Council Chambers.

Councilman Brown did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne stated that he had met last week with the Oklahoma Municipal League to discuss "Disorderly House" law and the determination was that it should be done by ordinance and not by statute. He commented that matter would be moving forward. He informed the Council that Chief Wansick and the Paralegal were working on the bicycle registration ordinance.

Recess Council Meeting

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

AYE: Councilmembers Stevens, Brown, Harrison, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:08 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:09 P.M.

Adjournment

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

AYE: Councilmembers Stevens, Prichard, Brown, Harrison & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:10 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk