

The McAlester City Council met in a Regular session on Tuesday, January 28, 2020, at 6:00 P.M. after proper notice and agenda was posted, January 17, 2020 at 2:55 P.M.

Call to Order

Mayor Browne called the meeting to order.

Mother Janie Koch, All Saints Episcopal Church gave the invocation and led the Pledge of Allegiance.

Roll Call

Council Roll Call was as follows:

Present: Weldon Smith, Travis Read, James Brown, Maureen Harrison, Zach Prichard & John Browne

Absent: Cully Stevens

Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager; Toni Ervin, Assistant City Manager; Stephanie Giacomo, Grant Writer/Public Information Officer; Kirk Ridenour, Economic Development Director; Sherri Swift, CFO; Jayme Clifton, Community Development Director; Billy Sumner, SE Expo/Tourism Manager; 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 December 17, 2019, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

B. Approval of Claims for January 8, 2020 through January 21, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$110,923.75; Parking Authority - \$125.30; Nutrition - \$645.93; Educational Fund - \$45,143.15; Tourism fund -

\$3,720.96; SE Expo Center - \$14,078.06; E-911 - \$6,301.42; CDBG Grants Fund - \$2,460.00; Fleet Maintenance - \$15,473.85; Worker's Compensation - \$1,750.00; CIP Fund - \$9,817.90; Stormwater Fund - \$12,850.00; Infrastructure Fund - \$18,772.45 and MRHC-Cancer Center Fund - \$45,143.15.

- C. Concur with the Mayor's appointment of Juli Montgomery to the Downtown Area Reinvestment Review Committee to replace Ms. D'elbie Walker. (*John Browne, Mayor*)
- D. Accept and place on file the Oklahomans for Independent Living Quarterly Report for the months of October through December, 2019. (*Pam Pulchny, Executive Director*)
- E. Consider and act upon, authorization of an expenditure up to \$500.00 (\$250.00 per person) of City Funds for the Mayor and Councilman Brown to attend the Oklahoma Municipal League Congress of Mayors to be held February 7, 2020 at the Oklahoma State Capitol. (*Cora Middleton, City Clerk*)
- F. Accept and place on file the McAlester Defense Support Association Quarterly Report for FY19-20. (*Jessica Gregg, Executive Director*)
- G. Accept and place on file the Pride in McAlester Quarterly Report for the months of October through December, 2019. (*Megan Waters, Executive Director*)
- H. 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 Testing. (*Billy Sumner, EXPO Manager*)
- I. Accept and place on file the McAlester Main Street 1st and 2nd Quarter Reports and Goals and Objectives for Fiscal Year 2019-2020. (*Alyssa Latty, Executive Director*)

Councilman Smith requested that item "G" be removed for individual consideration.

Manager Stasiak requested that item "B" be removed for individual consideration.

A motion to approve the Consent Agenda items "A, C through F, H and I" was made by Councilman Read and seconded by Councilman Smith.

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

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

NAY: None

Mayor Browne declared the motion carried.

Items removed from Consent Agenda

- B. Approval of Claims for January 8, 2020 through January 21, 2020. (*Sherri Swift, Chief Financial Officer*) In the following amounts: General Fund - \$213,737.07; Parking Authority - \$125.30; Nutrition - \$645.93; Educational Fund - \$45,143.15; Tourism fund - \$3,720.96; SE Expo Center - \$14,078.06; E-911 - \$6,301.42; CDBG Grants Fund - \$2,460.00; Fleet Maintenance - \$15,473.85; Worker’s Compensation - \$1,750.00; CIP Fund - \$9,817.90; Stormwater Fund - \$12,850.00; Infrastructure Fund - \$18,772.45 and MRHC-Cancer Center Fund - \$45,143.15.

Manager Stasiak stated that CFO Swift was handing out additional claims for consideration.

CFO Swift addressed the Council explaining that due to some technical issues in the accounts payable system four (4) payables had not been included in the packets that were distributed. She asked that these claims be added to and considered for payment.

After a brief discussion regarding the additional claims, a motion to approve the Claims for January 8, 2020 through January 21, 2020 was made by Councilman Read and seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

- G. Accept and place on file the Pride in McAlester Quarterly Report for the months of October through December, 2019. (*Megan Waters, Executive Director*)

Councilman Smith commented that he had pulled this item because he wanted to highlight Pride’s activities. He then reviewed the groups activities during the year and the amount of debris and trash the group had collected. He reminded everyone of the Spring Clean Up that Pride held every year and encouraged everyone to use this event.

A motion to accept and place on file the Pride in McAlester Quarterly Report for the months of October through December, 2019 was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address four (4) proposed ordinances and the closeout of the FY 2018 CDBG Grant sewer line replacement project was made by Councilman Read and seconded by Councilman Smith. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:12 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.

FINAL PERFORMANCE REPORT ON FY2018 #17283 CDBG GRANT; SEWER LINE REPLACEMENT PROJECT, 14TH STREET BETWEEN KELLER & FLEMING AREA

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF MCALESTER, OKLAHOMA; AMENDING MCALESTER CITY CODE CHAPTER 22, MEDICAL FACILITIES, ARTICLE VII, SECTION 22-248, HOSPITALS; PERMIT AND APPLICATION REQUIREMENTS, SECTION 22-249, AMBULATORY SURGICAL CARE FACILITIES; PERMIT AND APPLICATION REQUIREMENTS, PACKAGE STORES; CHAPTER 48, FEES, CHARGES, AND SERVICE RATES, ARTICLE VII, SECTION 22-248 AND SECTION 22-249; REPEALING ALL CONFLICTING ORDINANCES.

AN ORDINANCE AMENDING CHAPTER 102, TRAFFIC AND VEHICLES, OF THE MCALESTER CITY CODE, ARTICLE V, BICYCLES, DIVISION 1, GENERALLY, SECTION 102-205, IDENTIFICATION NUMBER ON FRAME; AND CREATING ORDINANCE CHAPTER 102, TRAFFIC AND VEHICLES, OF THE MCALESTER CITY CODE, ARTICLE V, BICYCLES, DIVISION 3, BICYCLE LANES; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

AN ORDINANCE CREATING CHAPTER 82, OFFENSES AND NUISANCES, ARTICLE VII, NUISANCES, DIVISION 5, DISORDERLY HOUSE, THE MCALESTER CITY CODE; AMENDING CHAPTER 48, TO CREATE CHAPTER 82, OFFENSES AND NUISANCES, ARTICLE VII, NUISANCES, DIVISION 5, DISORDERLY HOUSE; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

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 or discussion concerning any of the proposed ordinances or the 2018 CDBG Grant project closeout, and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:13 P.M.

Scheduled Business

1. Consider and act upon, authorizing the Mayor to sign a Resolution approving CDBG Grant #17283 Sewer Line and Manhole Replacement and accepting the project as complete. (*Millie Vance, Grant Administrator*)

Executive Summary

Motion to authorize the Mayor to sign the Resolution and accept CDBG Grant #17283 as complete.

Millie Vance, Grant Administrator addressed the Council explaining that the Sewer Line and Manhole Replacement project had been completed and the 2018 CDBG Grant #17283 was ready to be closed out. She briefly reviewed the project and the area where it was located. She added that the resolution was the City's formal action to close the CDBG Grant.

There was no discussion, and a motion to adopt RESOLUTION NO. 20-03, approving 2018 CDBG Grant #17283 Sewer Line and Manhole Replacement and accepting the project as complete was made by Councilman Prichard. The motion was seconded by Councilman Read, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance of the City of McAlester amending the Hospital permitting ordinances and creating a Medical Development Board. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to pass and approve an Ordinance amending the current new hospital permitting ordinances and creating a Medical Development Board to review and consider the issuance of a Certificate of Necessity, thereby establishing a new hospital permitting process.

Mayor Browne explained that the proposed ordinance created a board that would determine if a new medical facility was necessary and would add to the medical care that was already available in the City.

Collin Henry, Vice-President Warren Clinic and representative of Saint Francis Health System 6600 S. Yale, Tulsa, OK addressed the Council commenting that the Warren Clinic and Saint Francis Health System felt they have had a vested interest in the community since the acquisition of the Clinic in 1997. He reviewed Saint Francis' investment in the community, the number of physicians the Clinic employed, the Charity Care the Clinic provided and how the Clinic had not added new services that could have been in direct competition with the McAlester Regional Health Center. He then furnished his comments and suggestions regarding the proposed ordinance.

There was discussion among the Council and Mr. Henry concerning some language changes in the proposed ordinance, how the ordinance could affect the Clinic, possible conflicts of interests in the ordinance, the guidelines for the Clinic's charitable care program, the program that the Clinic has to help with physician retention and an apparent restriction on competition in the language of the proposed ordinance.

Attorney Ervin commented that they had been through several versions of the proposed ordinance he then reviewed the areas of the proposed ordinance that the City Attorney's office had issues with including conflicts of interest, restriction on trade and no definition section. He reminded them of the conflict of interest section in the City Charter.

There was discussion regarding McAlester Regional Health Center being a public trust and not a privately-owned facility, the physicians at the Warren Clinic practicing at the hospital, the board being only advisory, and the Council not giving the responsibility of decision making to another board.

David Keith, CEO McAlester Regional Health Center addressed the Council expressing his thoughts and concerns about the proposed ordinance. He commented that the proposed ordinance was to protect all of the facilities that were currently in the City of McAlester from the opportunistic facilities that could set up in communities driving down the prices of services and then leaving the community.

Karen Reager, McAlester Regional Health Center attorney addressed the Council expressing her opinion of the proposed ordinance, stating that she did not feel that there was a conflict if interest to have a hospital representative on the Board.

Dr. Chris Beene, 1107 Preakness addressed the Council expressing his concerns with the language in the proposed ordinance.

Mayor Browne moved to table the proposed ordinance until the first meeting in March. The motion was seconded by Councilman Brown.

Before the vote, there was discussion concerning the difference in this proposed board and the Down Town TIF committee, the ability of an applicant to appeal a denial to the City Council, what was wrong with the existing ordinance, having a review body, the Council not giving up decision power, and the proposed ordinance not being about the care that is currently provided by the hospital or clinic.

Mayor Browne verified the second to the motion. There was no further discussion, and the vote was taken as follows:

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

NAY: None

ABSTAIN: Councilman Smith (counted as a no vote)

Mayor Browne declared the motion carried.

3. Discussion and possible action on approving the transfer of the OKLA Theater from the Ardeneum of Oklahoma Charitable and Educational Foundation, Inc., to the City of McAlester per the attached resolution(s) and authorizing the Mayor to sign all documents. (*Billy Sumner, Tourism Manager*)

Executive Summary

Staff recommends the Council approve the transfer of ownership of the OKLA theater.

Billy Sumner, SE Expo Center/Tourism Manager addressed the Council explaining that when the possible transfer of the OKLA had previously been presented, the Council had asked for more information. He stated that the packet contained an updated business plan, quotes for repairs and upgrades, and multiple options for funding including one that would increase the Hotel/Motel tax by two percent (2%) that would be dedicated to the remodel and opening of the theatre as well as future sustainability. Mr. Sumner further explained some of the events that could be held at the theatre.

There was discussion concerning how the Expo and Tourism were currently funded, how much revenue was generated by the current hotel/motel tax, if the City had approached the Choctaw Nation about possible funding, how the projected revenue was calculated, how the renovation costs were calculated and basing some of the estimated and projected figures on information on similar venues in other communities.

Dr. Burt Thomas, President Ardeneum of Oklahoma Charitable and Educational Foundation, Inc. and Steve Harrison, board member addressed the Council reviewing the renovations that had already been accomplished in the Theatre and the original proposed time limit for the City to complete the remaining renovations.

After discussion concerning a proposed increase in the Hotel/Motel tax, waiting to accept the Theatre until after the citizens vote on an increase in the Hotel/Motel tax and accepting the Theatre now and giving it back to the Ardeneum if funding was not successful a motion to approve RESOLUTION NO. 20-04, accepting ownership of the OKLA Theatre and authorizing the Mayor to sign all document was made by Mayor Browne. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: Councilmember Harrison

Mayor Browne declared the motion carried

4. Consider and act upon, an Ordinance of the City of McAlester establishing traffic laws for bicycle lanes within city limits of the City of McAlester. (*Gary Wansick, Chief of Police*)

Executive Summary

Motion to pass and approve an Ordinance establishing new traffic laws for bicycle lanes within the City of McAlester.

Chief Wansick addressed the Council explaining that the City's Paralegal had researched and developed the proposed ordinance. He commented that he had read the ordinance and had not seen any issues. He added that he had noticed many pedestrians using lanes in areas where there were no sidewalks.

There was discussion concerning the signs marking the bicycle lanes, those signs having been a grant to the City, painting bicycle symbols on the lanes, what the fine was for not registering bicycles, the City not currently enforcing the rule, the fine not being on the schedule, addressing the fine with a separate ordinance, encouraging all citizens to participate, not making registration mandatory, placing a notice of the City's Ordinance in the area where bicycles were sold at the local Walmart and a separate ordinance that had made registration mandatory.

ORDINANCE NO. 2678

AN ORDINANCE AMENDING CHAPTER 102, TRAFFIC AND VEHICLES, OF THE MCALESTER CITY CODE, ARTICLE V, BICYCLES, DIVISION 1, GENERALLY, SECTION 102-205, IDENTIFICATION NUMBER ON FRAME; AND CREATING ORDINANCE CHAPTER 102, TRAFFIC AND VEHICLES, OF THE MCALESTER CITY CODE, ARTICLE V, BICYCLES, DIVISION 3, BICYCLE LANES; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

Councilman Read moved to approve **ORDINANCE NO. 2678**, striking the last sentence in section 102-205. The motion was seconded by Councilman Prichard. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. Conduct a Public Hearing on structures deemed by City Staff to be dilapidated by reason of deterioration, age or obsolescence, inadequate provision of ventilation, light, air or sanitation, neglect, need of repair, or accumulation of debris, where the same constitutes a danger to the safety of the neighborhood and consider, and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. (*Jayme Clifton, Community Development Director, George Estrada, Inspector*)

a) Consider and act upon, a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

Executive Summary

Motion to approve a resolution declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public.

Director Clifton addressed the Council explaining that seventeen (17) of the thirty-one (31) structures recommended for condemnation were burnt structures. She stated that on item number two (2) she had been contacted by the property owner's attorney adding that the property had been purchased through a tax sale and they could not do anything with the property until they had a clear title. She commented that she had also been contacted by several of the property owners that were planning to remove the structures on their own, but she would still like to have the property condemned to ensure that something happens to the properties moving forward. She added that she had been contacted by several of the property owners wishing to remodel the structures but she would let them address the Council themselves. She then reviewed the process to remodel a structure that had been declared dilapidated.

Deborah Hackler, 19 ½ E. Carl Albert Parkway addressed the Council explaining that she represented the property owners of the structure on item number two (2) and she was requesting that the structure be removed from the list and allow the owners to renovate the structure when they received clear structure.

Gary Kimble, 810 E. Monroe addressed the Council regarding the property on item number twenty-three (23) at 1106 and 1108 N. Main Street asking that they allow him time to clean the site up.

The granddaughter of Elias Gonzalez Hernandez and Lucine Vazquez Lorenzo, addressed the Council regarding the property on item number seventeen (17) at 1103 N. 2nd Street asking for time to sell the property. She stated that they had someone that was interested in purchasing the property.

Oscar Rhone, Jr. addressed the Council regarding item number thirty (30) the property at 1302 N. Strong Blvd. He asked that the property be removed from the list so he could remodel the structure.

There was discussion regarding the cost of the Special Remodel Permit, the permit fee being refunded once the structure was renovated.

A motion to remove the property located at 1302 N. Strong Blvd. from the demolition list was made by Councilman Brown and seconded by Councilwoman Harrison.

Before the vote, there was discussion regarding how long Mr. Rhone had owned the property, the condition of the structure, what the contractors had told Mr. Rhone about the property, when Mr. Rhone anticipated the renovations beginning, if this property was not condemned the City would work with Mr. Rhone to insure that progress was made with the property and other options that could be available for Mr. Rhone and the property.

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

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

NAY: None

Mayor Browne declared the motion carried.

Terry Harrison, representing Katyisha Martin owner of the property on item number nineteen (19) located at 518 E. Creek Ave. He explained that he and Ms. Martin had married fifteen (15) months ago and had a plan for the property. He commented if the Council would give them thirty (30) days the structure would be remodeled and they would not see it back on the condemnation list.

A motion to remove item number nineteen (19), property located at 518 E. Creek Ave. was made by Councilman Brown and seconded by Councilwoman Harrison.

Before the vote, George Estrada Building Inspector commented that the only issue with this structure was that it needed to be secured but could be remodeled.

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

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

NAY: None

Mayor Browne declared the motion carried.

Rhonda Ortiz, addressed the Council regarding the property located at 240 W. Peoria Ave., item number twenty-seven (27). She asked that it be removed for the condemnation list. She explained that she had been cleaning on the lot and planned to sell it. She added that she did have an individual that was interested in purchasing the property

George Estrada, Building Inspector stated that the structure was non-conforming and had been vacant for a long time. He added that the structure is not secure.

Director Clifton explained that non-conforming was that it did not meet the set back requirements. She stated that there was steps that could be taken to try to get a variance from the Board of Adjustment but there were requirements that had to be met.

There was discussion, concerning the structure not being within the law, how long it had been vacant, where the notices were mailed, how this property was unsecure, how often the Board of Adjustment met, why this structure had become non-conforming, how restrictive the City's code was, and even if condemned tonight there would still be time to try to get a variance and then a Special Remodel permit.

Ms. Ortiz inquired about the process to address the Board of Adjustment. Director Clifton explained the process and the fees that could be included. She reminded that in the past the Council had removed properties from the list allowing the property owner time to go through the process.

Mayor Browne moved to remove item number twenty-seven (27) the property at 240 W. Peoria Ave. from the list, to be brought back if application to the Board of Adjustment had not been made within thirty (30) days.

Director Clifton asked that the property be brought back in March. She explained that this would give Ms. Ortiz time to make the application and City staff time to file any required notices.

Councilman Prichard seconded the motion with the March deadline. There was no further discussion, and the vote was taken as follows:

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

NAY: Councilmember Read

Mayor Browne declared the motion carried.

Councilman Brown asked Mr. Kimble to come back to the podium. There was discussion regarding Mr. Kimble's intent to tear the structure down, having more than a month and a half to do something even if the City did condemn the property.

Attorney Ervin explained that even if the City did demolish the property, he would only have to pay back the amount that the contractor charged the City.

Director Clifton explained the time frame that Mr. Kimble would have to remove the structure himself and then how long he would have to pay the City if the City demolished the structure.

Ashley Robbins addressed the Council regarding item number twelve (12) the property at 800 McArthur Ave. She explained that when the house had burnt, she was going through a divorce and was unemployed. She stated that she was now employed and had spoken with a contractor to remodel the structure.

There was a brief discussion regarding the structure being unsecured and Ms. Robbins not getting all of the mail because she had not had a permanent address.

A motion to remove item number twelve (12) a property located at 800 McArthur Ave. was made by Councilman Prichard. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

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

NAY: Councilmember Read

Mayor Browne declared the motion carried.

Ms. Robbins asked what needed to be done when the contractor was able to begin working on the house.

Director Clifton stated that the only item not removed, that staff had recommended to be removed was item number two (2).

A motion to remove item number (2) property located at 723 S. 9th Street was made by Councilman Prichard and seconded by Councilman Smith. There was no further discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

Being no further discussion, a motion was made by Councilman Prichard to approve RESOLUTION NO. 20-05, declaring certain structures as dilapidated and detrimental to the health, safety, or welfare of the general public. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, an Ordinance of the City of McAlester creating a Disorderly House Nuisance Ordinance, and the process in which to abate such nuisances. (*Peter Stasiak, City Manager*)

Executive Summary

Motion to pass and approve an Ordinance creating a Disorderly House Nuisance Ordinance, which establishes the process for which the City may address residential nuisances caused by criminal activities involving theft and illegal substances.

Mayor Browne pulled this item. He stated that he had been informed that there was a potential conflict with due process. He added this would be brought back as a later date when that issue had been worked out.

7. Consider and act upon, a Resolution authorizing the addition of 1 Full Time Position to the Facility Maintenance department and placing them on the Non-Uniform Pay plan for the FY 2019-2020. (*Toni Ervin, Assistant City Manager*)

Executive Summary

Motion to approve the Resolution.

Assistant Manager Ervin addressed the Council explaining that this was part of the mid-year analysis and with the addition of this position would align with the City's succession plan. She went on to explain that there were three (3) employees in the Maintenance department and one would be retiring within the year, a second one would be retiring in September and the third employee would only be a short time longer.

After a brief discussion concerning adding experience as a requirement to the position, a motion to approve RESOLUTION NO. 20-05, adding one (1) full-time position to the Facility Maintenance department with the addition of two (2) years of relevant experience to the requirements was made by Councilman Smith and seconded by Councilwoman Harrison. There was no further discussion, and the vote was taken as follow:

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

Mayor Browne declared the motion carried.

8. 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.

CFO Swift addressed the Council reviewing the exhibits for the Budget Amendment explaining this amendment would appropriate funds for additional Capital Projects, Mid-Year transfers, additional Water Main repairs, additional Debt Service payments and additional Storm Water projects.

ORDINANCE NO. 2679

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. 2679**, amending Fiscal Year 2019/2020 Budget 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 & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

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

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

Mayor Browne declared the motion carried.

9. Discussion on Mid-Year Financial Update. (*Toni Ervin, Assistant City Manager*)
Executive Summary
Discussion.

Assistant Manager Ervin addressed the Council explaining that it was a requirement to review the Budget at Mid-Year. She stated that this information was as of December 31, 2019. Assistant Manager Ervin reviewed the General Fund and the McAlester Public Works Authority revenues and expenditures stating that all were under budget. She added that expenditures were being closely monitored. She reviewed the fund balances as of June 30, 2019 adding that they were now audited figures. She reviewed the breakdown of how the City's sales tax revenue was used by the various departments. She added that MPWA has had to subsidize the bond payments since 2015. She reviewed Sales and Use tax and water sales and finished with a review of projects that had been completed and were in progress for the 2019/2020 fiscal year. She added that the Audit and Finance Advisory Committee had requested an analysis of the City's water prices, so the Council would be getting that information also. She informed the Council of the number of pounds of debris, brush and trash that had been removed from the intersections.

Councilwoman Harrison requested clarification of the bond payment deficit.

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 in the project on 2nd Street north of Wade Watts that started as a sinkhole a third manhole had been found. He stated that the manhole was bad and would take two (2) weeks to get the manhole and it would take three (3) weeks to get the street opened.

Remarks and Inquiries by City Council

Councilman Smith reminded everyone of the Council Election on February 11, 2020.

Councilman Brown commented on the good work that Code Enforcement/Abatement Tabetha Howell.

Councilwoman Harrison thanked Kelly Benson for giving the invocation and leading the pledge at the last meeting. She announced that Mary Factory had turned 101 years old. She asked if there was still be a Council meeting on Election night.

Councilmembers Read and Prichard did not have any comments for the evening.

Mayor’s Comments and Committee Appointments

Mayor Browne commented about the “Homeless/Endangered” Event last week and the count was sixty-six people and it was an amazing event.

Councilwoman Harrison asked about a Candidate Forum Thursday at 6:00 P.M. at the Vo-Tech.

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 & Mayor Browne

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 9:02 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 9:03 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, Brown, Harrison, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 9:03 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk