

The McAlester City Council met in a Regular session on Tuesday, June 23, 2020, at 6:00 P.M. after proper notice and agenda was posted, June 19, 2020, at 9:47 A.M.

Dr. Frank DeNike, Living Word Church 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, 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; Kirk Ridenour, Economic 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.

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 June 9, 2020, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*
- B. Approval of Claims for June 3, 2020 through June 16, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$65,288.34; Parking Authority - \$102.28; Nutrition - \$118.57; Landfill Reserve/Sub-Title D - \$6,362.00; Tourism Fund - \$10,309.51; SE Expo Center - \$20,970.24; E-911 - \$5,930.89; Economic Development – \$27,833.97; Grants & Contributions - \$20,001.00; CDBG Grants Fund -

\$43,335.20; Fleet Maintenance - \$6,976.65; Worker's Compensation - \$1,750.00; Technology Fund - \$197.50; Stormwater Fund - \$21,289.00 and Infrastructure Fund - \$44,763.90

- C. Consider and act upon, approval and authorization for the Mayor to sign a Contract for Services with the McAlester Defense Support Association (MDSA) and McAlester Defense Support Services, Inc. (MDSS) for the support of a full-time office and Executive Director position for MDSS. This contract includes shared funding with the MDSA for FY 2020-2021. *(Jessica Gregg, Executive Director)*
- D. Consider and act upon, to authorize the Mayor to sign a Memorandum of Understanding between the City of McAlester and Eastern Oklahoma State College to continue employing a small business advisor through the Oklahoma Small Business Development Center. *(Kirk Ridenour, Economic Development)*
- E. Consider and act upon, to authorize the execution of a professional services agreement with The Spectrum Group to provide technical and logistical assistance to establish the goals, objectives, and timing of the 2020 Annual Stampede Event and to provide Legislative/Department of Defense monitoring and advocacy services. *(Kirk Ridenour, Economic Development)*
- F. Consider and act upon, authorizing the Mayor to sign an agreement with "Feed the Need Foundation for Rural Oklahoma" (KEDDO) for funding of the City of McAlester's Title III Nutrition Centers. *(Peter Stasiak, City Manager)*
- G. Consider and act upon, authorizing the Mayor to sign an Agreement between Oklahomans for Independent Living and the City of McAlester for funding in the amount of \$18,000. *(Pam Pulchny, Executive Director)*
- H. Consider and act upon, authorizing the Mayor to sign an Agreement between Pride in McAlester and the City of McAlester for funding in the amount of \$48,000. *(Justin Few, President)*
- I. Consider and act upon, approval and authorization for the Mayor to sign a Professional Services Agreement with David T. Hardgrave, LLC as a pretreatment management consultant within the City McAlester Pretreatment Program. *(Dalton Carlton, Public Works Director)*
- J. Consider and act upon, authorizing the Mayor to sign an Agreement between Pittsburg County Emergency Management and the City of McAlester for funding in the amount of \$40,000 for fiscal year 2020/2021. *(Peter Stasiak, City Manager)*
- K. Consider and act upon, authorizing the Mayor to sign an agreement with the Oklahoma Department of Corrections for use of State property to conduct the Annual July 4th fireworks display. *(Billy Sumner, EXPO Manager)*

- L. Consider and act upon, authorizing the Mayor to sign an agreement with Hance Pyrotechnics, for the July 4th, 2020 fireworks display, to be held at the McAlester Expo Center on Saturday, July 4th, 2020. *(Billy Sumner, EXPO Manager)*
- M. Consider and act upon, authorizing the Mayor to sign a contract between the City of McAlester and McAlester Main Street for funding for the 2020/2021 fiscal year in the amount of \$24,000 as per the approved 2020/2021 Budget. *(Peter Stasiak, City Manager)*
- N. Concur with the Mayor’s appointment of Louis Smitherman to the McAlester Housing Authority to replace Ms. Mary Keeter for a term to expire July, 2024. *(John Browne, Mayor)*
- O. Consider and act upon, authorizing the Mayor to approve an Excess Worker’s Compensation Insurance Quotation with Safety National Casualty Corporation. *(Sherri Swift, Chief Financial Officer)*

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

Councilman Prichard requested that item “I” be removed for individual consideration and Manager Stasiak requested that item “O” be removed for individual consideration.

A motion to approve the Consent Agenda items “A, E, F, G, J, K, L, M and N” 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.

Mayor Browne explained that since this would be lengthy the items would each be voted on as they were discussed.

Items removed from Consent Agenda

- B. Approval of Claims for June 3, 2020 through June 16, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$65,288.34; Parking Authority - \$102.28; Nutrition - \$118.57; Landfill Reserve/Sub-Title D - \$6,362.00; Tourism Fund - \$10,309.51; SE Expo Center - \$20,970.24; E-911 - \$5,930.89; Economic Development – \$27,833.97; Grants & Contributions - \$20,001.00; CDBG Grants Fund - \$43,335.20; Fleet Maintenance - \$6,976.65; Worker’s Compensation - \$1,750.00; Technology Fund - \$197.50; Stormwater Fund - \$21,289.00 and Infrastructure Fund - \$44,763.90

Councilwoman Harrison commented on several of the accounts payable items that she had discussed with the City Manager prior to the meeting.

There was no further discussion, and a motion to approve the Claims for June 3, 2020 through June 16, 2020 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.

C. Consider and act upon, approval and authorization for the Mayor to sign a Contract for Services with the McAlester Defense Support Association (MDSA) and McAlester Defense Support Services, Inc. (MDSS) for the support of a full-time office and Executive Director position for MDSS. This contract includes shared funding with the MDSA for FY 2020-2021. (*Jessica Gregg, Executive Director*)

Councilwoman Harrison inquired about the duties of this individual and if the City had the funding to pay for the furloughed employees and this individual.

Manager Stasiak explained that the furloughed employees would be brought back as the revenue returned. He stated that this individual was the person that worked closely with the Ammunition Plant and the delegation in Washington D.C. He added that she was a lobbyist for the City of McAlester.

Councilwoman Harrison inquired about her travel expense.

Manager Stasiak explained that this organization an extremely valuable asset to the City of McAlester and was funded by two (2) groups.

There was no further discussion, and a motion to approve and authorize the Mayor to sign a Contract for Services with the McAlester Defense Support Association (MDSA) and McAlester Defense Support Services, Inc. (MDSS) for the support of a full-time office and Executive Director position for MDSS was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

D. Consider and act upon, to authorize the Mayor to sign a Memorandum of Understanding between the City of McAlester and Eastern Oklahoma State College to continue employing a small business advisor through the Oklahoma Small Business Development Center. (*Kirk Ridenour, Economic Development*)

Councilwoman Harrison commented on the Small Business Development Center and the individuals employed by the organization.

Manager Stasiak explained the organization's responsibilities and activities that help with the business community in the area. He added that Dana Hogle and Henry Lehr were present to help answer any questions.

Dana Hogle addressed the Council while Mr. Lehr distributed an information packet. Ms. Hogle reviewed the information that included the number of jobs created in the 74501 zip code area, the amount of capital investment, the workshops that had been held in the last few months, the number of businesses that had started in this calendar year and the number of banks that had attended the workshops in order to help their customers.

There was no further discussion, and a motion to authorize the Mayor to sign a Memorandum of Understanding between the City of McAlester and Eastern Oklahoma State College to continue employing a small business advisor through the Oklahoma Small Business Development Center 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.

H. Consider and act upon, authorizing the Mayor to sign an Agreement between Pride in McAlester and the City of McAlester for funding in the amount of \$48,000. (*Justin Few, President*)

Councilwoman Harrison inquired about the funding for Pride in McAlester.

Manager Stasiak explained that all of the contracts that were in the agenda had been discussed during the budget and funds had been approved for the contracts.

There was no further discussion, and a motion to authorize the Mayor to sign an Agreement between Pride in McAlester and the City of McAlester for funding in the amount of \$48,000 was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

Before the vote, Councilwoman Harrison stated that Pride In McAlester was scheduled to have a cleanup at Michael J. Hunter Park this coming Saturday.

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

NAY: None

Mayor Browne declared the motion carried.

- I. Consider and act upon, approval and authorization for the Mayor to sign a Professional Services Agreement with David T. Hardgrave, LLC as a pretreatment management consultant within the City McAlester Pretreatment Program. (*Dalton Carlton, Public Works Director*)

Councilman Prichard stated that Mr. Hardgrave worked closely with his business, so to avoid any conflict he was going to abstain from the vote.

There was no other discussion, and a motion to approve and authorize the Mayor to sign a Professional Services Agreement with David T. Hardgrave, LLC as a pretreatment management consultant within the City McAlester Pretreatment Program 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 & Mayor Browne

NAY: None

ABSTAIN: Councilman Prichard

Mayor Browne declared the motion carried.

- O. Consider and act upon, authorizing the Mayor to approve an Excess Worker's Compensation Insurance Quotation with Safety National Casualty Corporation. (*Sherri Swift, Chief Financial Officer*)

Manager Stasiak stated that the City had received an updated fee schedule for the Excess Worker's Comp. He explained that it was a reduction in the commission percentage and the Deposit premium. He added that the commission percentage had been fifteen percent (15%) and had decreased to ten percent (10%) and the deposit premium had been \$53,786.00 and had decreased to \$51,095.00.

There was no other discussion, and a motion to approve an Excess Worker's Compensation Insurance Quotation with Safety National Casualty Corporation 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.

Scheduled Business

1. Consider and act upon, authorizing the City Manager to sign the Letter of Intent to Meet Conditions and Request for Obligation of Funds and carry out the terms outlined in the Letter of Conditions for the Community Facilities Grant from the (USDA) United States Department of Agriculture Rural Development for a grant in the amount of \$9,700.00

towards the replacement of the roof on the J.I. Stipe Center. *(Peter Stasiak, City Manager, Stephanie Giacomo, Public Information/Grant Coordinator)*

Executive Summary

City staff recommends authorizing the City Manager to sign necessary documents and carry out other actions related to the USDA Rural Development Community Facilities Grant.

Manager Stasiak addressed the Council explaining that the roof at the Stipe Center had needed to be replaced for many years. He stated that the Grant Writer, Stephanie Giacomo had been able to obtain a grant through the USDA Rural Development in the amount of \$9,700.00. He added that the estimate to the project was \$65,000.00 and the City had the budget of \$55,300.00 for the difference.

There was no other discussion, and a motion to authorize the City Manager to sign the Letter of Intent to Meet Conditions and Request for Obligation of Funds and carry out the terms outlined in the Letter of Conditions for the Community Facilities Grant from the (USDA) United States Department of Agriculture Rural Development for a grant in the amount of \$9,700.00 towards the replacement of the roof on the J.I. Stipe Center 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.

2. Consider and act upon, authorizing the Mayor to sign the Collective Bargaining Agreement and the Memorandum of Understanding for FY2020-2021 for the McAlester Fire Department. *(Peter Stasiak, City Manager)*

Executive Summary

Staff recommends authorizing the Mayor to sign the Collective Bargaining Agreement and the Memorandum of Understanding for FY2020-2021 for the McAlester Fire Department.

Manager Stasiak addressed the Council explaining that the agreement had been discussion in total at the last meeting. He stated that this was the formal presentation of the Firefighter's CBA for 2020/2021 and he was pleased to inform them that the Firefighters had accepted the concessions that the City had put forth and they were ready to move forward.

There was a brief discussion concerning if the wages and time they were to take off were equivalent to the NUC Employees, the meaning of a legal phrase and if the firefighters sick and vacation time had remained unaffected by the pandemic.

A motion to authorize the Mayor to sign the Collective Bargaining Agreement and the Memorandum of Understanding for FY2020-2021 for the McAlester Fire Department 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.

3. Consider and act upon, authorizing the Mayor to sign the Contractor's Final Pay No. 5 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Washington Avenue 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. 5 in the amount of \$31,981.20 and the Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Washington Avenue Improvements and accept the project as completed.

Dale Burke, P.E. President Infrastructure Solutions Group, LLC addressed the Council explaining that this was the completion of the Fifth and Washington through Sixth Street project. He added that during the final inspection nine (9) locations of cracking in the concrete, two (2) locations of standing water, and one (1) area that needed repainting had been identified. He stated that it was the recommendation to accept the project as complete and require the contractor to correct the areas identified during the maintenance period, tentatively scheduled for the week of October 19, 2020. He added that there would be a five (5) month inspection to identify any additional items that may have developed with the project and at that time the contractor would correct all issues that would require the intersection to be closed. He commented that the two (2) year warranty period would begin on May 20, 2020, the effective date of completion.

There was no discussion, and a motion to authorize the Mayor to sign the Contractor's Final Pay No. 5, in the amount of \$31,981.20 and Certificate of Substantial Completion for the contract with Built Right Construction, LLC for the Washington Avenue Improvements and accept the project as completed was made by Councilman Smith. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

NAY: Councilmembers Stevens & Prichard

Mayor Browne declared the motion carried.

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

Executive Summary

Discussion.

CFO Swift Addressed the Council reviewing the City's financial status as of May 31, 2020. During her review she explained that in the General Fund and the MPWA revenues and expenditures were both under budget. She stated that spending would continue to be watched. She explained that Sales Tax receipts that had been received, for the month of June were \$9,535.00 over last months collections but were still under last year. She stated that Use Tax continued to surge and they expected it to continue. She reviewed water sales stating that they had increased over April, but were still slightly under last year.

There was a brief discussion concerning the installation of the new meters for the Water Districts, when that could be expected, and if the new meters could solve the problem with those water sales.

CFO Swift ended her financial update with a review of the Treasury Report which addressed the City's cash on hand.

There was a brief discussion regarding the use of the funds withdrawn from the Emergency Fund, the grant funds that had been awarded to the City through the CARES Act, how those funds were applied for, what information had to be furnished in the application and how the City could use those funds.

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 informed the Council on the status of the Infrastructure Solutions Group, LLC Water Study and it should be ready to be presented to the Council at the July 14, 2020 Council Meeting.

Remarks and Inquiries by City Council

Councilman Smith reminded everyone to vote on June 30, 2020 and they could also vote early on Thursday, June 25th, Friday, June 26th and Saturday, June 27th.

Councilman Cox thanked the Firefighters for working with the City.

Councilman Brown commented on the event that had been held on Friday, June 19, 2020. He added that it had been a great event and had been organized by Ra'Shaud Buie.

Councilwoman Harrison reminded everyone of the June 30, 2020 election. She thanked Dr. DeNike for giving the invocation and leading the Pledge of Allegiance. She thanked Ra'Shaud Buie for organizing the community event at Rotary Park and she commented on Councilman Brown speaking at the event. She thank the Mayor and City Clerk for the Juneteenth proclamation. She added that the Saturday community event had went well also.

Councilman Prichard asked Manager Stasiak if the City had issued RFPs for street overlay projects in the past and when the work would begin. He also inquired about the completion of the project on Pierce Street.

Manager Stasiak stated that in the past the City had done the overlays but with the furloughing of employees the city did not have the manpower necessary to accomplish the work. He commented that bids would be opened this week and would be awarded at the first meeting in July. He added that it would be the end of July or middle of August before work would begin. He informed the Council that the project on Pierce Street should be completed by the middle of July.

Councilman Stevens did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne congratulated Janet Wansick for her appointment as President of Eastern Oklahoma State College. He stated that Greg Pierson was starting a flag football league. He commented that the "BLM" Rally and the "Unity in the Community" Rally both went very well and had great turnout. He mentioned that there was a large hole on the service road in front of Freedom Ford.

Manager Stasiak stated that was a contractor for ODOT and the City would contact them and find out what was going on.

Recess Council Meeting

Councilman Smith moved to recess the Regular Meeting and convene the Authorities. 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 recessed at 6:59 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:01 P.M.

A motion to recess the Regular meeting for an Executive Session in accordance with Title 25 O.S. § 307(B)(2), to discuss negotiations concerning employees and representatives of employee groups: FOP and in accordance with Title 25 O.S. § 307(B)(1), to discuss the continued employment of Ervin & Ervin as the city attorney was made by Councilman Smith and seconded by Councilwoman Harrison.

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

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

NAY: None

Mayor Browne declared the motion carried and the meeting was recessed at 7:02 P.M.

Executive Session

Recess into Executive Session in compliance with Section Title 25 Section 307 B.2 and 307.B.1, 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: FOP
- Proposed executive session pursuant to Title 25 O.S. § 307(B)(1), to discuss the continued employment of Ervin & Ervin as the city attorney.

Reconvene into Open Session

Take any action as a result from Executive Session.

The Council returned to Open session at 8:15 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)(1) to discuss negotiations concerning employees and representatives of employee groups: FOP and in accordance with Title 25 O.S. § 307(B)(1), to discuss the continued employment of Ervin & Ervin as the city attorney. Only those matters were discussed, no action was taken, and the Council returned to Open session at 8:15 P.M., and that constitutes the minutes of the Executive Session.

- Consider and act upon the proposed FOP Contract.

A motion to deny the FOP proposal was made by Councilman Smith and 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.

- Consider and act upon ratification of the contract with Ervin and Ervin for services performed as the city attorney.

Mayor Browne moved to ratify the contract with Ervin and Ervin for services performed as the city attorney. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

NAY: Councilmembers Prichard & Stevens

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, Prichard, Stevens, Cox, Brown & Mayor Browne

NAY: None

Mayor Browne declared the motion carried, and the meeting was adjourned at 8:17 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk