

The McAlester City Council met in an Emergency session on Wednesday, March 25, 2020, at 6:00 P.M. after proper notice and agenda was posted, March 24, 2020 at 6:25 P.M.

Call to Order

Mayor Browne called the meeting to order.

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

Roll Call

Council Roll Call was as follows:

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

Staff Present in Person: Pete Stasiak, City Manager; Stephanie Giacomo, Grant Writer/Public Information Officer; Sherri Swift, CFO and Cora Middleton, City Clerk

Staff Present via Telephone: 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.

Cody Knight, 3863 N. Pine Hallow Road, Manager Walmart Super Center addressed the Council explaining that the Corporate Office had changed the store's hours of operation. He stated that while the store was closed the employees were deep cleaning as well restocking the shelves. He added that the Automotive Department had been closed so those associates could help sanitize and restocking. He stated that the cashiers were sanitizing their areas between customers, also. He commented that there was more to come with new

Manager Stasiak inquired about social distancing in the store.

Mr. Knight commented that he would revisit that subject with the cashiers and remind them to remind the customers. He said that the customers could use the shopping cart for distancing or the tiles on the floor, which were one (1) foot square.

Councilman Brown inquired about the trucks coming into the store.

Mr. Knight stated that the store gets a grocery truck daily.

Mayor Browne informed the Council and audience that since this was not an agenda item, they should not be discussing the matter.

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 February 25, 2020, Regular Meeting of the McAlester City Council. *(Cora Middleton, City Clerk)*

- B. Approval of Claims for March 4, 2020 through March 17, 2020. *(Sherri Swift, Chief Financial Officer)* In the following amounts: General Fund - \$88,845.69; Nutrition - \$3,881.42; Landfill Res./Sub-Title D - \$1,495.00; Educational Fund - \$34,251.70; Tourism Fund - \$10,885.98; SE Expo Center - \$15,947.47; E-911 - \$11,324.22; Economic Development - \$5,517.84; OKLA Theater - \$296.00; Grants & Contributions - \$5,325.00; Fleet Maintenance - \$12,821.60; Worker's Compensation - \$1,750.00; CIP Fund - \$8,347.38; Technology Fund - \$5,629.96; Storm Water Fund - \$38,072.50; Infrastructure Fund - \$44,619.09 and MRHC-Cancer Center Fund - \$34,251.70.

- C. Consider and act upon, ratification of the actions taken on Agenda Items 1, 2, and 3 presented at the Emergency City Council Meeting held March 17, 2020. *(John Browne, Mayor)*

- D. Consider and act upon, authorizing the Mayor to sign the Oklahoma Municipal Retirement Fund "Authorized Agent Notification Form". *(Cora Middleton, City Clerk)*

- E. Concur with the Mayor's re-appointment of Brent Grilliot, to the McAlester Regional Hospital Board for a new term to expire March 31, 2026. *(John Browne, Mayor)*

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

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

Mayor Browne declared the motion carried.

Mayor Browne stated that he was changing the order of the items to be considered. He then moved to postpone any action or discussion on Items 1 through 4. The motion was seconded by Vice-Mayor Stevens.

Before the vote Vice-Mayor Stevens clarified that the motion was to indefinitely postpone those items. Mayor Browne confirmed that it was to indefinitely postpone the items.

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

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

NAY: None

Mayor Browne declared the motion carried.

Mayor Browne stated that the next item for consideration would be Item 5.

5. Consider and act upon, a Use Permit After Review in the Medical Overlay District for the use of the property at 804 E Monroe Avenue, described as Lots 20, 21, 22, in Block 243, South McAlester, Pittsburg County, State of Oklahoma for a healthcare related retail for prosthetics, or specifically hair prosthetics and/or any other small to medium sized commercial establishment consistent with Sec 62-275 provides shopping and service outlets for the convenience of the neighboring residential areas. (*Jayme Clifton, Community Development Director*)

Executive Summary

Motion to approve a Use Permit After Review in the Medical Overlay District for the use of the property at 804 E Monroe Avenue, described as Lots 20, 21, 22, in Block 243, South McAlester, Pittsburg County, State of Oklahoma for a healthcare related retail for prosthetics, or specifically hair prosthetics and/or any other small to medium sized commercial establishment consistent with Sec 62-275 provides shopping and service outlets for the convenience of the neighboring residential areas, and to authorize the Mayor to sign the Use Permit after Review approval form.

Manager Stasiak explained that this was an application by Ms. Janelle Brooks. He stated that the Planning and Zoning Commission had considered this application at their March 17, 2020 meeting. He commented that this application fit within the Medical Overlay District and the Commission had voted seven (7) to zero (0) in favor of recommending this application be approved by the Council. He added that this would be a business providing hair prosthesis or wigs to individuals that had medical conditions that affected their hair growth.

There was no further discussion, and a motion to approve the “Use Permit After Review” was made by Councilman Smith. The motion was seconded by Councilman Brown, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

A motion was made by Councilman Prichard to open a Public Hearing to address a proposed ordinance amending FY 19/20 Budget. The motion was seconded by Vice-Mayor Stevens, and the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried and the Public Hearing was opened at 6:15P.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 AUTHORIZING THE CITY OF MCALESTER, OKLAHOMA TO SUBMIT TO THE REGISTERED VOTERS OF SAID CITY WHETHER THE EXCISE TAX LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM THE RENT FROM OCCUPANCY OF HOTEL /MOTEL ROOMS SHALL BE INCREASED FROM SIX PERCENT (6%) TO EIGHT PERCENT (8%).

This proposed ordinance was indefinitely postponed.

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR 2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There were no comments.

A motion to close the Public Hearing was made by Councilman Cox and seconded by Councilman Brown. There was no discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried and the Public Hearing was closed at 6:16 P.M.

Scheduled Business

1. CONSIDER AND ACT TO APPROVE AN ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF MCALESTER, AMENDING ARTICLE IV. HOTEL TAX, SECTION 98-113 (A); IMPOSITION OF TAX; EXEMPTIONS; BY INCREASING THE TAX PERCENT FROM SIX TO EIGHT PERCENT; AND AUTHORIZING THE MAYOR TO SUBMIT THE PROPOSED CHANGES TO THE QUALIFIED REGISTERED VOTERS OF THE CITY OF MCALESTER; AND CONSIDER AND ACT TO APPROVE A RESOLUTION CALLING A SPECIAL ELECTION FOR THE PURPOSE OF SUBMITTING THE PROPOSED CODE CHANGES TO THE QUALIFIED ELECTORS OF THE CITY, AND AUTHORIZING THE ISSUANCE OF A PROCLAMATION FOR THE ELECTION REGARDING THE PROPOSITIONS TO CHANGE THE MCALESTER CITY HOTEL/MOTEL TAX.
(Billy Sumner, Expo Manager)

Executive Summary

The recommendation is to approve the Resolution and Proclamation authorizing the Special Election to amend Article IV, Hotel Tax, Section 98-113 of the McAlester City Ordinances.

Indefinitely postponed.

2. Discussion and possible action on approving the McAlester Cemetery Board recommendation to expend Cemetery Perpetual Care interest money to purchase 48 feet of Tuff Trak Altuma Mat Ground Protection. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the use of interest monies from the Cemetery Perpetual Care fund to purchase 48 feet of TuffTrak Mat Ground Protection.

Indefinitely postponed.

3. Discussion and possible action on the increase of certain cemetery fees. (*Mel Priddy, Community Services Director*)

Executive Summary

Motion to approve the increase of certain cemetery fees.

Indefinitely postponed.

4. Consider and act upon, authorizing the purchase of one (1) new and unused 2020 Ford F150 4X4 from Freedom Ford of McAlester along with a LEER 100R Camper from Advantage Truck & Auto of McAlester, Oklahoma for the Fire Department on the State of Oklahoma purchasing contract. 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 and authorize the purchase of one (1) new and unused 2020 Ford F150 4X4 from Freedom Ford of McAlester along with a LEER 100R Camper from Advantage Truck & Auto of McAlester, Oklahoma for the Fire Department on the State of Oklahoma purchasing contract.

Indefinitely postponed.

6. Consider and act upon, an Ordinance amending Ordinance No. 2656 which established the budget for fiscal year 2019-2020; repealing all conflicting ordinances; providing for a severability clause; and declaring an emergency. (*Sherri Swift, Chief Financial Officer*)

Executive Summary

Motion to approve the budget amendment ordinance.

Manager Stasiak addressed the Council explaining that this was to move funds from the Worker's Compensation Fund to Safety Incentive for the past quarters.

ORDINANCE NO. 2682

AN ORDINANCE OF THE CITY OF McALESTER, OKLAHOMA, AMENDING ORDINANCE NO. 2656 WHICH ESTABLISHED THE BUDGET FOR FISCAL YEAR

2019-20; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

There was no discussion, and a motion to approve ORDINANCE NO. 2682, amending Fiscal Year 2019/2020 Budget was made by Councilman Brown. The motion was seconded by Councilman Cox, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

Councilman Brown moved to approve the EMERGENCY CLAUSE. The motion was seconded by Mayor Browne, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

7. Consider and act upon, rescinding the April 7, 2020 General Election date previously set in Res. No. 19-24, and rescheduling it to Tuesday, June 30, 2020. *(Cora Middleton, City Clerk)*

Executive Summary

Motion to rescind Res. No. 19-24 previously scheduled General Election date from the April 7, 2020 and rescheduling it to Tuesday, June 30, 2020.

City Clerk Middleton addressed the Council explained she had received notification from the Pittsburg County Election Board Secretary Tonya Barnes regarding the April 7, 2020 Council Run-off election. She stated that Ms. Barnes had explained that the Oklahoma State Election Board had followed Oklahoma Governor Stitt's lead and declared an "election emergency for any area of the state" and all April 7, 2020 elections needed to be rescheduled for June 30, 2020.

Councilwoman Harrison asked if this would increase the cost of the election.

Clerk Middleton stated that this would not increase the cost.

Councilman Prichard inquired about the possibility of the City conducting the election on their own.

Clerk Middleton stated that for the City to continue with an April 7, 2020 election, the City would have to furnish the polling place(s), workers and assume all liability and costs for that election.

A motion to approve RESOLUTION NO. 20-10, rescinding RESOLUTION NO. 19-24 and rescheduling the April 7, 2020 Council election to June 30, 2020 was made by Councilman

Smith and seconded by Councilman Brown. There was no further discussion, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

8. Consider and act upon, a Resolution Declaring an Emergency in the City of McAlester related to the COVID-19 (Coronavirus) pandemic. (*Peter Stasiak, City Manager, Stephanie Giacomo, Public Information*)

Executive Summary

City staff recommends adoption of the Resolution to comply with Federal Emergency Management protocols.

Mayor Browne stated that this item was to put the Emergency Declaration into Resolution form.

Manager Stasiak added that this would formalize the Declaration.

There was no further discussion, and a motion to approve RESOLUTION NO. 20-11, formalizing the Mayor's Disaster Emergency Declaration was made by Councilman Brown. The motion was seconded by Councilman Smith, and the vote was taken as follows:

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

Mayor Browne declared the motion carried.

10. Consider and act upon, extension of the Order Proclaiming Existence of a Civil Emergency in the City of McAlester. (*John Browne, Mayor*)

Executive Summary

Council will discuss the Proclamation and extension of said Proclamation.

Mayor Browne explained that the Council could now extend and/or modify the existing Order. He stated that he wanted to add Blood Donation drives and funeral homes as places that could continue to operate under this closure. He stated that the Order included barbers, hair salons and tattoo parlors.

Manager Stasiak excused himself at 6:25 P.M. to retrieve his notes. He did inform the Mayor that there were two (2) individuals that had signed up to speak, before he left the Chambers.

Alyssa Latty, Executive Director McAlester Main Street, 119 E. Choctaw addressed the Council stating that there were groups that had partnered to help businesses during this time. She stated that McAlester Main Street, the Small Business Development Center and the Chamber of Commerce were three of those groups and she encouraged small business owners to reach out to any of these organizations.

There was discussion concerning the procedures, how the loans were processed on the national level, and the best time of the day to attempt to access any online aid, if these loans would be similar to regular bank loans and if the Choctaw Nation was involved in the programs. Ms. Latty provided her contact numbers for businesses to reach out to her at and said that the Chamber's contact information would be available on its' website. She also encouraged those businesses that wanted to apply for aid to avoid the peak hours of 7:00 A.M. through 7:00 P.M. and that Henry Lehr with SBDC had paper applications that could be completed and mailed in.

Mayor Browne commented that the Bill had passed in the Senate but had not gone through the House of Representatives at this time. He added that it would be for small businesses and would offer forgiveness.

Ms. Latty stated that as soon as validated information was made available, the group would pass it on, and they would be working with the Department of Commerce.

Manager Stasiak rejoined the meeting at 6:31 P.M.

Jason Fassio, 88 High Point Street owner Fassio Fitness addressed the Council regarding the sanitizing efforts that his business would implement if the facility would be allowed to remain open. He reviewed the procedures that he would follow to ensure that there was no more than ten (10) individuals in the facility at a time.

There was discussion, concerning the facility's ability to follow the CDC guidelines, the ability of the gym's members to rent the equipment, having one on one training sessions, furnishing virtual training sessions, members not having access to the equipment necessary to continue their workouts, the facility not taking any new memberships at the time and the members that had contacted the Mayor.

Attorney Ervin commented that there were equal protection issues if the City allowed one (1) business to remain open and not allow others to stay open. Within times like this have right to restrict or close all businesses.

There was discussion concerning possibly allowing all gyms to remain open, how other businesses could make the same claim, possibility to identify groups or businesses that could follow the CDC guidelines, the question of enforcement, grocery stores remaining open, what determines if a business or services were or were not essential, the guidelines set by basic necessity, the CDC guidance that sets out what essential services were and adopting what the Governor had ordered for the nineteen (19) counties that have confirmed cases of COVID -19.

Councilman Prichard moved to adopt the order made by Governor on March 24, 2020 for the nineteen (19) counties in Oklahoma that have confirmed cases of COVID-19. The motion was seconded by Vice-Mayor Stevens.

Before the vote, there was discussion concerning an implement and termination date and if this would still affect gyms.

Councilman Prichard stated that he would amend his motion to include the Governor's amendments. Vice-Mayor seconded the amendment to the initial motion.

Mayor Browne asked Attorney Ervin had this amendment to the original motion.

Attorney Ervin stated that Councilman Prichard could withdraw his original motion and Vice-Mayor Stevens could withdraw his second. He explained that then Councilman Prichard could restate his motion to include the changes.

Councilman Prichard withdrew his original motion and Vice-Mayor Stevens withdrew his second. Councilman Prichard then moved that the City of McAlester for its' Civil Emergency Proclamation adopt Governor Stitt's proclamation for the State of Oklahoma that covers the counties with confirmed cases of COVID-19, to become effective on March 26, 2020, at 5:00 P.M. and continue to April 14, 2020, at 8:00 P.M. unless terminated earlier by the City Council. The motion was seconded by Vice-Mayor Stevens.

Before the vote, Councilwoman Harrison requested that Manager Stasiak read the Governor's latest update to the State's Executive Order 2020-07.

Manager Stasiak read from Oklahoma Governor Stitt's latest amendments to Executive Order 2020-07. Those amendments included a statewide "Safer at Home" order for adults over the age is 65 and vulnerable individuals with serious underlying medical conditions, limiting gatherings to no more than ten (10) people, prohibits visitation to nursing homes and long-term care facilities and postponed all elective surgeries, minor medical procedures and non-emergency dental procedures until April 7, 2020. He further read that the amended order provided measures for counties with community spread, which included, restaurants in Oklahoma counties with confirmed COVID -19 cases to provide take-out and delivery options, all bars were to close and close all businesses not identified as being within the critical infrastructure sector, such as gyms, salons, massage parlors and movie theaters, where counties have community spread effective March 25, 2020 at 11:59 P.M. through April 15, 2020. He added the press release stated that additions may be added by Executive Order or memorandum. He also furnished the website where guidance on the essential critical infrastructure workforce could be found.

After Councilwoman Harrison Clarified that this was Governor Stitt's latest amendment to the State's COVID-19 actions, the vote was taken as follows:

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

NAY: None

Mayor Browne declared the motion carried.

9. Presentation of the Monthly Financial Update. (*Sherri Swift, Chief Financial Officer*)
Executive Summary
Discussion.

Manager Stasiak addressed the Council informing them of what the City had been experiencing in the last couple of months. He stated that the City had been seeing a great decline in sales tax revenue and water and sewer sales. He commented that the Oil and Gas industry had been pulling out of the area over the past months and are now essentially gone. He reviewed the General Fund and MPWA Fund at a glance, as of February, 2020, commenting that in both funds revenues were under budget and the expenditures in both funds were under budget. He added that these funds were being closely monitored. He stated that Use Tax had come in higher but water sales and wholesale water sales continue to decline due to the wet weather. He reviewed the Treasury report stating that the City continues to maintain funds required to cover all the debt obligations on hand. He stated that he wanted to review now was what the City was facing with the Oil and Gas industry decline but did not address what was happening in relation to the pandemic.

He presented an estimation of budget cuts through June 30, 2020 that totaled \$1.5 million and said if the City continued with those cuts place into the fiscal year 2020/2021 would amount to about \$2 million. He stated that going into 2020/2021 fiscal year that \$2 million would not cover the downfall that was being projected. He commented that staff was addressing the information that they currently had.

Manager Stasiak reviewed the steps that he was proposing to implement which included an immediate hiring freeze; freezing the clothing allowance for office personnel; freezing all Travel and Training; freezing all merit increases across the Board; use of the Pension credit from forfeitures to help cover the \$1.5 million; there was currently an insurance savings of \$23.32 per employee, per month; the City was currently under budget in the MPWA and General Fund Electric Utility and Gas Utility; the Fire Capital and Parks Capital projects would be delayed or funded by other means; the entire City Manager's capital contingency would be used; the Fuel contingency, that had been in case of a spike in fuel costs, would be used; the City had received a Telephone Utility refund; Hutchinson Park wading pool would not be opened; Stipe pool would not be opened and only Jeff Lee Pool would be opened. He then requested that the City implement a Retirement incentive Buyout program for people that were either eligible or willing to retire from the City with a monthly incentive of \$595.00. He explained that amount was the total of the monthly cost of health, dental and vision insurance. He then reviewed how this incentive would be calculated. He reminded the Council that the City had five (5) core areas if was responsible for, which were Police, Fire, Streets, Water and Wastewater and the rest were add on. He added that going forward the City would be concentrating on those five (5) core areas. He informed the Council that staff was looking at furloughs for the employees, the safety incentive going forward and if that didn't get the City to the levels it needed to be, they would be looking at lay-offs in all areas of the City.

There was discussion, concerning how the Unions would be affected, what the five (5) areas of required services were, what the \$1.5 million would cover for the City, if the early Retirement Buy-out program had been offered to the employees, how part-time employees would be affected, where the contingency funds would go, when the City receives Sales Tax information and what period it covers, what the methodology was being used to prepare and project financial reports, how the Stock Market was affecting the City's retirement, how stock had been sold

earlier in the year while the market was high and the proceeds had been used to shore up the retirement funds, and who would be eligible for the early retirement program.

No action was 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 stated that he did not have any additional information to report.

Remarks and Inquiries by City Council

Vice-Mayor Stevens reassured the community that the City was here for them.

Councilman Cox commented that it was the time to be proactive and hopefully get ahead of this situation.

Councilman Brown stated that he thinks that the community will come together.

Councilwoman Harrison agreed with all the previous comments. She thanked the City Clerk for the "Women's History" proclamation and asked Manager Stasiak if there would any Economic Development funds after this crisis.

Manager Stasiak stated that it was impossible to tell at this point.

Councilman Prichard commented that this had been a big step, but the City should not stop there. He commented on creating an intergovernmental Council and spending the Economic Development funds on plans to help businesses in the community.

Councilmembers Smith did not have any comments for the evening.

Mayor's Comments and Committee Appointments

Mayor Browne stated that there had been very difficult decisions made. He commented that some lives could be saved by doing this and he apologized to the businesses.

Recess Council Meeting

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

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

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

Mayor Browne declared the motion carried and the meeting was recessed at 7:29 P.M.

Reconvene Council Meeting

The Regular Meeting was reconvened at 7:30 P.M.

Adjournment

There being no further business to come before the Council, Councilman Brown moved for the meeting to be adjourned. The motion was seconded by Councilman Smith.

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

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

Mayor Browne declared the motion carried, and the meeting was adjourned at 7:30 P.M.

ATTEST:

John Browne, Mayor

Cora Middleton, City Clerk