

The McAlester City Council met in a Regular session on Tuesday, January 23, 2018, at 6:00 P.M. after proper notice and agenda was posted, January 5, 2018 at 11:30 A.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, Jason Barnett & John Browne
Absent: None
Presiding: John Browne, Mayor

Staff Present: Toni Ervin, CFO/Acting City Manager; Jayme Clifton, Community Development Director; Kirk Ridenour, Economic Development Director; Gary Wansick, Police Chief; William J. Ervin, City Attorney and Cora Middleton, City Clerk

Recognition and Awards

Mayor Browne presented Jana Oliver as October 2017 Employee of the Month. Ms. Oliver received a Certificate of Appreciation and a personal planner.

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.

Steve Belcher addressed the Council regarding a past Worker's Compensation claim.

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 12, 2017, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- B. Approval of Claims for January 3, 2018 through January 16, 2018. (Toni Ervin, Chief Financial Officer) In the following amounts: General Fund - \$90,970.38; Parking

Authority - \$227.86; Nutrition - \$2,283.57; Landfill Res./Sub-Title D - \$2,254.00; Tourism Fund - \$674.32; SE Expo Center - \$18,990.05; E-911 - \$11,093.77; Economic Development - \$2,401.00; CDBG Grants Fund - \$4,058.49; Fleet Maintenance - \$13,421.21; CIP Fund - \$6,492.70, Federal Forfeiture Fund - \$590.00 and Technology Fund - \$3,199.86.

- C. Consider and act upon, a request by the Italian Festival Foundation to partner with them for the rental fee for the use of the McAlester Expo Center, formally known as the Southeast Expo Center, for the Annual Italian Festival set for May 11, 12 & 13th, 2018 in the amount of \$2,125.00. (*Billy Sumner, Expo Manager*)
- D. Concur with the Mayor's appointment of Mr. Rod Canterbury to the Expo Board for a term to expire June 30, 2019. (*John Browne, Mayor*)
- E. Accept and place on file, the Oklahomans for Independent Living 1st and 2nd Quarter reports for the months of July, 2017 through December, 2017. (*Pam Pulchny, Executive Director*)
- F. Consider and act upon, approval of a Resolution to extend the term of the Cable Television Permit with Vyve Broadband A, LLC. (*Joe Ervin, City Attorney*)

A motion to approve Consent Agenda 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, Stevens, Karr, Garvin, Barnett & Mayor Browne
NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address three (3) ordinances was made by Councilman Read and seconded by Councilman Stevens. There was no discussion and the vote was taken as follows:

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

Mayor Browne declared the motion carried and them Public Hearing was opened at 6:10 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. 2604 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2017-18; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA; AMENDING McALESTER MUNICIPAL CODE CHAPTER 30, COURTS AND JAILS, ARTICLE 11, MUNICIPAL COURT NOT OF RECORD, DIVISION I, SECTION 30-32, COSTS UPON JUDGEMENT OF CONVICTION; PROVIDING FOR REPEALER AND SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE OF MARCH 1ST 2018.

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.

There were no comments or inquiries made on the proposed ordinances and a motion to close the Public Hearing was made by Councilman Read. 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 6:11 P.M.

Scheduled Business

1. Discussion by the Bureau of Land Management regarding the recent surface and subsurface mining activity. Representatives will be present to answer questions and provide explanations. (*John Browne, Mayor*)

Executive Summary

Discussion.

Mayor Browne explained that the Bureau of Land Management representatives would not be at the meeting because of the past weeks government shut down. They would be able to be present at the next meeting.

This item would be moved to the next meeting agenda.

2. Discussion on the implementation of a clean living facility to be known as the Ezekiel House Transitional Center. (*John Browne, Mayor, Levi Gilmore*)

Executive Summary

Discussion.

Levi Gilmore an Elder with the Tabernacle of Praise Worship Center, 1120 E. Chickasaw, addressed the Council regarding the Ezekiel House Transitional Center. He explained that this facility would be for non-violent, non-sexual offenders from the Department of Corrections and families that had experienced house fires.

There was discussion concerning any reaction from the residents of Fourth (4th) Ward, the group looking for a different site in the City, the current property being placed for sale, what the actual activity of the group would be, who would staff the facility and the facility's planned security.

Community Development Director Clifton addressed the Council explaining the zoning requirements for a transitional living facility. She commented that her department would help the group work through the process and the State and local requirements.

Attorney Ervin commented that the activity on the premises would regulate the required licenses and permits.

There was no vote on this item.

3. Consider and act upon, an Ordinance amending Ordinance No. 2604 which established the budget for fiscal year 2017-2018; 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 for the mid-year budget amendments. She explained that the amendments would appropriate funds for funding Assistant City Manager position, renewed Patrol Grants, Work Comp allocations over \$25,000 limit, purchase mower for Cemetery, purchase trash truck for Parks, purchase truck for Utility Maintenance, replace 30 inch water main, final expense for Patrol laptops, purchase training equipment for reserve building and technology updates for move to Federal building.

ORDINANCE NO. 2615

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2604 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2017-18; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

A motion to approve **ORDINANCE NO. 2615**, amending FY 2017-2018 Budget 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, 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 Stevens.

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

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

Mayor Browne declared the motion carried.

4. Consider and act upon, an Ordinance amending Chapter 30, Courts and Jails, Article II, Municipal Court Not of Record, Division I, Section 30-32, Costs Upon Judgement of Conviction; providing for repealer and severability and establishing an effective date of March 1st 2018. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Motion to approve the amendment of the ordinance.

CFO Ervin addressed the Council explaining that this was part of the mid-year review. She added that she and Manager Stasiak had discussed this and the amending language was the same as the sales tax proposition.

There was discussion concerning the amount of money received from this fee each year and if there was something else that the funds could be directed to.

ORDINANCE NO. 2616

CONSIDER AND ACT UPON AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA; AMENDING McALESTER MUNICIPAL CODE CHAPTER 30, COURTS AND JAILS, ARTICLE 11, MUNICIPAL COURT NOT OF RECORD, DIVISION I, SECTION 30-32, COSTS UPON JUDGEMENT OF CONVICTION; PROVIDING FOR REPEALER AND SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE OF MARCH 1ST 2018.

A motion was made by Councilman Smith and seconded by Vice-Mayor Karr to approve **ORDINANCE NO. 2616**, amending section 30-32 of the City of McAlester's Code of Ordinances. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

5. Discussion and presentation of the Mid-Year Review of Fiscal Year 2017-2018. *(Toni Ervin, Chief Financial Officer)*

Executive Summary

Mid-Year Review of Fiscal Year 2017-2018 Budget.

CFO Ervin addressed the Council presenting the Mid-Year Budget Review for fiscal year 2017-2018. During this review CFO Ervin stated that the City was fifty percent (50%) through the year with the General Fund's revenue being slightly over budget and expenses being slightly below budget. She commented that the MPWA was slightly below budget on both revenue and

expenses. CFO Ervin then reviewed the fund balances as of June 30, 2017, the City's sales tax dependency, the completed projects and projects that were currently in process.

There was no vote on this item.

6. 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, Director, George Estrada, Building Inspector*)

Executive Summary

Upon conclusion of the Public Hearing, 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 reviewing the three (3) structures that staff had deemed as dilapidated and detrimental to the health, safety, or welfare of the general public. She explained that this determination had been made due to the age, and the extended lack of maintenance of the structures. She added that the owners of the property at 509 E. Delaware had obtained a demolition permit, but the City still needed to condemn the property.

A motion to approve RESOLUTION NO. 18-02 was made by Councilman Read and seconded by Councilman Smith. There was no further 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, the purchase of 46 laptops and mounting hardware to be used for mobile CAD (Computer Aided Dispatch) from State of Oklahoma Vehicle Contracts SW142 and SW206 pursuant to Section 2-382 of the McAlester City Code. (*Gary Wansick, Police Chief*)

Executive Summary

Motion to approve \$136,574.00 to Tyler Technologies, Inc. for the purchase of 46 laptops and mounting hardware for use in 46 police vehicles.

Chief Wansick addressed the Council concerning the purchase of the laptops for the police vehicles. He explained that this purchase, if approved, would put laptops and the mounting hardware in forty-six (46) police vehicles.

There was a brief discussion concerning the cost of the mounting hardware and the life span of the laptops.

A motion was made by Councilman Smith and seconded by Councilman Read to approve the purchase of 46 laptops and mounting hardware, in the amount of \$136,574.00, to be used for mobile CAD (Computer Aided Dispatch) from State of Oklahoma Vehicle Contracts SW142 and SW206 pursuant to Section 2-382 of the McAlester City Code. 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.

8. Consider and act upon, acceptance of the City of McAlester Single Audit Report for Year ending June 30, 2017. (*Toni Ervin, Chief Financial Officer*)

Executive Summary

Motion to accept the Single Audit Report for Fiscal Year ending June 30, 2017 for the City of McAlester.

CFO Ervin addressed the Council explaining that a Single Audit Report was required any time a municipality had \$750,000.00 or more in Grant funds. She added that the City had also been noted as a low risk entity this year.

Councilman Read moved to accept the Single Audit Report for fiscal year ending June 30, 2017. The motion was seconded by Councilman Smith, 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.

9. Consider and act upon, to re-appoint Toni Ervin as Acting City Manager and to serve in that capacity until the City Manager's disability or absence ceases, or until the Council appoints another City Manager pursuant to Section 3.03 of the McAlester City Charter. (*John Browne, Mayor*)

Mayor Browne stated that he had placed this item on the agenda. He explained that the Charter required the Council to appoint an Acting City Manager in the event that the City Manager were to be absent for more than thirty (30) days. He added that the next Council meeting would be past the thirty (30) days. He informed the Council that he had requested the Ethics Board to review the situation and he read the following from the minutes from the meeting of the Ethics Board. "Based on this Board's understanding of the facts of the function and reporting structure of the two (2) roles, we were requested to review for a possibility of conflict, we do not find evidence of an existing conflict of interest, due to direct oversight of both roles by the City Council."

Councilman Smith moved to re-appoint Toni Ervin as Acting City Manager and to serve in that capacity until the City Manager's disability or absence ceases, or until the Council appoints another City Manager pursuant to Section 3.03 of the McAlester City Charter. The motion was seconded by Councilman Read.

There was no further 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.

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.

CFO/Acting City Manager Ervin reported that the Recycling Center had been moved to the Armory, that CDBG 15 and CDBG 16 had the final inspections done and the City had begun a Wellness Program.

Remarks and Inquiries by City Council

Councilman Read commented that the old Recycling Center site had been a sore spot for some time and that the new spot was great.

Councilman Garvin agreed with those comments.

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

Mayor's Comments and Committee Appointments

Mayor stated that he had a citizen contact him to express their appreciation of the Recycling Center's move. He congratulated Councilman Stevens for his selection into the Lake Wood Academy's Hall of Fame. He commented on the tragedy that had happened in Quinton, and informed the group that a GoFundMe account had been set up by Dr. McElyea and the McAlester Regional Health Center.

Recess Council Meeting

Councilman Read moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Smith.

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 and the meeting was recessed at 6:54 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 6:56 P.M.

Adjournment

There being no further business to come before the Council, Councilman Read moved for the meeting to be adjourned. The motion was seconded by Councilman Smith. 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, and the meeting was adjourned at 6:56 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk