

The McAlester City Council met in a Regular session on Tuesday, June 9, 2020, at 6:00 P.M. after proper notice and agenda was posted, June 5, 2020, at 8:05 A.M.

Mayor Browne stated that the meeting would be a little delayed due to one (1) Councilmember having issues getting dialed in.

Call to Order

Mayor Browne called the meeting to order.

Roll Call

Council Roll Call was as follows:

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

Staff Present: Pete Stasiak, City Manager, Sherri Swift, CFO; Toni Ervin, Assistant City Manager; Dalton Carlton, Public Works Director and Cora Middleton, City Clerk

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

Councilwoman Harrison gave the invocation and led the Pledge of Allegiance.

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 May 26, 2020, Regular Meeting of the McAlester City Council. (Cora Middleton, City Clerk)
- B. Approval of Claims for May 20, 2020 through June 2, 2020. (Sherri Swift, Chief Financial Officer) In the following amounts: General Fund - \$71,541.94; Nutrition -

\$583.41; Landfill Reserve/Sub-Title D - \$645.00; Employee Retirement - \$11,235.00; Tourism Fund - \$8,211.98; SE Expo Center - \$1,242.70; E-911 - \$2,570.77; Economic Development - \$24,636.84; Fleet Maintenance - \$7,031.69; Dedicated Sales Tax-MPWA - \$1,500.00; CIP Fund - \$26,270.75; Stormwater Fund - \$3,284.13 and Infrastructure Fund - \$9,789.61.

- C. Consider and act upon, indefinitely postponing Tort Claim filed by Tanner Coffee. (*Cora Middleton, City Clerk*)
- D. Consider and act upon, authorizing the Mayor to sign an Agreement between BizTel Communications, LLC and the City of McAlester to maintain and service all 1 and 2 line non-system telephones and associated wiring owned by the City of McAlester within various locations of the City of McAlester. (*James Stanford, IT Computer Support Specialist*)
- E. Consider and act upon, authorizing the Mayor to sign an Agreement between BizTel Communications, LLC, and the City of McAlester to maintain and service Samsung Telephone System KSU and IP Telephone sets prior to 06/30/15. Warranty has expired. (*James Stanford, IT Computer Support Specialist*)
- F. Consider and act upon, authorizing the Mayor to sign an Agreement between BizTel Communications, LLC, and the City of McAlester to maintain and service Samsung OfficeServ 7100 Digital Telephone System and iDCS Telephone sets located at Main Fire Station, 607 Village Blvd. (*James Stanford, IT Computer Support Specialist*)

Councilwoman Harrison requested that items “B and C” be removed for individual consideration.

A motion to approve the Consent Agenda items “A, D, E and F” was made by Councilman Smith and seconded by Mayor Browne. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Items removed from Consent Agenda

- B. Approval of Claims for May 20, 2020 through June 2, 2020. (*Sherri Swift, Chief Financial Officer*) In the following amounts: General Fund - \$71,541.94; Nutrition - \$583.41; Landfill Reserve/Sub-Title D - \$645.00; Employee Retirement - \$11,235.00; Tourism Fund - \$8,211.98; SE Expo Center - \$1,242.70; E-911 - \$2,570.77; Economic Development - \$24,636.84; Fleet Maintenance - \$7,031.69; Dedicated Sales Tax-MPWA - \$1,500.00; CIP Fund - \$26,270.75; Stormwater Fund - \$3,284.13 and Infrastructure Fund - \$9,789.61.

Councilwoman Harrison inquired about payments to American Municipal Services, Mustang Equipment Leasing, OMAG, Water Holdings Acquisition, The Spectrum Group, and O'Reilly Auto Parts.

Manager Stasiak explained each of the payments.

Councilwoman Harrison then inquired about the Telephone Utility and Advertising accounts.

Manager Stasiak explained the status of both accounts.

C. Consider and act upon, indefinitely postponing Tort Claim filed by Tanner Coffee. *(Cora Middleton, City Clerk)*

Councilwoman Harrison inquired about the City postponing the claim and asked if the citizen would not be taken care of.

Mayor Browne explained that this would allow the City's insurance time to review the claim and make their decision. He added it would be the same process of someone filing a claim against an individual for being injured on private property.

After a brief discussion, concerning if the City's insurance provider ever paid any of the claims, a motion to approve Consent Agenda Items "B and C" was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

A motion to open a Public Hearing to address a proposed ordinance to adopt FY 2020/2021 Budget was made by Councilman Smith. The motion was seconded by Councilwoman Harrison, and the vote was taken as follows:

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

Mayor Browne declared the motion carried, and the Public Hearing was opened at 6:17 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 ADOPTING THE BUDGET OF THE CITY OF McALESTER, OKLAHOMA FOR THE FISCAL YEAR 2020-2021.

There were no comments, and a motion to close the Public Hearing was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

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

Scheduled Business

1. Consider and act upon, the adoption of the Wastewater Treatment Master Plan for the City of McAlester provided by Plummer Associates. (*Peter Stasiak, City Manager*)

Executive Summary

Staff recommends adoption of the Wastewater Treatment Master Plan from Plummer Associates for the City of McAlester.

Manager Stasiak addressed the Council informing them that the City had received the completed Wastewater Treatment Master Plan. He then introduced Josh Frisinger, P.E. of Plummer Associates.

Mr. Frisinger addressed the Council reviewed the City's Wastewater Treatment facilities and the City's needs current and future. He reviewed each of the two (2) plants, highlighting their treatment capacities and how each was affected with wet weather conditions, and growth of population or increased commercial demand. He explained that expansion or a major upgrade of a plant would take five (5) years from start to finish and he furnished a probable cost of an upgrade. He commended Wayne Russell, Wastewater Treatment Superintendent for keeping the plants running with minimal resources. He commented that a number of the plant operators were nearing retirement age, how necessary preventative maintenance was and repair of equipment that had short wear life. He reported on the condition of the concrete, safety issues, and changing from gaseous to liquid chemicals.

There was discussion concerning the efficiency and cost of liquid chemicals, the major improvements that were recommended, the most practical way to find where stormwater was infiltrating the sewer lines, who would perform these tests, addressing the safety issues, how the retail shopping development would affect the current system, maintenance costs, the number of employees at the two (2) facilities, the cost of changing from gaseous to liquid chemicals, the cost of cleaning the basins, the age of the stormwater system, tracking the flows at each of the facilities, budgeting for equipment maintenance and replacement, developing and budgeting for Capital Improvements.

Councilman Smith stated that the plan was very generic and then moved to accept the Wastewater Treatment Master Plan. The motion was seconded by Councilman Brown.

Before the vote, Councilman Cox moved to amend the motion to adopt the Wastewater Treatment Master Plan as a Strategic Plan and have the City Manager and staff develop into a five (5) or ten (10) year plan to budget for the expenses.

Mayor Browne asked if Councilman Smith would accept the amendment, to which Councilman Smith replied “No”.

Councilman Smith commented that there was no specific strategy and the City had to develop the strategy.

Mayor asked Attorney Ervin for advice regarding the procedure that needed to be followed.

Attorney Ervin stated that the first motion needed to be addressed then the second motion could be addressed. He added that the motions were not mutually exclusive.

Mayor Browne reviewed the motions and Attorney Ervin stated that the Mayor could ask Councilman Cox to repeat his original motion and call for a second.

Councilman Cox moved to adopt the Plan as a Master Plan and/or a Strategic Plan and request City staff to develop a five (5) to a ten (10) year execution plan that could be budgeted against. The motion was seconded by Councilwoman Harrison.

Before the vote on the first motion, Vice-Mayor Stevens asked for clarification of the motion.

Councilman Smith explained his thoughts behind his motion.

There was no further discussion, and the vote on the first motion to accept the Plan was taken as follows:

AYE: Councilmembers Smith, Brown & Mayor Browne

NAY: Councilmembers Harrison, Prichard, Stevens & Cox

Mayor Browne declared the motion failed.

There was no further discussion, and the vote on the second motion to adopt the Plan as a Master or Strategic Plan was taken as follows:

AYE: Councilmembers Cox, Harrison, Prichard, Stevens, Brown & Mayor Browne

NAY: Councilmember Smith

Mayor Browne declared the motion carried.

2. Consider and act upon, an Ordinance adopting the budget of the City of McAlester, Oklahoma, for the fiscal year 2020-2021; providing for severability clause; and declaring an emergency. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Motion to approve an Ordinance adopting the budget for fiscal year 2020-2021 and declaring an emergency.

Manager Stasiak explained that all Charter requirements had been met for the adoption of the budget. He stated that staff had not received any amendments from the last meeting.

There was discussion concerning transfers from the Economic Development Fund, MPWA operating transfers, the interdepartmental accounts, the Contingency accounts in the Budget, and the amount of Infrastructure Fund needs and how the funds were divided, and how water was more important than the roads at this time.

Councilman Cox moved to amend the Infrastructure Fund by reducing the \$1,041,709.00 for Streets to \$650,000.00 and increase water by \$391,709.00.

Vice-Mayor Stevens asked if the intent of increasing water was to expand or improve water lines. Councilman Cox stated that it was to improve water lines.

Vice-Mayor Stevens seconded the motion.

Before the vote, Mayor Browne asked if this would prevent the City from running a new water line to an area that was not currently serviced.

Vice-Mayor Stevens stated that it was his understanding the yes, it would prevent that expansion.

There was discussion concerning contingency accounts, the technology fee, the Education Fund, the funds that had been paid out to the School District previously, the revenues that were available for use, sales tax receipts from stores in the city limits of McAlester and if there had been any improvement since businesses had been seen.

Vice-Stevens expressed his concerns of transferring funds from Parks to the SE Expo. He commented that he would like to see more funds left in Parks that could be used to possibly open pools or for "Movies in the Parks". He added that he did not see much activity happening at the Expo this coming year.

Vice-Mayor Stevens moved to amend the proposed budget by reducing the transfer from Tourism to the SE Expo to \$150,000.00. The motion was seconded by Councilman Cox.

Before the vote, there was discussion concerning the amount of funds it took to operate the Expo, the events that had been canceled had been for this fiscal and when events were booked for the next fiscal year not having funds to supply the use of the Expo, the Council's ability to transfer funds when needed, the fund balance in Tourism, and the line item, for Parks, that was already in the Tourism department.

There was no further discussion on the second amending motion, and the vote was taken as follows:

AYE: Councilmembers Stevens, Cox, Brown, Harrison & Prichard

NAY: Councilman Smith & Mayor Browne

Mayor Browne declared the motion carried.

There was discussion concerning the Animal Control position, and if any employees had been called back to work.

Councilman Prichard expressed his concerns regarding the Contingency-Pay Adjustment line item in the General Fund Interdepartmental budget. He then moved to amend the budget and remove the Contingency-Pay Adjustment. The motion was seconded by Vice-Mayor Stevens.

Before the vote, there was discussion regarding the removal of the Contingency-Pay Adjustment, the Council not supporting the return of City employees, the Council getting into the day to day operations of the City, and the Council having more budgetary control on spending.

Assistant City Manager Ervin reminded the Council that an expense could not be changed without changing the revenues. She added that if an expense were lowered then the sales tax projection had to be lowered the same amount and the City had to have a zero budget by law.

There was no further discussion on the third motion to strike the Contingency-Pay Adjustment, and the vote was taken as follows:

AYE: Councilmembers Prichard & Stevens

NAY: Councilmember Smith, Cox, Brown, Harrison & Mayor Browne

Mayor Browne declared the motion failed.

ORDINANCE NO. 2687

AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF MCALESTER, OKLAHOMA FOR THE FISCAL YEAR 2020-2021.

There was no further discussion, and a motion to approve **ORDINANCE NO. 2687**, adopting Fiscal Year 20/21 as amended was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

NAY: Councilmembers Harrison & Prichard

Mayor Browne declared the motion carried.

A motion to approve the EMERGENCY CLAUSE was made by Councilman Smith and seconded by Mayor Browne. There was no further discussion, and the vote was taken as follows:

AYE: Councilmembers Smith, Cox, Brown, Harrison, Stevens & Mayor Browne

NAY: Councilmember Prichard

Mayor Browne declared the motion carried.

3. Consider and act upon, authorizing the Mayor to sign Change Order #2 from Sunrise Construction, LLC in the amount of \$4,000.00 and adding 21 additional days to the substantial completion. This is to add a 4-foot manhole, connection to the existing sewer and additional manhole depth. During construction, a 6-inch clay tile pipe was discovered that has four homes connected to it. A manhole is required to be installed for future maintenance and meet the Department of Environmental Quality regulations. This is for the 2019 CDBG Sewer Project. *(Dalton Carlton, Public Works Director)*

Executive Summary

Motion to authorize the Mayor to sign Change Order #2 from Sunrise Construction, LLC in the amount of \$4,000.00 and adding 21 additional days to the substantial completion. This is to add a 4-foot manhole, connection of new manhole to the existing sewer and additional manhole depth. During construction, a 6-inch clay tile pipe was discovered that has four homes connected to it. A manhole is required to be installed for future maintenance and meet the Department of Environmental Quality regulations. This is for the 2019 CDBG Sewer Project.

Director Carlton addressed the Council explaining that this was for the 2019 CDBG Sewer Project and during construction a six (6) inch clay tile line was discovered that had four (4) homes connected to it. He added that a manhole was required for future maintenance and to meet the Department of Environmental Quality regulations. He commented that this would add twenty-one (21) days to the contract.

After a brief discussion regarding the expected completion date, a motion to authorize the Mayor to sign Change Order #2 from Sunrise Construction, LLC in the amount of \$4,000.00, adding a 4-foot manhole, connection to the existing sewer and additional manhole depth and twenty-on (21) additional days to the substantial completion was made by Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

4. Consider and act upon, a seven-year Contract between Allied Waste Systems, Inc. dba Republic Services of Alderson, and the McAlester Public Works Authority, agreeing to services for waste removal. *(Peter Stasiak, City Manager)*

Executive Summary

Motion to approve the seven-year Contract between Allied Waste Systems, Inc. dba Republic Services of Alderson, and the McAlester Public Works Authority.

Manager Stasiak addressed the Council explaining that this was a new seven (7) year contract and several items had been addressed including expanding access to the landfill for the citizens, changing the way the contract would be increased in the future and increasing the number of bulk pickups per year.

There was discussion regarding the reason for having a seven (7) year contract, having someone available to handle complaints, receiving the contract prior for discussion prior to the vote, when

the review of the new contract had started, the possibility of curb side recycling, having roll-offs at the landfill, the increase in the rate to cover the cost of dumpster maintenance, what the blanks on page eleven (11) of the contract were for, postponing for the Council to have more time to review, no mention of service at the North Town Cemetery and long term contracts.

Scott Smith, Manager Municipal Sales addressed the Council reviewing all of their concerns and added that the information that should be inserted in the blanks on page eleven (11) should be “6000 containers” and “1x per week”.

Mayor Browne assured the Council that he would not sign the contract until the blanks were filled in.

A motion to approve the seven (7) year Contract between Allied Waste Systems, Inc. dba Republic Services of Alderson and the McAlester Public Works Authority, with the information for page eleven (11) being completed was made by Mayor Browne. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: Councilmembers Harrison & Prichard

Mayor Browne declared the motion carried.

Councilman Brown asked for clarification of the amount of time to give notice of termination.

Mr. Scott clarified that there should be a six (6) month notice then sixty (60) days written notice.

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 staff had met on the water study and it was currently scheduled to brought before the Council the first meeting in July. He stated that three (3) furloughed employees had been brought back to the Parks department to address public safety concerns around the City. He added that this was for a sixty (60) to ninety (90) day basis.

Councilman Smith inquired about the swimming pools.

Manager Stasiak stated that Mayor Browne had been working with the Boys & Girls Club on this. He commented that looking at the cost to open Jeff Lee Pool, for about six (6) weeks was around \$41,000.00 and the figure did not address maintenance.

Mayor Browne stated that he had spoken informally and now that he had the numbers, he would address their Board.

Councilwoman Harrison inquired about needing lifeguards at the wading pools.

Manager Stasiak stated that there had to be two (2) attendants at each wading pool.

Remarks and Inquiries by City Council

Vice-Mayor Stevens thanked Manager Stasiak and the City staff for the Budget.

Councilman Brown thanked the Staff for the Budget and inquired about establishing a minority business.

Mayor Browne stated that they could contact Directors Ridenour and Clifton to see what would be required for the City and then Dana Huggle with the Oklahoma Small Business Development Center for assistance

Councilwoman Harrison thanked Pastor Kelley Benson for leading the Pledge and invocation at the last meeting. She thanked Reverend Washington and Mayor Browne for the “Solidarity March” and she congratulated the McAlester High School Class of 2020 graduates and commended the McAlester Public School System for organizing a graduation. She mentioned that a forum for the elections was coming up, but did not remember the date.

Mayor Browne clarified that he had only been a participate in the march, that Reverend Washington had been the organizer.

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

Mayor’s Comments and Committee Appointments

Mayor Browne thanked Pastor Washington for organizing the march. He announced that first National Bank, Sam Wampler Freedom Ford, Big “V” Feed, Platinum Appraisals and the Fugett Family had donated funds for this year’s July 4th Fireworks display. He stated that the City was fortunate that Eddie Gray and Billy Sumner had connections with the companies that put on the displays and were able to get one scheduled. He thanked everyone in the community for stepping up to help.

Recess Council Meeting

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

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 8:26 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 8:28 P.M.

A motion to recess the Regular meeting for an Executive Session pursuant to Title 25 O.S. § 307(B)(2) to discuss negotiations concerning employee and representatives of employee groups; IAFF and to discuss negotiations concerning employee and representatives of employee groups; FOP, was made by Councilman Smith. The motion was seconded by Mayor Browne

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 8:29 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 et.seq. Oklahoma Statutes, to wit:

- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: IAFF
- Proposed Executive Session pursuant to Title 25, Sec. 307 (B) (2), to discuss negotiations concerning employees and representatives of employee groups: FOP

Reconvene into Open Session

The Council returned to Open session at 9:04 P.M. Mayor Browne stated that the Council had recessed the Regular meeting for an Executive Session in accordance with Title 25 O.S. § 307(B)(2), to discuss negotiations concerning employee and representatives of employee groups: IAFF and to discuss negotiations concerning employee and representatives of employee groups; FOP. Only that matter was discussed, no action was taken, and the Council returned to Open session at 9:04 P.M., and that constitutes the minutes of the Executive Session.

- Consider and act upon the proposed IAFF Memorandum of Understanding (MOU).

Mayor Browne moved to accept in principal the items on the Memorandum of Understanding from the International Association of Firefighters. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

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 Councilwoman Harrison.

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

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

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 9:05 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk