

The McAlester City Council met in a Regular session on Tuesday, September 22, 2020, at 6:00 P.M. after proper notice and agenda was posted, September 17, 2020, at 3:21 P.M.

Joe Watkins 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, Toni Ervin, Assistant City Manager;
Kirk Ridenour, Economic Development Director; Jayme Clifton,
Community Development Director and Cora Middleton, City Clerk

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

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.

Clint Gray, McAlester addressed the Council expressing his concerns and opinion of the Paranormal Circus that was going to be held at the S.E. Expo Center.

Bart Patterson addressed the Council expressing his concerns about the Paranormal Circus that was scheduled to be held at the S.E. Expo Center.

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 8, 2020, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for September 2, 2020 through September 15, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$115,526.80; Parking Authority - \$50.03; Nutrition - \$269.08; Landfill Res./Sub-Title D - \$58.78; Educational Fund - \$42,850.81; Tourism Fund - \$2,007.56; SE Expo Center - \$6,190.94; E-911 - \$9,644.79; Grants & Contributions - \$710.22; Fleet Maintenance - \$7,307.59; CIP Fund - \$16,790.44; Technology Fund - \$628.00; Stormwater Fund - \$7,535.75; Infrastructure Fund - \$177,073.30 and MRHC-Cancer Center Fund - \$42,850.81.
- C. Discussion and possible action, on approval of an agreement for mutual aid between McAlester Ammunition Plant and the City of McAlester Fire Department. *(Brett Brewer, Fire Chief)*
- D. Consider and act upon, approval of the Memorandum of Understanding and authorize the Mayor to sign the Collective Bargaining Agreement for fiscal year 2020-2021 with FOP Lodge 97, McAlester Police Department. *(Peter Stasiak, City Manager)*

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A motion to approve the Consent Agenda was made by Vice-Mayor Brown and seconded by Councilman Boatright. There was no discussion, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address two (2) proposed ordinances 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, and the Public Hearing was opened at 6:14 P.M.

Public Hearing

All persons interested in any ordinance listed under Scheduled Business shall have an opportunity to be heard in accordance with Article 2, Section 2.12(b) of the City Charter

AN ORDINANCE AMENDING CHAPTER 110, VEHICLES FOR HIRE, OF THE MCALESTER CITY CODE; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

AN ORDINANCE CREATING CHAPTER 94, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE MCALESTER CITY CODE, ARTICLE 1, IN GENERAL, SECTION 94-8, PERMIT FOR ELECTRIC CHARGING STATIONS ON PUBLIC STREETS AND SIDEWALKS; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

Brian West, 714 E. Osage Ave. addressed the Council expressing his support for both proposed ordinances.

There was no further discussion, and Councilman Smith moved to close the Public Hearing. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried, and the Public Hearing was closed at 6:18 P.M.

Scheduled Business

1. TABLED FROM THE AUGUST 25, 2020 MEETING; Consider and act upon, an Ordinance Amendment of the City of McAlester amending the Taxicab Business License and Taxicab Driver's License Permits. *(Kevin Hearod, Police Chief)*

Executive Summary

Motion to pass and approve an Ordinance amending the Taxicab Permit Ordinances, which strengthens the enforceability of the Taxicab Ordinances and Permit Process.

Chief Hearod addressed the Council explaining that this ordinance would bring the City into the twenty-first (21st) century. He stated that there many areas in the old ordinance that were unenforceable. He added that the changes that had been recommended at the previous meeting had been made.

Councilman Smith commented on changing the heading of Section 110-53 to include "Misdemeanors".

ORDINANCE NO. 2695

AN ORDINANCE AMENDING CHAPTER 110, VEHICLES FOR HIRE, OF THE MCALESTER CITY CODE; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

After a brief discussion concerning the change to the heading of Section 110-53, including a clarification of the change a motion to approve **ORDINANCE NO. 2695**, was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

- 2. TABLED FROM AUGUST 25, 2020 MEETING;** Consider and act upon, an ordinance of the City of McAlester to allow for the permitting of the installation of electronic charging stations on City right-of-ways on public streets and sidewalks. (*Kirk Ridenour, Economic Development Director*)

Executive Summary

Motion to pass and approve an Ordinance allowing for the permitting and installation of electronic charging stations on City right-of-ways on public streets and sidewalks.

Director Ridenour addressed the Council explaining that the changes requested at the previous meeting had been made and he then reviewed those changes.

There was discussion concerning the size of sidewalks in the City, ADA requirements for sidewalks, allowing combustion engine vehicles to park in an electric vehicle charging slot, the number of charging stations allowed within a block, a correction in the requirements section of the ordinance, what was required from the City, if the City would collect any funds from the stations, the possibility of developers to profit from stations on public property, how all applicable ordinances would still apply to the parking in those charging stations, and where the charging stations would be allowed in the City.

ORDINANCE NO. 2696

AN ORDINANCE CREATING CHAPTER 94, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, OF THE MCALESTER CITY CODE, ARTICLE 1, IN GENERAL, SECTION 94-8, PERMIT FOR ELECTRIC CHARGING STATIONS ON PUBLIC STREETS AND SIDEWALKS; REPEALING ALL CONFLICTING ORDINANCES, AND PROVIDING FOR SEVERABILITY.

Councilman Stevens moved to approve **ORDINANCE NO. 2696**, and include allowing charging stations on Choctaw Avenue from Main Street to Sixth (6th) Street and Main Street from Electric Avenue to Rock Ave. and other changes as discussed. The motion was seconded by Councilman Prichard.

Before the vote, there was a brief discussion concerning where the stations would be allowed, not allowing charging on stations on a state highway, the direction that auto makers were going, a possible amendment to the motion and how McAlester was strategically placed with the highways.

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

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

Mayor Browne declared the motion carried.

3. **TABLED FROM THE SEPTEMBER 8, 2020 MEETING;** Consider and act upon, authorizing the purchase of a 2019 Western Star 4700SB Roll Off truck from Premier Truck Sales in Tulsa. (*Dalton Carlton, Public Works Director*)

Executive Summary

Motion to approve and authorize the purchase of a 2019 Western Star 4700SB Roll Off truck on State Contract SW035T and SW197 from Premier Truck Sales for the state bid price of \$168,690.00.

Assistant Manager Ervin addressed the Council explaining that this was for the purchase of a Roll-Off truck for use in the Recycling Residual Handling programs. She then reviewed the comparison of purchasing a truck to contracting with a company for the services.

After a brief discussion, concerning how it was more cost efficient to purchase the truck and the number of vehicles owned by the City, a motion to authorize the purchase of a 2019 Western Star 4700SB Roll Off truck on State Contract SW035T and SW197 from Premier Truck Sales for the state bid price of \$168,690.00 was made by Councilman Smith. The motion was seconded by Councilman Prichard, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. **TABLED FROM THE SEPTEMBER 8, 2020 MEETING;** Consider and act upon, authorizing the purchase of a New 2019 Western Star 4700SB Roll Off Truck from Premier Truck Group of Tulsa. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Staff recommends financing the vehicle with First National Bank based on the interest rates and term of the loan. 60 months at 2.730%.

Assistant Manager Ervin addressed the Council reviewing the financing options that staff had received from four (4) of the local banks. She stated that the best option had been offered by First National Bank & Trust, Co. with an interest rate of 2.730% for sixty (60) months.

There was no further discussion, and a motion to accept the financing rate of 2.730% for sixty (60) months from First National Bank & Trust, Co. for the purchase of the new 2019 Western Star Roll-Off Truck was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

5. 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 Plant Clearwell Rehabilitation. (*Dalton Carlton, Public Works Director*)

Executive Summary

Motion to authorize the Mayor to sign the Work Order for Professional Services in the amount of \$85,500.00 with Infrastructure Solutions Group, LLC for engineering services for Water Plant Clearwell Rehabilitation. The lump sum fee for engineering is \$64,800.00 and the Resident Project Representative Fee is \$20,700.00.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council that this would allow his firm to begin preparations for the Clearwell Rehabilitation project. He reviewed the fees and how they would be applied.

There was no further discussion, and a motion to authorize the Mayor to sign the Work Order for Professional Services in the amount of \$85,500.00 with Infrastructure Solutions Group, LLC for engineering services for Water Plant Clearwell Rehabilitation was made by Councilman Smith. The motion was seconded by Councilman Boatright, and the vote was taken as follows:

AYE: Councilmembers Smith, Boatright, Brown & Mayor Browne

NAY: Councilmembers Prichard, Stevens & Cox

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Mayor Browne declared the motion carried.

6. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay No. 2 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the UPS Lift Station Improvements and accept the project as completed. *(Dalton Carlton, Public Works Director)*

Executive Summary

Motion to authorize the Mayor to sign the Contractor's Final pay No. 2 in the amount of \$146,542.97 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the UPS Lift Station Improvements and accept the project as completed.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that this project had been completed, the final inspection had been performed and all deficiencies had been addressed. He added that the two (2) year warranty would begin on September 4, 2020, the effective date of completion.

Mayor Browne inquired about the life expectancy of the lift station and Mr. Burke stated that with regular maintenance the life expectancy would be around twenty (20) years as a whole.

There was no further discussion, and a motion to authorize the Mayor to sign the Contractor's Final Pay No. 2 in the amount of \$146,542.97 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the UPS Lift Station and accept the project as complete was made by Councilman Smith. The motion was seconded by Vice-Mayor Brown, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

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

Executive Summary

Discussion.

Assistant Manager Ervin addressed the Council updating them on the City's financial status as of August 31, 2020. During her update she explained that the year was 16.67% complete and the revenues in the General Fund were approximately 10.97% over budget and expenditures were on target. She then reviewed the Public Works Authority revenues and expenditures stating that the revenues were above budget, and the expenditures were slightly below budget.

Assistant Manager Ervin reviewed the three (3) year sales and use tax comparisons, and water sales for residential, commercial, wholesale and water districts. She finished with a review of the Treasury Report.

Councilman Stevens asked what had caused the increase if it was usage or price.

Assistant Manager Ervin stated that the increase reflected both, but mostly consumption because the price increase had not hit revenue at this time.

Mayor Browne congratulated the Finance Departments on their CAFR award.

No action was taken on this item.

8. Discussion and possible action on Ordinance 2692, Amended Mask-Face Covering Mandate. *(John Browne, Mayor)*

Executive Summary

Discussion and possible action.

Mayor Browne reviewed some statistics regarding the State of Oklahoma, Pittsburg County, and the City of McAlester. He stated that Oklahoma was ranked fifth (5th) in the country with sixty-five percent (65%) of all counties having moderate or high levels of community transfer and thirty-four percent (34%) having high levels of community transfer. He commented that Oklahoma had 142 new cases per 100,000. compared to a national average of 75 per 100,000.

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He added that one of the recommendations was to establish a statewide mask mandate. He reviewed the states moving average of new cases and stated that the ordinance was working because the City's cases were fairly stable. He stated that his position was to recommend the ordinance continue and review again next month.

There were no other comments, and no action was taken on this item, so the current ordinance would remain in effect.

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 the City's new Animal Control Officer had started Monday, and the Police Department was currently conducting the physical testing of an applicant and if he passed the tests would hire him. He informed the Council that it was the end of the year and time for the annual audit with Crawford and Associates beginning their work next week and the auditors being in the City beginning October 19th. He added that the City was offering Flu shots to all employees and dependents that were on the City's insurance on September 30, 2020, from 11:00 A.M. until 2:00 P.M. at the Expo.

Remarks and Inquiries by City Council

Councilman Stevens inquired about the "Welcome" sign on west 270 Highway.

Manager Stasiak stated that staff was actively working on and the new sign would include lighting.

Vice-Mayor Brown asked about mowing on the right-of-ways and he commented that he felt the City had made a good choice with the individual that had been hired as the Animal Control Officer.

Manager Stasiak stated that the right-of-ways on the highways were being mowed but the right-of-ways inside the City he could not answer.

Councilman Prichard commented on the amendment to the Open Meeting Act that was allowing for the teleconference meetings and asked about its expiration date.

Attorney Ervin stated that he thought it was in November. He added that he would verify that date.

Councilman Prichard asked if there had been any thought on how the meetings would be conducted after that date and if not, the Council probably needed to start working on that procedure.

Councilmen Smith, Cox, and Boatright did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne encouraged everyone to keep wearing masks, so shutting everything down again would not need to be considered.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Vice-Mayor Brown.

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

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

Mayor Browne declared the motion carried and the meeting was recessed at 7:19 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:54 P.M.

A motion to recess the Regular meeting for an Executive Session in accordance with Title 25, Section 307.B.2, to discuss negotiations concerning employees and representatives of employee groups: FOP, was made by Councilman Smith and seconded by Vice-Mayor Brown.

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

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

Mayor Browne declared the motion carried and the meeting was recessed at 7:21 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 7:21 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk