

The McAlester City Council met in a Regular session on Tuesday, August 27, 2019, at 6:00 P.M. after proper notice and agenda was posted, August 23, 2019 at 4:35 P.M.

Call to Order

Mayor Browne called the meeting to order.

Councilwoman Harrison 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; Billy Sumner, Tourism/Expo Manager; David Horinek, Public Works 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.

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 26, 2019, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of the Minutes from the August 13, 2019, Special Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- C. Approval of Claims for August 7, 2019 through August 20, 2019. *(Toni Ervin, Asst. City Manager)* In the following amounts: General Fund - \$100,230.73; Parking Authority -

\$140.38; Nutrition - \$1,901.68; Landfill Reserve/Sub-Title D - \$692.55; Educational Fund - \$43,310.95; Tourism fund - \$4,226.50; SE Expo Center - \$3,623.47; E-911 - \$3,564.61; Economic Development - \$369.66; Fleet Maintenance - \$22,124.23; Worker's Compensation - \$53,532.00; Dedicated Sales Tax – MPWA - \$500.00; CIP Fund - \$72,116.21; Technology Fund - \$1,603.33; Stormwater Fund - \$24,999.24; Infrastructure Fund - \$210,645.64 and MRHC-Cancer Ctr. Fund – 43,142.95.

- D. Consider and act upon, accepting the Change Order from Western Interior in the amount of \$4,520.00 for the Painting of the Library trim. (*David Horinek, Public Works Director*)
- E. Consider and act upon, a request by Charles Everett, on behalf of Savanna High School, to partner with them for the rental fee and use of Room #101 of the McAlester Expo Center, for their annual ACT Prep Testing. (*Billy Sumner, EXPO Manager*)
- F. Consider and act upon, a request by Charles Everett, on behalf of Savanna High School, to partner with them for the rental fee and use of Room #101 of the McAlester Expo Center, for their annual ACT Prep Testing. (*Billy Sumner, EXPO Manager*)
- G. Consider and act upon, indefinitely postponing Tort Claim filed by Lindley's Paint & Body Shop. (*Cora Middleton, City Clerk*)
- H. Consider and act upon, indefinitely postponing Tort Claim filed by Summer Barone. (*Cora Middleton, City Clerk*)

Councilwoman Harrison requested that “Item H” be removed for individual consideration.

Councilman Prichard requested that “Item D” be removed for individual consideration.

A motion to approve the Consent Agenda items “A through C and E through G” was made by Councilman Read and seconded by Councilman Brown. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Items Removed from the Consent Agenda

- D. Consider and act upon, accepting the Change Order from Western Interior in the amount of \$4,520.00 for the Painting of the Library trim. (*David Horinek, Public Works Director*)

Councilman Prichard asked if this work had already been done, if this was the typical way these were handled and which part of the Library this addressed.

Manager Stasiak stated that the work had been completed, the amount was under his authority and within the fifteen percent (15%) limit. He commented that it was painting of hand rails and stairs to help eliminate tripping incidents.

There was no further discussion, and a motion to accept the Change Order from Western Interior in the amount of \$4,520.00 for the painting of the Library trim was made by Councilman Smith. The motion was seconded by Councilman Brown, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

H. Consider and act upon, indefinitely postponing Tort Claim filed by Summer Barone.
(Cora Middleton, City Clerk)

Councilwoman Harrison asked that Attorney Ervin explain this item and if the claim was automatically denied.

Attorney Ervin commented that this was his standing instructions to the City Clerk on any Tort Claims submitted to the City. He explained that this process would buy an additional ninety (90) days for the City's insurance company to investigate the claim. He stated that at the end of the ninety (90) days the claimant could file lawsuit if they were not satisfied with the insurance company's decisions, but this action did not deny the claim.

There was a brief discussion concerning the residency of the claimant, the information submitted in the claim, how the Tort Claims Act affected individuals making claims against a municipal entity, and what the claimants rights were if the claim was denied.

A motion to indefinitely postpone a Tort Claim filed by Summer Barone was made by Councilman Smith and seconded by Councilman Read. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

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

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:09 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 AMENDING CHAPTER 106, UTILITIES, OF THE McALESTER CITY CODE, AMENDING ARTICLE VI, REGULATIONS OF UTILITY LINES; AMENDING CHAPTER 48, FEES, CHARGES AND SERVICE RATES; 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, and a motion to close the Public Hearing was made by Councilman Read. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:09 P.M.

Scheduled Business

1. Consider and act upon, an ordinance amending McAlester City Code Chapter 106, Utilities, Article VI, Regulation of Utility Lines; amending Chapter 48, Fees, Charges and Service rates; 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 106, Utilities, Article VI, Regulation of Utility Lines; amending Chapter 48, Fees, Charges and Service rates; repealing all conflicting ordinances, providing for severability, and authorizing the Mayor to sign the ordinance.

Director Clifton addressed the Council explaining that this item was due to a small utility service provider that wanted to install small cell wireless facilities in the City’s right-of-ways and the changes in State law. She stated that when the Code was reviewed it was found to be outdated. She then reviewed the process staff had done to create the proposed ordinance.

ORDINANCE NO. 2664

AN ORDINANCE AMENDING CHAPTER 106, UTILITIES, OF THE McALESTER CITY CODE, AMENDING ARTICLE VI, REGULATIONS OF UTILITY LINES; AMENDING CHAPTER 48, FEES, CHARGES AND SERVICE RATES; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

There was no discussion, and a motion to approve **ORDINANCE NO. 2664**, amending Chapter 106 of the City of McAlester Code of Ordinances was made by Councilman Smith. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

2. 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. *(Toni Ervin, Assistant City Manager)*

Executive Summary

Motion to approve the budget amendment ordinance.

Assistant Manager Ervin addressed the Council reviewing the exhibits to the Budget amendment explaining that the first exhibit addressed an increase in payments to Retirees and the second exhibit appropriated funds for Parks, July 4th Fireworks Display, Non-Uniform Council and OSU Wellness Program, received through Grants or Contributions.

There was no other discussion, and a motion to approve **ORDINANCE NO. 2665**, amending Fiscal Year 2018/2019 budget was made by Councilman Read. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Councilman Read moved to approve the EMERGENCY CLAUSE. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Discussion and update on Financials. *(Toni Ervin, Assistant City Manager)*

Executive Summary

Discussion.

Assistant Manager Ervin addressed the Council reviewing the City's financial status as of July 31, 2019. During her review of the General Fund, she stated that revenue was slightly under budget and expenses were slightly over budget. She added that, with this being the first of the fiscal year, this was not unexpected as a lot of the expenditures were paid upfront. She then reviewed the Public Works Authority explaining that revenue was slightly under budget but the

expenditures were even more under budget. She then reviewed the Sales Tax receipts stating that July's receipts were up and August's receipts were in line with 2018/2019 receipts. She commented that Use Tax receipts continued to trend upward. When she reviewed the water sales, she stated that it had been a wet year and receipts reflected that.

Councilwoman Harrison asked what could be done if the City was spending more than it was taking in.

Assistant Manager Ervin explained that the City had expenses that had to be paid at the first of the year which made the reports seem off.

Manager Stasiak stated that they look at the year as a whole and would make adjustments as needed throughout the year.

Mayor Browne commented that there would also be a mid-year review.

Assistant Manager Ervin stated that the ending fund balances were estimated until the audit was completed.

There was no action taken on this item.

4. Discussion and possible action on the inclusion of bike lanes to be created along 14th Street from South Street to MacArthur and along MacArthur from 14th Street to 9th Street. (*Cully Stevens, Councilman Ward Two*)

Executive Summary

Staff recommends approval of the creation of bike lanes along 14th Street and MacArthur Street in south McAlester.

Vice-Mayor Stevens addressed the Council explaining that after discussions with the Mayor and City Manager regarding issues of speed in that area had had thought this would be a small way to include other forms of transportation and possibly slow traffic.

There was discussion concerning an ordinance addressing autos driving in bike lanes, bike registration, the number of tickets issued in the area, adding a stop sign in that area, the perception of people speeding, readdressing the width of streets, signage in the area, and adding something in Section 62 of the City's Code of Ordinances that address bike lanes in City streets.

Vice-Mayor Stevens moved to approve the inclusion of bike lanes to be created along 14th Street from South Street to MacArthur and along MacArthur from 14th Street to 9th Street with the addition of stop signs and also adding this topic to the City's Code of Ordinances. The motion was seconded by Councilwoman Harrison.

Before the vote, there was discussion regarding a Trails plan, the numerous paths for walking and biking throughout and around the City, why this area was chosen, having this as a pilot for other areas of the City, looking at the plan and prioritizing where the best places were for bike lanes, addressing the routes that children take to get to schools, the cost of adding bike lanes to

these City streets, what type of vehicles the streets accommodate, insuring that the City's speed limits are consistent with the Code and if this could wait until the City was able to obtain the information that was in question.

Mayor Browne asked if Vice-Mayor Stevens would amend his motion with the inclusion of the bike lanes upon the completion of the ordinance(s) and those ordinance(s) being presented to the Council.

Vice-Mayor Stevens accepted the amendment and Councilwoman Harrison agreed to it also.

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

AYE: Councilmembers Stevens, Harrison, Smith, Read, Brown, 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 congratulated Director Jayme Clifton for being recognized at the annual Chamber of Commerce dinner as the Community Development Director Community Leader of the Year. He recognized Councilman Prichard as Small Businessman of the Year. He then informed the Council that he would be going on vacation starting tomorrow, August 28, 2019 and would be back a week from Thursday. He stated that if needed he could be called but Assistant Manager Ervin would be in charge.

Remarks and Inquiries by City Council

Vice-Mayor Stevens thanked Manager Stasiak, Assistant Manager Ervin and Dalton Carlton with Bates Instrumentation for repairing the manhole on Strong Boulevard. He added that it was his understanding that Bates paid for those repairs.

Councilwoman Harrison stated that she had toured the McAlester Regional Health Center, two (2) cement benches had been purchased for the North Town Cemetery and she thanked the City's crews for repairing the water lines.

Councilman Prichard inquired about next step for the comprehensive Plan and when would it take place. He inquired about the status of the CFO and Utility Maintenance Superintendent positions. He then asked if the City had the resources to hire a CFO.

Manager Stasiak stated that the Comprehensive Plan would be presented again at the second meeting in September for consideration and adoption. He stated that the Master Drainage Plan had been distributed tonight and would be on the second meeting of September for adoption also. Manager Stasiak informed the Council that the candidate for the CFO's position had turned the City's offer down. He explained that the CFO's position would be advertised again and the City did have the funds to hire a CFO. He stated that there was a potential in house candidate for the Utility Maintenance Superintendent's position.

Councilman Brown inquired about the requirements for the CFO's position.

Manager Stasiak explained that the position required a Bachelor's degree in accounting a CPA if possible and even a Master's degree.

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

Mayor's Comments and Committee Appointments

Mayor Browne stated that the Storm Water Advisory Committee had met yesterday and received an update on a lot of the projects and the two (2) projects that the City employees could not get to. He added that those projects cost about \$17,000.00 had removed about ninety-two (92) tons of silt and debris. He then stated that there would be a TIF Committee meeting August 30th at noon.

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

Mayor Browne declared the motion carried and the meeting was recessed at 6:52 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:53 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 Councilman Read.

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

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

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:54 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk