

Council Chambers  
Municipal Building  
September 27, 2016

The McAlester City Council met in a Regular session on Tuesday, September 27, 2016, at 6:00 P.M. after proper notice and agenda was posted, September 22, 2016 at 3:57 P.M.

### **Call to Order**

Mayor Browne called the meeting to order.

Pastor Roy Prince, Northgate 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, Robert Karr, Buddy Garvin, Jason Barnett & John Browne

Absent: None

Presiding: John Browne, Mayor

Staff Present: Peter J. Stasiak, City Manager; Toni Ervin, CFO; Leroy Alsup, Community & Economic Development Director; Gary Wansick, Police Chief; Brett Brewer, Fire Chief; 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.*

Geno Stewart, US Drug Enforcement Agency Agent in charge of the McAlester office addressed the Council presenting a letter of appreciation to Brian Spencer and Max Clark for their involvement in the investigation in the case involving an Oklahoma State Penitentiary inmate.

### **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 September 13, 2016, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- B. Approval of Claims for September 7, 2016 through September 21, 2016. *(Toni Ervin, Chief Financial Officer)* In the following amounts: General Fund - \$197,556.19; Parking Authority - \$100.83; Nutrition - \$3,605.42; Tourism Fund - \$8,417.11; SE Expo Center - \$4,496.73; E-911 - \$9,371.13; Economic Development - \$6,503.45; Fleet Maintenance - \$6,229.44; Worker's Compensation - \$5,391.16 and Technology Fund - \$65,040.00.
- C. Consider and act upon, authorization of payment to Old Town Association, Invoice 536908, in the amount of \$7,356.25 to reimburse the Association for expenses incurred for the Wild West Festival per the agreement dated June 14, 2016. *(Toni Ervin, Chief Financial Officer)*
- D. Consider and act upon, authorization of payment to Accurate Labs & Mining Center, Invoice 6H30053, in the amount of \$ 50.00, for water testing fees 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)*
- E. **TABLED FROM SEPTEMBER 13<sup>TH</sup> MEETING;** Consider and act upon, approval and authorizing the Mayor to sign a lease in the amount of \$1,292.50 per month for space to relocate the City of McAlester Tourism Office at 119 E. Choctaw Street, Suite 103.

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

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

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Vice-Mayor Karr and seconded by Councilman Read to open a Public Hearing to address six (6) Ordinances. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:11 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. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL**

**CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE REGULATION OF OUTDOOR DINING AND SIDEWALK CAFÉS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, TITLED ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES, ARTICLE I, SECTION 6-8, DEFINITIONS; SECTION 6-9, SIDEWALK CAFÉ PERMIT; SECTION 6-10, REGULATIONS AND RESTRICTIONS; SECTION 6-11, SIDEWALK CAFÉ FEES; AND, SECTION 6-12, VIOLATIONS AND REVOCATION.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE REGULATION OF BEVERAGE GARDENS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES, ARTICLE I, SECTION 6-3, DEFINITIONS; SECTION 6-4, BEVERAGE GARDEN PERMIT; SECTION 6-5, BOUNDARIES AND RESTRICTIONS; SECTION 6-6, BEVERAGE GARDEN FEES; AND, SECTION 6-7, VIOLATIONS AND REVOCATION.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE PROHIBITION OF DRUG PARAPHERNALIA WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 82, OFFENSES AND NUISANCES, ARTICLE \_\_\_\_, DIVISION \_\_\_\_, SECTION 82-\_\_\_\_, DEFINITIONS; SECTION 82-\_\_\_\_, MATTERS CONSIDERED IN DETERMINATION OF DRUG PARAPHERNALIA; SECTION 82-\_\_\_\_, PROHIBITING POSSESSION, DELIVERY OR MANUFACTURE OF DRUG PARAPHERNALIA; SECTION 82-\_\_\_\_, EXCEPTIONS; AND SECTION 82-\_\_\_\_, PENALTIES AND FINES, REPEALING ALL CONFLICTING ORDINANCES, AND DECLARING AN EMERGENCY.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE COMMUNITY SERVICE PROGRAM WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 30 TITLED COURT, ARTICLE II, DIVISION 3, SECTION 30-66, DEFINITIONS; SECTION 30-67, PROOF OF INDIGENT STATUS; SECTION 30-68, CRITERIA FOR COMMUNITY SERVICE PROGRAM; SECTION 30-69, COMMUNITY SERVICES AGREEMENT; SECTION 30-70, COST OF FINES, NUMBER OF COMMUNITY SERVICE HOURS REQUIRED AND NUMBER OF DAYS ALLOCATED TO COMPLETE THE**

**COMMUNITY SERVICE PROGRAM; SECTION 30-71, VIOLATIONS AND PENALTIES.**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE CUSTOMER SERVICE POLICY; AMENDING MCALESTER CITY CODE CHAPTER 2 TITLED ADMINISTRATION, ARTICLE I, SECTION 2-1, CUSTOMER SERVICE STANDARDS.**

Zach Prichard, 520 S. 2<sup>nd</sup> Street, addressed the Council to express his support of the Ordinance addressing “Community Service” for individuals who could not pay their Municipal fines.

There were no further comments 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, Barnett, Stevens & Mayor Browne  
NAY: None

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:15 P.M.

**Scheduled Business**

1. Consider and act upon, an Ordinance amending Ordinance No. 2568 which established the budget for fiscal year 2016-17; 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 exhibits to the budget amendment. She explained that this amendment would appropriate funds to purchase two (2) new 2016 Dodge Chargers for the Police Department and appropriate funds for roof repairs at the Airport Terminal building.

**ORDINANCE NO. 2576**

**AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2568 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2016-17; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.**

A motion was made by Councilman Smith and seconded by Councilman Read to approve **ORDINANCE NO. 2576**. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A motion to approve the EMERGENCY CLAUSE 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, Garvin, Barnett, Stevens, Karr & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

2. **TABLED FROM SEPTEMBER 13<sup>TH</sup> MEETING;** Consider and act upon, authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, PLC for Phase II Stormwater Management Program Assistance for the City of McAlester to meet Oklahoma Department of Environmental Quality (ODEQ) requirements and EPA's National Pollutant Discharge Elimination System (NPDES). (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve authorizing the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2016-2017 for a fee not to exceed \$72,500.

Manager Stasiak addressed the Council explaining that the City of McAlester had been using the services of Meshek & Associates, Inc. for several years as the City's Stormwater Consultants. He then introduced Brandon Claborne, PE, CFM Principle Engineer, Meshek & Associates, PLC.

Mr. Claborne addressed the Council reviewing the Stormwater Management Program and the services that Meshek & Associates, Inc. had been furnishing over the past few years.

After a brief discussion concerning the past years' fees, a motion was made by Vice-Mayor Karr and seconded by Councilman Read to approve and authorize the Mayor to sign a Professional Services Agreement with Meshek & Associates, Inc. for Phase II Stormwater Management Program activities during FY 2016-2017 for a fee not to exceed \$72,500. There was no discussion and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, an ordinance of the City of McAlester establishing the regulation of outdoor dining and sidewalk cafés within the City of McAlester. (*Mayor John Browne*)

Executive Summary

Motion to pass and approve the regulation of outdoor dining and sidewalk café ordinance within the City of McAlester.

Mayor Browne address the Council commenting that he had requested this item be placed on the agenda. He added that alcohol consumption, in the street, was legal and if this ordinance was approved it would not change any of the current laws.

Vic Wheeler, 749 E. Tennessee Avenue; Josh Hass, 503 E. Chickasaw; Jeff Mann, 1218 S. George Nigh Expressway and Joey Clark, 1712 Dave Drive addressed the Council expressing their support of the Ordinance.

Mary DeSilvestro, 671 Bluejay Circle; Richard Eanos, 809 Kinkead Road; Roy Prince, 211 W. Tyler and Amber Wells, 3201 N. Robin addressed the Council expressing their concerns against the ordinance.

There was a lengthy discussion among the Council, Police Chief Wansick and Attorney Ervin concerning the possibility of increased problems enforcing current laws if the ordinance were approved, the height of the barrier, where the pedestrian walk ways should be located, current language in the proposed ordinance that seemed to be more for the sale of alcohol, how this could contribute to a more vibrant downtown area, changing the language to insure the inclusion of restaurants that did not sell alcohol and setting a not less than height for the barrier around the side walk café.

### **ORDINANCE NO. 2577**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE REGULATION OF OUTDOOR DINING AND SIDEWALK CAFÉS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, TITLED ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES, ARTICLE I, SECTION 6-8, DEFINITIONS; SECTION 6-9, SIDEWALK CAFÉ PERMIT; SECTION 6-10, REGULATIONS AND RESTRICTIONS; SECTION 6-11, SIDEWALK CAFÉ FEES; AND, SECTION 6-12, VIOLATIONS AND REVOCATION.**

A motion was made by Councilman Stevens and seconded by Councilman Smith to approve **ORDINANCE NO. 2577**, as amended. There was no discussion, and the vote was taken as follows:

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

NAY: Councilman Read and Karr

Mayor Browne declared the motion carried.

4. Consider and act upon, an ordinance of the City of McAlester establishing the regulation of Beverage Gardens within the City of McAlester. (*Mayor John Browne*)

Executive Summary

Motion to approve the regulation of Beverage Gardens within the City of McAlester.

Mayor Browne addressed the Council commenting that he had requested this item be placed on the agenda. He added that he had researched this topic and there were several communities that currently allowed beverage gardens at their Special Events.

Stephanie Giacomo, 509 W. Adams; Adam Gronwald, 707 E. Seneca; Vic Wheeler, 749 E. Tennessee; Tabettha Howell, 2032 N. 14<sup>th</sup>; Jeff Man, 1218 S. George Nigh Expressway; Josh Hass, 502 E. Chickasaw; Kristin Lloyd, 113 E. Choctaw and Matt House, 1819 S. 14<sup>th</sup> addressed the Council expressing their support of the ordinance.

Roy Prince, 211 W. Tyler; Richard Eanos, 809 Kinkead Rd. addressed the Council expressing their concerns against the ordinance.

There was a lengthy discussion among the Council, Chief Wansick and Manager Stasiak concerning the possible economic impact this could have, any possible problems that could arise from a beverage garden and increasing the permit fee to \$50.00 and adding a refundable deposit of \$100.00 that would be returned to the event holder if the area of the beverage garden was clean after the event.

### **ORDINANCE NO. 2578**

**CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER ESTABLISHING THE REGULATION OF BEVERAGE GARDENS WITHIN THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 6, ALCOHOLIC BEVERAGES AND NONINTOXICATING BEVERAGES, ARTICLE I, SECTION 6-3, DEFINITIONS; SECTION 6-4, BEVERAGE GARDEN PERMIT; SECTION 6-5, BOUNDARIES AND RESTRICTIONS; SECTION 6-6, BEVERAGE GARDEN FEES; AND, SECTION 6-7, VIOLATIONS AND REVOCATION.**

A motion was made by Councilman Smith and seconded by Councilman Garvin to approve **ORDINANCE NO. 2578**. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilman Read and Karr

Mayor Browne declared the motion carried.

5. Consider and act upon, an ordinance of the City of McAlester establishing the prohibition of drug paraphernalia within the City of McAlester. (*Mayor John Browne*)

Executive Summary

Motion to pass and approve an ordinance prohibiting drug paraphernalia within the City of McAlester.

Mayor Browne addressed the Council explaining that he had requested that this item be placed on the agenda. He added that the intent was to make it harder to do drugs.

Blake Lynch, 109 E. Washington Avenue addressed the Council commenting that Oklahoma State law already completely occupied this area of law. He commented on the laws of supremacy and questioned the constitutionality of this proposed ordinance.

After a brief discussion among the Council and Attorney Ervin concerning the language of the ordinance, state statute, the City Attorney's review of the ordinance and postponing the item for further review.

A motion was made by Councilman Stevens and seconded by Vice-Mayor Karr to postpone this item for further review. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, an ordinance of the City of McAlester establishing the Community Service Program within the City of McAlester. *(Mayor John Browne)*

Executive Summary

Motion to approve the Community Service Program within the City of McAlester.

Mayor Browne addressed the Council explaining that he had requested this item be placed on the agenda. He commented that this ordinance would help the citizens that could not pay their fines but really did want to take care of the fines.

There was a brief discussion among the Council concerning how this proposed ordinance could help some individuals, it gave the Judge the ability to allow community service and that the City was already using community service in some instances.

Court Administrator Karen Boatright addressed the Council commenting that Judge Hackler was unable to attend the meeting but had requested that the ordinance be tabled for further review.

A motion was made by Councilman Read and seconded by Councilman Smith to postpone the proposed ordinance. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act upon, an ordinance of the City of McAlester establishing the Customer Service Policy; amending McAlester City Code Chapter 2 Titled Administration, Article I, Section 2-1, Customer Service Standards. *(Mayor John Browne )*

Executive Summary

Motion to approve the Customer Service Policy ordinance.

Mayor Browne commented that this was part of the Goals and Objectives for the coming year and this proposed ordinance basically requires that a Customer Service Policy be created. He added that the citizens deserve to have the best customer service possible.

After discussion among the Council including Manager Stasiak concerning the City already implementing a part of a customer service policy, cluttering up the Code with items that should be administrative policies, administration being able to change a policy and not change an ordinance, allowing the City Manager to administer a policy and adopting this item as an administrative policy, a motion was made by Councilman Smith and seconded by Vice-Mayor Karr to adopt the Customer Service Policy as an administrative policy.

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

AYE: Councilman Smith, Karr, Read, Garvin, Barnett & Stevens

NAY: Mayor Browne

Mayor Browne declared the motion carried.

8. Consider and act upon, approval and authorization of the Mayor to sign a Quitclaim Deed exchanging 30 feet of City property to 30 feet of County property. (*Joe Ervin, City Attorney*)

Executive Summary

Motion to approve Mayor's signature regarding a Quitclaim Deed for the property located at 1212 N. West, McAlester, Oklahoma.

Manager Stasiak addressed the Council explaining that property boundaries had not been verified and part of the City's salt shed had been built on County property. He stated that the City and the County were exchanging three tenths (3/10) of an acre each to address the matter.

Councilman Smith asked if steps had been put in place to prevent this in the future. Manager Stasiak informed the Council that steps had been put in place to prevent this from happening again.

A motion was made by Councilman Read and seconded by Councilman Smith to approve and authorize the Mayor to sign a Quitclaim Deed exchanging 30 feet of City property to 30 feet of County property located at 1212 N. West Street, McAlester, Oklahoma. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

9. Consider and act upon, approval to purchase two new and unused 2016 Dodge Charger police vehicles. (*Darrell Miller, Deputy Police Chief*)

Executive Summary

Motion to approve the purchase of two new and unused 2016 Dodge Chargers from Bob Howard Chrysler, Jeep, Dodge, in Oklahoma City which are on the Oklahoma State Contract. State Bid.

Police Chief Wansick addressed the Council explaining that the Police Department needed to replace two (2) 2007 Dodge Chargers. He stated that these vehicles were high mileage and had

maintenance issues. He added that Bob Howard Chrysler, Jeep, Dodge was on the State Contract.

After a brief discussion among the Council concerning the purchase of Chargers instead of Explorers, the reliability of the vehicles, the number of police units that had been purchased, how the Police Department fleet rotation worked and budgeting for a new vehicle for the Fire Chief, Councilman Smith moved to approve the purchase of two (2) new and unused 2016 Dodge Chargers from Bob Howard Chrysler, Jeep, Dodge, in Oklahoma City. The motion was seconded by Councilman Read.

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

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

NAY: None

Mayor Browne declared the motion carried.

10. Consider and act upon, approval to purchase a 2015 Chevrolet Silverado 1500 pickup.  
VIN 3GCUKREC1FG413746 (*Darrell Miller, Deputy Police Chief*)

Executive Summary

Motion to approve the purchase of one pre-owned 2015 Chevrolet Silverado truck.

Police Chief Wansick addressed the Council explaining that the Police Department had been involved in a joint drug investigation with the Seminole Nation Police Department and the Drug Enforcement Administration (DEA) and during that investigation a 2015 Chevrolet Silverado was seized and forfeited. He stated that the DEA had waived their interest in the vehicle and the agreement with the Seminole Nation Police Department allowed the City to pay their fifty percent (50%) interest in the truck and keep the truck for the Police Department. He added that the vehicle was valued at \$27,616.88 and the City would need to pay the United States Marshall Service \$708.12 and the Seminole Nation Police Department \$13,808.44. He informed the Council that the Fleet Maintenance Superintendent look over the vehicle and he said that it was a good truck.

A motion was made by Vice-Mayor Karr and seconded by Councilman Read to approve the purchase of a pre-owned 2015 Chevrolet Silverado pickup.

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

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

NAY: None

Mayor Browne declared the motion carried.

11. Consider and act upon, authorizing the Mayor to sign the Federal-Aid Program Project Number HSIP-261A (064-065)TR Project Agreement (maintenance agreement) between the Oklahoma Department of Transportation and the City of McAlester for the installation of traffic signals along Carl Albert Parkway. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to approve and authorize the Mayor to sign the agreement between the Oklahoma Department of Transportation and the City of McAlester for the installation of traffic signals along Carl Albert Parkway.

Manager Stasiak addressed the Council explaining that this was the maintenance agreement between the City of McAlester and the Oklahoma Department of Transportation for the installation of traffic signals along Carl Albert Parkway. He added that A Street, 1<sup>st</sup> Street, 3<sup>rd</sup> Street and 5<sup>th</sup> Street would be removed from the agreement and the City would be responsible for maintenance for the remaining signals.

A motion was made by Vice-Mayor Karr and seconded by Councilman Read to approve and authorize the Mayor to sign the Federal-Aid Program Project Number HSIP-261A (064-065)TR Project Agreement (maintenance agreement) between the Oklahoma Department of Transportation and the City of McAlester for the installation of traffic signals along Carl Albert Parkway. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

12. 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 3 new SCBA Masks. The cost of the masks not to exceed \$3,000.00. Purchase to be made with funds 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 Fire Department would like to purchase three (3) new SCBA Masks. He added that the purchase would be made with the City's portion of the county quarter cent excise tax for fire services and the masks would be purchased through sole source to be compatible with the Departments existing equipment.

Councilman Read asked if the purchase was for additional or replacement masks and if the old masks could be traded in.

Chief Brewer stated that the masks were old models and could not be refurbished.

A motion was made by Councilman Smith and seconded by Councilman Stevens to approve the purchase of three (3) new SCBA Masks, not to exceed \$3,000.00 and using the City's portion of the county quarter cent excise tax for fire services. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

13. Discussion and update on Financials. *(Toni Ervin, Chief Financial Officer)*  
Executive Summary  
Discussion.

CFO Ervin addressed the Council presenting a review of the City of McAlester's current financial status. During the presentation, CFO Ervin informed the Council that the Fiscal Year 2016/2017 Budget had been installed and the departments could see where they were in the new budget. She briefly reviewed the General Fund and the Public Works revenues and expenses commenting that both funds were in good shape. CFO Ervin reviewed the sales and use tax comparisons and all of the water sales annual comparisons.

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 informed the Council that the City departments had recently attended mandatory Customer Service training and he commented on the outstanding trip to Washington D.C.

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

Councilman Read commented on the dumpster in the Choctaw Parking Lot and asked that it be removed.

Vice-Mayor Karr inquired about the Ward Redistricting Committee. Mayor Browne stated that he had made calls to the Chairman of the Committee but had not heard back from him yet.

Councilman Garvin reminded the Council that the "Old Town Wild West" Festival would begin this Friday, September 30<sup>th</sup> at 3:00 P.M. and again on Saturday, October 1<sup>st</sup> at 9:00 A.M.

Councilmen Smith, Stevens and Barnett did not have any comments for the evening.

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

Mayor Browne thanked everyone for the professionalism that had prevailed during the discussions earlier in the meeting and stated that at the next meeting he would give a comprehensive report on the Washington D.C. trip.

Recess Council Meeting

Mayor Browne asked for a motion to recess the Regular Meeting to convene the Authorities. Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Garvin. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the meeting was recessed at 8:59 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 9:01 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 Garvin.

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

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

Mayor Browne declared the motion carried, and the meeting was adjourned at 9:01 P.M.

ATTEST:

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John Browne, Mayor

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Cora Middleton, City Clerk