

The McAlester City Council met in a Regular session on Tuesday, July 28, 2020, at 6:00 P.M. after proper notice and agenda was posted, July 24, 2020, at 8:30 A.M.

Choctaw Nation Councilman Robert Karr gave the invocation and lead the Pledge of Allegiance.

Call to Order

Mayor Browne called the meeting to order.

Roll Call

Council Roll Call was as follows:

Present in Person: Weldon Smith, James Brown, Billy Jack Boatright & John Browne
Present via Teleconference: Cully Stevens, Steve Cox & Zach Prichard
Absent: None
Presiding: John Browne, Mayor

Staff Present: Pete Stasiak, City Manager, Sherri Swift, CFO; Toni Ervin, Assistant City Manager; Brett Brewer, Fire Chief and Cora Middleton, City Clerk

Staff Attending via Teleconference: William J. Ervin, City Attorney

Selection of Vice-Mayor

Councilman Smith nominated Ward Four Councilman James Brown as Vice-Mayor. The nomination was seconded by Councilman Stevens. There were no other nominations and the nomination carried.

Newly selected Vice-Mayor Brown thanked the Council for their confidence.

Citizens Comments on Non-Agenda Items

Residents may address Council regarding an item that is not listed on the Agenda. Residents must provide their name and address. Council requests that comments be limited to five (5) minutes.

There were no citizen comments.

Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. Approval of the Minutes from the July 14, 2020, Regular Meeting of the McAlester City Council. (*Cora Middleton, City Clerk*)
- B. Approval of Claims for July 8, 2020 through July 21, 2020. (*Sherri Swift, Chief Financial Officer*) In the following amounts: General Fund - \$159,848.33; Parking Authority - \$91.31; Nutrition - \$1,119.73; Educational Fund - \$45,605.42; Tourism Fund - \$188.25; SE Expo Center - \$9,057.08; E-911 - \$6,191.35; Economic Development - \$5,428.00; Grants & Contributions - \$622.92; CDBG Grants Fund - \$21, 391.34; Fleet Maintenance – \$10,069.72; Worker’s Compensation - \$1,750.00; CIP Fund - \$39,948.77; Technology Fund – 20,000.00; Stormwater Fund -\$1,390.84; Infrastructure Fund - \$44,485.54 and MRHC-Cancer Ctr. Fund - \$45,605.42.
- C. Concur with the Mayor’s appointment of Brenda Russell to the Audit & Finance Advisory Committee as replacement for Mr. Mike Kern. This term will expire March 31, 2022. (*John Browne, Mayor*)
- D. Consider and act upon, indefinitely postponing Tort Claim filed by Tanner Coffee. (*Cora Middleton, City Clerk*)

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

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne
 NAY: None

Mayor Browne declared the motion carried.

Scheduled Business

- 1. Presentation and discussion on Choctaw Economic Development. (*Robert Karr, Choctaw Nation Councilman*)

Executive Summary
 Presentation.

Robert Karr, District 11 Choctaw Councilman addressed the Council updating them on the various activities of the Choctaw Nation. During his update he stated that the Choctaw Nation wanted to work with the City and County governments to help improve the communities within the Choctaw Nation Reservation, he commented on the various partnerships the Nation had participated with, he highlighted the demographics of the Reservation, education and quality of life improvements, the Nation’s economic development goals and how they were working with both the Technical schools and colleges for address the workforce needs.

Mayor Browne commented on how the City of McAlester had benefited from the Tribes involvement with various projects and how well its economic development had worked with the City’s Economic Development Department.

No action was taken on this item.

2. Consider and act upon, the authorization of a purchase from Freedom Ford of McAlester, Oklahoma (1) New and Unused 2020 Ford F150 4X4, with LEER Camper from Advantage Truck & Auto of McAlester, Oklahoma for the Fire Department on State of Oklahoma Purchasing Contract pursuant to Section 2-382 of the McAlester City Code. Funds to be used from the city's portion of the county quarter cent excise tax for fire services. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve authorization of the purchase from Freedom Ford of McAlester, Oklahoma (1) New and Unused 2020 Ford F1500 4X4, with a LEER 100R Camper from Advantage Truck & Auto of McAlester, Oklahoma for the Fire Department on State of Oklahoma Purchasing Contract pursuant to Section 2-382 of the McAlester City Code. Purchase to be made from the city's portion of the county quarter cent excise tax for fire services. Cost for the Ford F150 4X4 not to exceed \$26,093.00 (based on State Bid) with the cost of the 2020 LEER 100R not to exceed \$1,870.00, for a total cost not to exceed \$28,000.00.

Chief Brewer addressed the Council explaining that the purchase of this 2020 F150 4X4, with a LEER 100R camper would be for the Assistant Fire Chief and would be made using the City of McAlester's portion of the County's quarter cent excise tax for fire services. He added that Freedom Ford and Advantage Truck & Auto of McAlester were on the State of Oklahoma's Purchasing Contract pursuant to Section 2-382 of the City of McAlester City Code.

A motion to authorize the purchase from Freedom Ford of McAlester, Oklahoma (1) New and Unused 2020 Ford F1500 4X4, with a LEER 100R Camper from Advantage Truck & Auto of McAlester, Oklahoma for the Fire Department on State of Oklahoma Purchasing Contract pursuant to Section 2-382 of the McAlester City Code. Purchase to be made from the city's portion of the county quarter cent excise tax for fire services. Cost for the Ford F150 4X4 not to exceed \$26,093.00 (based on State Bid) with the cost of the 2020 LEER 100R not to exceed \$1,870.00, for a total cost not to exceed \$28,000.00 was made by Councilman Boatright. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Boatright, Smith, Stevens, Cox, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

3. Consider and act upon, the acceptance of a SUB-Grant Award from the Office of Homeland Security for reimbursement of the purchase of a replacement HAZMAT Chemical Identification Unit. (*Brett Brewer, Fire Chief*)

Executive Summary

Motion to approve the acceptance of a SUB-Grant Award from the Office of Homeland Security for reimbursement of the purchase of a replacement HAZMAT Chemical Identification Unit.

Chief Brewer addressed the Council explaining that the Department of the Oklahoma Office of Homeland Security had received a Federal Grant to replace HAZMAT Chemical Identification Units for Regional HAZMAT Teams.

There was no discussion, and a motion to approve the acceptance of a SUB-Grant Award from the Office of Homeland Security for reimbursement of the purchase of a replacement HAZMAT Chemical Identification Unit was made by Councilman Boatright. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Boatright, Brown, Stevens, Cox, Prichard, Smith & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, accepting the bid amount of \$66,785.00 from Advanced Construction & Maintenance, LLC and authorize the Mayor to sign the Notice of Award for the 2019 CDBG Phase II Sewer Project. (*Dalton Carlton, Public Works Director*)

Executive Summary

The recommendation is to accept the bid from Advanced Construction & Maintenance, LLC for a total amount of \$66,785.00 and authorize the Mayor to sign the Notice of Award for the 2019 CDBG Phase II Sewer Project.

Public Works Director Carlton addressed the Council explaining that funds had been left over from the 2019 CDBG Grant project so another proposal had been put out for the same area.

Mayor Browne clarified that this was in Third (3rd) Ward and Councilman Smith inquired about the difference in the bids and if the bid had alternate bids if those could be totaled with the base bids of each contractor.

Director Carlton stated that this contractor had been the sub-contractor for the first part of the project and the bid tabulation sheet format could be revised.

A motion to accept the bid from Advanced Construction & Maintenance, LLC for a total amount of \$66,785.00 and authorize the Mayor to sign the Notice of Award for the 2019 CDBG Phase II Sewer Project was made by Councilman Boatright and seconded by Vice-Mayor Brown. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Boatright, Brown, Prichard, Smith, Stevens, Cox & Mayor Browne

NAY: None

Mayor Browne declared the motion carried

5. Consider and act upon, accepting the bid amount of \$80,000 from Bolding Construction, LLC and authorize the Mayor to sign the Notice of Award for the 24-inch Sewer Main Replacement, Peach Tree Place. (*Dalton Carlton, Public Works Director*)

Executive Summary

The recommendation is to accept the bid from Bolding Construction, LLC for a total amount of \$80,000.00 and authorize the Mayor to sign the Notice of Award for the 24-inch Sewer Main Replacement, Peach Tree Place.

Councilman Boatright asked Attorney Ervin if it would be proper for him to vote on this topic since he resided in the Ward where this project was going to be done and part of the project would be adjacent to his property.

Attorney Ervin stated that in this instance Councilman Boatright would not receive more benefit from this project than any other citizen in the Ward and he would be allowed to vote and participate in the discussion.

Mayor Browne clarified that Councilman Boatright could vote because it would not benefit him anymore than anyone else in the area.

Councilman Smith commented on the difference in the bids and the confidence in the bidder.

Public Works Director Carlton addressed the Council explaining that bidders had to furnish previous work that could be verified.

There was a brief discussion concerning difference in the bids, where the project was located, and how some contractors bid high thinking that no one else would bid.

A motion to accept the bid from Bolding Construction, LLC for a total amount of \$80,000.00 and authorize the Mayor to sign the Notice of Award for the 24-inch Sewer Main Replacement, Peach Tree Street was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Prichard, Stevens, Cox, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign the Work Order for Professional Services with Infrastructure Solutions Group, LLC for engineering services for Water Tower Controls and Distribution Improvements. (*Dalton Carlton, Public Works Director*)

Executive Summary

Motion to authorize the Mayor to sign the Work Order for Professional Services in the amount of \$89,400.00 with Infrastructure Solutions Group, LLC for engineering services for Water Tower Controls and Distribution Improvements. The lump sum fee for engineering is \$68,000.00 and the Resident Project Representative Fee is \$21,400.00.

Manager Stasiak addressed the Council stating that this project had been identified by the water study that had been presented previously.

Robert Vaughan, P.E. Branch Manager Infrastructure Solutions Group, LLC addressed the Council explaining that this was the number one project on that list. He commented that they were trying to get the project shovel ready, the engineering done, the project designed and the DEQ permitting obtained. This fee also includes the Resident Project Representative during the project.

There was discussion concerning the total cost of the project, what the fees were based on and what fees from most engineering firms ranged.

There was no further discussion, and a motion to authorize the Mayor to sign the Work Order for Professional Services in the amount of \$89,400.00 with Infrastructure Solutions Group, LLC for engineering services for Water Tower Controls and Distribution Improvements. The lump sum fee for engineering is \$68,000.00 and the Resident Project Representative Fee is \$21,400.00, was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

AYE: Councilmembers Smith, Brown, Prichard, Stevens, Cox, Boatright & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

7. Consider and act upon, authorizing the Mayor to sign an Agreement between Tyler Technologies and the City of McAlester for hosting and cloud services for INCODE financial software in the amount of \$68,540.00 for fiscal year 2020/2021. (*Toni Ervin, Assistant City Manager*)

Executive Summary

Motion to approve authorization for the Mayor to sign an Agreement between Tyler Technologies and the City of McAlester for hosting and cloud services for INCODE financial software in the amount of \$68,540.00 for fiscal year 2020/2021.

Assistant City Manager Ervin addressed the Council explaining that this would replace the existing contract with INCODE and would be moving it to cloud hosting services and allow off-site working capability during the COVID-19 Pandemic for certain employees having to work off-site. She added that this would eliminate future server replacement costs and would allow all locations to work better.

After a brief discussion concerning employees working from home a motion to authorize the Mayor to sign an Agreement between Tyler Technologies and the City of McAlester for hosting and cloud services for INCODE financial software in the amount of \$68,540.00 for fiscal year 2020/2021, with the recommended changes was made by Councilman Boatright. The motion was seconded by Councilman Smith, and the vote was taken as follows:

AYE: Councilmembers Boatright, Smith, Stevens, Cox, Brown, Prichard & Mayor Browne

NAY: None

Mayor Browne declared the motion carried.

8. Presentation of the Monthly Financial Update. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Discussion.

CFO Swift addressed the Council updating them on the financial status of the City as of June 30, 2020. During her update she informed the Council that this would conclude the 2019/2020 Fiscal Year, she reviewed both the General Fund and the MPWA commenting that both were under budget in revenues but the expenditures had been controlled to help compensate for the revenue shortfalls. She reviewed the three (3) year sales tax receipts comparison and the use tax

receipts comparison. She commented that the increase in water sales to the water districts could be attributed to the changing of some of their master meters. She finished the update with the Treasury report.

There was no action taken on this item.

9. Consider and act upon, authorizing the City of McAlester to allocate funding in the amount of \$30,000 to be used as matching grants for local businesses in purchasing face masks and/or face coverings. (*Cully Stevens, Councilman Ward Two*)

Executive Summary

Motion to approve and authorize the City of McAlester to allocate funding to be used as matching grants for local businesses for the purchase of face masks and/or face coverings.

Councilman Stevens commented that he had sent this item to Manager Stasiak last week prior to the Special meeting addressing the face covering ordinance. He stated that this could be a program developed by the City to help alleviate the pressure of enforcing the wearing of masks whether there was a mandate or not. He briefly described the program as partnering with businesses to provide matching grants, up to \$250.00 per business and in turn those businesses could provide masks, free of charge, to their customers.

There was discussion among the Council regarding how the grants would be awarded, everyone having the ability to obtain masks, if the Chamber had been contacted, using Economic Development funds for the program, making masks available to the general public and requesting reimbursement, the number of businesses that would be affected and capping the amount that the City paid.

Councilman Stevens moved to allocate \$30,000.00, from the Economic Development Fund, to develop a program for matching grants for local businesses in purchasing face masks and or face coverings. The motion was seconded by Mayor Browne.

Before the vote, Attorney Ervin stated that this would require a budget amendment, but that could be accomplished.

Councilman moved to lower the \$30,000.00 to \$15,000.00. The motion died for lack of a second.

After another brief discussion regarding the amount of funds to be allocated for the program and developing the program before the allocation, the vote was taken as follows:

AYE: Councilmembers Stevens, Brown, Prichard & Mayor Browne

NAY: Councilmember Boatright, Smith & Cox

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 reported that he had received word that the Utility payments could be now be made without the need for a person to answer the call. He updated the Council on the City's staffing levels and the changes that had been made. He commented that as the employees were brought back the materials and supplies were also added to the departments and each position was funded through the rest of the fiscal year. He stated that the only thing that would change that, would be the City's revenue to plummet or another catastrophe. He stated that the first furlough day had been canceled. He commented that the City was advertising for four (4) Police officers. He stated that the City's first CARES Act reimbursement was for \$1,250,000.00 and the June reimbursement request was for \$367,000.00 and anticipate hearing something in the coming week.

Remarks and Inquiries by City Council

Councilman Smith stated that he had received calls from concerned citizens regarding Animal Control. He asked if that position would be covered.

Manager Stasiak stated that the Animal Control officer had retired, and that position would be looked at in August to see if that position could be filled.

Vice-Mayor Brown thanked the Council for the honor of being selected as Vice-Mayor. He commended the Krebs Animal Control officer.

Councilman Boatright asked if any of the City's industrial property was for sale.

Manager Stasiak stated that the sale of any municipal property would take Council action and at this time no municipal property was for sale.

Councilman Prichard inquired about the status of the FOP negotiations.

Manager Stasiak commented that they had met with the FOP this morning, but they did not have anything. He stated that the City had presented the FOP with a new proposal and was waiting to hear back.

Councilman Prichard commented on the increase of COVID-19 cases and urged the Councilmen that had voted no on the EMERGENCY CLAUSE on the face covering ordinance to reconsider their votes.

Councilmen Stevens and Cox did not have any comments for the evening.

Mayor’s Comments and Committee Appointments

Mayor Browne commented that it was nice to hear good news and hopefully the City was looking at better times ahead.

Recess Council Meeting

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

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

AYE: Councilmembers Smith, Boatright, Brown, Prichard, Stevens, Cox & Mayor Browne
NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:17 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:19 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 Boatright.

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

AYE: Councilmembers Smith, Boatright, Stevens, Cox, Brown, Prichard & Mayor Browne
NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:20 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk