

Council Chambers
Municipal Building
November 8, 2016

The McAlester City Council met in a Regular session on Tuesday, October 25, 2016, at 6:00 P.M. after proper notice and agenda was posted, November 3, 2016 at 1:35 P.M.

Call to Order

Mayor Browne called the meeting to order.

Vice-Mayor 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 & John Browne

Absent: Jason Barnett

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; 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 October 25, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for October 19, 2016 through November 1, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$103,506.53; Nutrition - \$980.09; Tourism Fund - \$5,122.49; SE Expo Center - \$873.34; E-911 - \$1,094.33; Economic Development - \$6,532.50; CDBG Grants Fund - \$5,810.00; Fleet Maintenance

- \$13,635.78; CIP Fund - \$36,887.01; Technology Fund - \$9,447.59 and Stormwater Fund - \$900.00.

- C. Accept and place on file, the Pride in McAlester 1st Quarter Report for the months of July through September, 2016. *(Stephanie Giacomo, Executive Director)*
- D. Accept and place on file, the McAlester Main Street 1st Quarter Report for the months of July through September, 2016. *(Amy Newman, Executive Director)*
- E. Consider and act upon, authorization of payment to KATCON, Inc., Invoice Payment #4, in the amount of \$ 57,824.61 and the addition of seven (7) weather days for Construction Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*
- F. Consider and act upon, authorization of payment to Infrastructure Solutions Group, LLC, Invoice MC-15-02A-04, in the amount of \$ 10,398.00 for Professional Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

Councilman Smith requested that item “C” be removed for individual consideration.

Manager Stasiak requested that item “E” be removed for individual consideration.

Councilman Smith moved to approve Consent Agenda items “A, B, D and F”. The motion was seconded by Councilman Read, there was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Items Removed from Consent Agenda

- C. Accept and place on file, the Pride in McAlester 1st Quarter Report for the months of July through September, 2016. *(Stephanie Giacomo, Executive Director)*

Councilman Smith stated that he had just wanted to recognize some of the people involved in Pride and the work that they have done.

A motion to approve the Pride In McAlester 1st Quarter Report for the months of July through September, 2016 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, Stevens, Karr, Garvin & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

E. Consider and act upon, authorization of payment to KATCON, Inc., Invoice Payment #4, in the amount of \$ 57,824.61 and the addition of seven (7) weather days for Construction Services related to Washington Avenue Pavement Reconstruction Project and funded through the McAlester Public Works Authority Construction Fund Series 2014 Project Account. *(Peter Stasiak, City Manager)*

Manager Stasiak commented that the seven (7) weather related days needed to be deleted. He then requested approval of Invoice Payment #4, in the amount of \$57,824.61 to KATCON.

Councilman Smith moved to authorize payment to KATCON, Inc. in the amount of \$57,824.61 for Construction Services related to Washington Avenue Pavement Reconstruction Project. The motion was seconded by Councilman Read, there was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

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

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

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:08 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 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 ALL OF LOT 1, THAT PART OF LOT 2 AND LOT 3 LYING EAST OF HIGHWAY NO. 69, AND ALL OF LOT 4 IN BLOCK 17, IN THE CITY OF MCALESTER, NOW KNOWN AND DESIGNATED AS NORTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM I-2 HEAVY INDUSTRIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.

AN ORDINANCE AMENDING THE MCALESTER CITY CODE CHAPTER 62 LAND DEVELOPMENT CODE, ARTICLE V. ZONING, DIVISION 3. ZONING DISTRICTS AND DISTRICT REGULATIONS, SUBDIVISION II. SPECIFIC DISTRICTS, SECTION 62-213 WADE WATTS CORRIDOR DEVELOPMENT TO MODIFY SECTIONS 62-213(C) GENERAL PROVISIONS AND DESCRIPTIONS, 62-213(D) USES PERMITTED, AND 62-213(E) USES PERMITTED AFTER REVIEW; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

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

AYE: Councilman Read, Smith, Karr, Garvin, Stevens & 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 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 all of Lot 1, that Part of Lot 2 and Lot 3 lying East of Highway No. 69, and all of Lot 4 in Block 17, in the City of McAlester, now known and designated as North McAlester, Pittsburg County, State of Oklahoma from I-2 Heavy Industrial District to C-4 Restricted Commercial District.
(Leroy Alsup, Community & Economic Development Director)

Executive Summary

Motion to act upon and approve the above Ordinance changing the classification of the zoning district for the property identified in the Ordinance from I-2 Heavy Industrial District to C-4 Restricted Commercial District and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2585

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 ALL OF LOT 1, THAT PART OF LOT 2 AND LOT 3 LYING EAST OF HIGHWAY NO. 69, AND ALL OF LOT 4 IN BLOCK 17, IN THE CITY OF MCALESTER, NOW KNOWN AND DESIGNATED AS NORTH MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM I-2 HEAVY INDUSTRIAL DISTRICT TO C-4 RESTRICTED COMMERCIAL DISTRICT.

Director Alsup addressed the Council explaining that the applicant had requested the zoning change so they could expand the existing convenience store. He added that the Planning Commission had voted unanimously to recommend this rezoning request be approved.

A motion was made by Councilman Read and seconded by Councilman Stevens to approve **ORDINANCE NO. 2585**. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance amending the McAlester City Code Chapter 62 Land Development Code, Article V. Zoning, Division 3. Zoning Districts and District Regulations, Subdivision II. Specific Districts, Section 62-213 Wade Watts Corridor Development to Modify Sections 62-213(C) General Provisions and Descriptions, 62-213(D) Uses Permitted, and 62-213(E) Uses Permitted After Review; repealing all conflicting ordinances, providing for severability, and declaring an emergency. (*Leroy Alsup, Community & Economic Development Director*)

Executive Summary

Motion to approve an Ordinance amending the McAlester City Code Chapter 62 Land Development Code, Article V. Zoning, Division 3. Zoning Districts and District Regulations, Subdivision II. Specific Districts, Section 62-213 Wade Watts Corridor Development to Modify Sections 62-213(C) General Provisions and Descriptions, 62-213(D) Uses Permitted, and 62-213(E) Uses Permitted After Review; repealing all conflicting ordinances, providing for severability, and declaring an emergency and authorizing the Mayor to sign the ordinance.

ORDINANCE NO. 2586

AN ORDINANCE AMENDING THE MCALESTER CITY CODE CHAPTER 62 LAND DEVELOPMENT CODE, ARTICLE V. ZONING, DIVISION 3. ZONING DISTRICTS AND DISTRICT REGULATIONS, SUBDIVISION II. SPECIFIC DISTRICTS, SECTION 62-213 WADE WATTS CORRIDOR DEVELOPMENT TO MODIFY SECTIONS 62-213(C) GENERAL PROVISIONS AND DESCRIPTIONS, 62-213(D) USES PERMITTED, AND 62-213(E) USES PERMITTED AFTER REVIEW; REPEALING ALL CONFLICTING ORDINANCES, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

Director Alsup addressed the Council explaining that this Ordinance was to clarify and correct a mistake from 2010. He stated that blocks 454, 455 and 456 in the Wade Watts Corridor had been left out of the list enumerating the specific block included. He also explained that this would clarify the uses permitted in the zoning of the Corridor.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to approve **ORDINANCE NO. 2586**. There was no discussion, and the vote was taken as follows:

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

ABSTAIN: (counted as no) Councilman Stevens

Mayor Browne declared the motion carried.

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

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

NAY: None

ABSTAIN: (counted as no) Councilman Stevens

Mayor Browne declared the motion carried.

3. Consider and act upon, accepting Change Order No. 3 from Katcon, Inc. for \$36,010.45 on the Washington Ave. Street Reconstruction Project. This Change Order is for the removal and replacement of sidewalks and driveways and adds an additional 20 days to the completion date. Substantial Completion is now scheduled for January 10, 2017. (*Dale Burke, Infrastructure Solutions Group, LLC.*)

Executive Summary

The recommendation is to accept this Change Order from Katcon, Inc. for \$36,010.45 which covers the removal and replacement of sidewalks and driveways on the Washington Ave. Street Reconstruction Project and adds an additional 20 days to the completion date.

Manager Stasiak addressed the Council explaining that the sidewalks had not been in the original plans but the existing sidewalks were in very bad condition and the City had funds to repair them in the project area.

Attorney Ervin asked if the change order totals had been verified to not go over the allowed fifteen percent (15%).

Robert Vaughan, Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that the infrastructure for the Sixth Street intersection did not come out of this contract and would not be included in the fifteen percent (15%) calculation. He added that the total amount for the change orders were being tracked.

After a brief discussion concerning the replacement of the sidewalks, how much the sidewalks were used and the intersection being set up for ADA compliance, a motion to accept Change Order No. 3 from Katcon, Inc. for \$36,010.45 on the Washington Ave. Street Reconstruction Project to remove and replace the sidewalks and driveways was made by Councilman Smith and seconded by Vice-Mayor Karr. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. 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 accept the bid from Casco Industries and purchase of Wildland Gear. Approx. costs not to exceed \$23,911.00, 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.

Fire Chief Brewer addressed the Council explaining that all of the City's Firefighters needed Wildland Gear. He added that the purchase would be made with the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

After a brief discussion concerning if this bid had been advertised, and what the difference was between regular gear and the Wildland gear a motion was made by Councilman Garvin and seconded by Vice-Mayor Karr to accept the bid from Casco Industries and approve the purchase of Wildland Gear in an amount not to exceed \$23,911.00.

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

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

NAY: None

Mayor Browne declared the motion carried.

5. 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. Approx. cost not to exceed \$7,033.00 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.

Fire Chief Brewer addressed the Council explaining that the Department had several new firefighters that need bunker gear and was also needing to replace some of the older gear.

After a brief discussion concerning this purchase being made through a sole source vendor, a motion was made by Councilman Read and seconded by Councilman Stevens to approve the purchase of Firefighting Bunker Gear in an amount not to exceed \$7,033.00 with funds from the City of McAlester's Fire Department's portion of the county quarter cent excise tax for fire services.

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

AYE: Councilman Read, Stevens, Karr, Garvin, Smith & 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 updated the Council on the Washington Ave. Street Reconstruction project, reporting that a waterline in the intersection of 6th and Washington had been gotten into and repairs would take about a week and the work would be done by City employees. He informed the Council that he had attended the PSO Peak Performers luncheon and the City had received a rebate check for \$10,990.21. He then briefly described the rebate program. Manager Stasiak updated the Council on the bomb display south of the City, stating that the repainting of the display was completed and would be replaced in the previous location. He explained that the construction on Village Boulevard had ran into a lot of clay. He stated that the contractor was excavating down about twenty seven (27) inches and would be compacting gravel in those areas to have a substantial base.

Remarks and Inquiries by City Council

Vice-Mayor Karr inquired about the Ward Redistricting Committee and Mayor Browne informed him that he had been in contact with the Chairman and had been assured that the Committee would be meeting soon.

Councilman Smith, Stevens, Read and Garvin did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne commented that he had met with the City Judge and City Prosecutor concerning the proposed Community Service ordinance and with that discussion the ordinance would be coming back before the Council.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Read 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 Read, Stevens, Karr, Garvin, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 6:32 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:33 P.M.

Adjournment

There being no further business to come before the Council, Councilman Garvin moved for the meeting to be adjourned. The motion was seconded by Vice-Mayor Karr.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 6:42 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk