

Council Chambers
Municipal Building
February 12, 2008

The McAlester City Council met in regular session on Tuesday, February 12, 2008, at 6:00 P.M. after proper notice and agenda was posted February 8, 2008, at 5:00 P.M.

CALL TO ORDER

Mayor Lewis called the meeting to order. Council Roll Call was as follows:

Present: Buddy Garvin, Haven Wilkinson, Sam Mason, Weldon Smith, Travis Read,
Donnie Condit & Mayor Lewis

Absent: None

Presiding: Don Lewis, Mayor

Staff Present: Harold Stewart, Fire Chief; George Marcangeli, City Engineer/Public Works Director; Mel Priddy, Community Services Director; David Medley, Assistant City Engineer; Jim Lyles, Police Chief; Sherry Alessi, Assistant City Treasurer; Robert Ivester, City Attorney and Cora Middleton, City Clerk

INVOCATION & PLEDGE OF ALLEGIANCE

- **Sam Mason, Vice-Mayor**

Mayor Lewis led the Pledge of Allegiance.

CITIZENS' COMMENTS ON NON-AGENDA ITEMS

Steve Foster addressed the Council reporting on the Audit & Finance Advisory Committees' opinion of the City's financial status.

Barbara Gilbertson addressed the Council expressing appreciation to the City for partnering with Eastern Oklahoma State College in the college fair scheduled for February 26, 2008 at the Expo.

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 January 8, 2008, Regular Meeting of the City Council.** *(Cora Middleton, City Clerk)*
- B. **Concur with Mayor's appointment of Anthony "Tony" Washington to the McAlester Regional Health Center Authority for the unexpired term of Louis Smitherman that expires February 2009.** *(Don Lewis, Mayor)*

- C. **Consider, and act upon, an Equipment Maintenance Agreement with BizTel Communications in a fixed amount of \$3,060 per annum.** (*Sherry Alessi, Assistant City Treasurer*)
- D. **Consider, and act upon, an Equipment Maintenance Agreement with BizTel Communications in a fixed amount of \$936.00 per annum.** (*Sherry Alessi, Assistant City Treasurer*)
- E. **Approval of Claims for the period of January 23, 2008 through February 12, 2008.** (*Sherry Alessi, Assistant City Treasurer*) In the amount of: General Fund - \$157,763.87; Parking Authority - \$272.48; Nutrition - \$412.16; SE Expo Ctr/Tourism Fund - \$8,674.34; E-911 - \$2,748.19 and Economic Development - \$282.50.

Councilman Read moved to approve the consent agenda. The motion was seconded by Councilman Garvin.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Garvin, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

None

SCHEDULED BUSINESS

1. **Discussion, and possible action, on the Management Advisory Group, Inc. Classification and Compensation Study including implementation options.** (*Donald C. Long, Executive Vice-President, Management Advisory Group, Inc.*)

Executive Summary

On August 14, 2007, the City Council engaged the services of Management Advisory Group, Inc. to undertake a Classification and Compensation Study for the non-uniform employees within the City organization.

Councilman Condit made a motion for discussion and possible action on the Classification and Compensation Study. The motion was seconded by Councilman Read.

Before the vote, Mark Roath reviewed the information pertaining to the study and stated that on August 14, 2007 the engagement of Management Advisory Group had been approved by the Council to undertake the study. Mr. Roath then introduced Donald Long, Vice-President of Management Advisory Group, Inc. (MAG, Inc.)

Mr. Long distributed a printout of a brief presentation and reviewed some key points for the Council. He explained that in his experience Councils had accepted the study and then reviewed the information before adopting the plans. He reviewed the survey process for the Council and explained that there was little information from the private sector because they are not required

to release information. He stated that, overall, the City of McAlester was behind the average according to the findings in the study. He then reviewed the different approaches that could be taken to implement the plan when it was adopted. He then distributed information regarding questions from the Council that had developed after their individual meetings.

Councilman Garvin read the following from the information provided in the study.

Page 3-7: "2% Flat Adjustment with Normal Progression Plan: This plan provides for a 2% adjustment, and then assigns people to the next step up. This plan brings any employees that are below the minimum, at least to the minimum of the recommended range. This approach uses promotion dates and the concept of normal progression (the time within the position or classification is counted). There are 25 positions below the minimum (includes vacant positions). Adjustments would occur for 169 people, while eight (8) people would be "maxed out" and receive no adjustment. The adjustments are the most even of the three alternatives, and do provide for separation for employees experienced in their positions. The annualized cost of this approach is \$305,359 (excludes currently vacant positions). This is approximately 5.9% of payroll for the positions in the study. **This is the recommended approach for the City of McAlester.** If provides adjustments to all but "maxed out" employees, results in more even adjustments than the other alternatives, and has overall costs similar to the cost adjustments provided recently to police and fire represented employees." He then commented that this is the recommended approach by the company.

Mr. Long stated that he felt it had many advantages if it could be afforded.

Mayor Lewis stated that the study was implemented in August. He added that not every study was perfect in every way and it was up to the administration to decide how to implement the plan. He also stated that with the additional information he felt it was inappropriate for the Council to make a decision at this time.

There was discussion among the Council and Mark Roath regarding the recommended approach, the answers to their questions, how the implementation of any approach would affect the budget and how cities in the Oklahoma City and Tulsa suburbs were used in the comparisons. They discussed the need for the study to be reviewed by the Finance officer and the Audit & Finance Advisory Committee. The Council also discussed how changes would be made to individual salaries and how performance driven salary changes would affect individual employees.

Councilman Smith asked if the City currently had job descriptions for each position.

Mr. Long stated that his company was currently working on the job descriptions.

Councilman Garvin stated that the City has a recommendation and now the City cannot go by the recommendation. He stated that the employees have been waiting for this decision and so had he and now we have to review more information. He stated that he was just wondering why so many questions at the last minute and why we can't make a decision.

Councilman Wilkinson stated that he agreed that the finances should be looked at but he felt that we would be cutting our throat by not implementing some part of the plan.

Councilman Condit stated that it was the Council's responsibility to be frugal with the City budget.

Councilman Garvin stated that in the budget the City planned for the Fire and Police Departments. He asked if anything had been set aside for the non-uniformed employees.

Mr. Roath stated that in the budget \$240,000.00 was set aside in the general fund and \$150,000.00 was set aside in public works. Unfortunately part of that has been used. He stated that he is not in a position to say the City has the finances to implement the plan. He added that he was concerned with waiting for the Finance Director as he will have several projects to work on when he starts.

There was further discussion among the Council concerning how long would it take for the requested financial information to be provided and if some sort of compromise could be made to satisfy Councilmen Garvin and Wilkinson's concerns and not lock the City into a plan they might later regret. It was also discussed if the metro cities should be removed from the study.

Mr. Roath stated that the current pay plan was not adequate and it had many problems. He also added that the cities that were used for the study were furnished in the RFP. He stated that he could work with the Audit & Finance Advisory Committee and the Non-Uniformed Committee to gather the necessary information and come back to Council with their recommendations.

Councilman Wilkinson stated he would like to get feedback from the Non-Uniformed Council also.

Mayor Lewis stated that it was his understanding that within thirty days Mr. Roath could have a recommendation to bring before the Council.

Mr. Roath stated that it was his understanding that he was being directed to meet with the Audit & Finance Advisory Committee and the NUC to review with Mr. Long and gather the necessary information regarding finances and bring that back to Council with a recommendation.

Councilman Condit stated that he wanted to assure the employees that whatever figure Mr. Roath (with the Audit & Finance and the NUC) brings to him he will vote for. He further stated that he was in favor of a pay raise but he wanted to make sure the finances were there.

Councilman Mason stated that the Council had heard from Mr. Long and he suggested that they should take some more time. He added that Mr. Roath could come back with the requested information. He continued that the motion should be amended to accept the report subject to final review by the City Manager, the Audit & Finance Committee and the NUC with resubmittal to the Council in no less than thirty days.

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

AYE: Councilman Condit, Read, Wilkinson, Garvin, Mason, Smith & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

Councilman Garvin asked to be excused at 7:20 P.M.

Steve Foster asked where the 40% range came from.

Mr. Long stated that it was the average from the cities.

2. **Discuss the feasibility of establishing a system by which citizens can indicate their interest in serving on the various McAlester city boards and committees.** (*Travis Read, Councilmember*)

Executive Summary

Mr. Read suggests the City establish a system like the state where a citizen would fill out a form indicating a board or committee they would like to volunteer for, and then provide their contact information, and possibly attach a resume or other information that the citizen feels is appropriate. The interest form could then be kept on file in City Hall and used at the discretion of the Mayor when a vacancy occurs.

Councilman Read requested that this item be withdrawn.

There was no discussion, and no vote was taken.

3. **Consider, and act upon, an Interlocal Agreement between the Oklahoma Department of Corrections and the City of McAlester regarding the 2008 Annual Prison Rodeo.** (*Helen Wheeler, Executive Director, McAlester Chamber of Commerce*)

Executive Summary

This Interlocal Agreement, with the Department of Corrections, is to promote the 2008 Oklahoma State Prison Rodeo.

Councilman Condit moved for approval of an Interlocal Agreement between the Oklahoma Department of Corrections and the City of McAlester regarding the 2008 Annual Prison Rodeo. The motion was seconded by Councilman Mason.

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

AYE: Councilman Read, Wilkinson, Mason, Smith, Condit & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

4. **Consider, and act upon, a Personal Service Agreement with the McAlester Area Chamber of Commerce and Agriculture, Inc.** (*Helen Wheeler, Executive Director, McAlester Chamber of Commerce*)

Executive Summary

This Personal Service Agreement is to promote the Annual Prison Rodeo, which promotion services will be provided by the McAlester Area Chamber of Commerce and Agriculture, Inc.

Councilman Wilkinson moved for approval of a Personal Service Agreement with the McAlester Area Chamber of Commerce and Agriculture, Inc. The motion was seconded by Councilman Read.

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

AYE: Councilman Wilkinson, Mason, Smith, Condit, Read, & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

5. Consider, and act upon, a Mutual Aid Agreement with the City of Krebs, Oklahoma for law enforcement services. (Jim Lyles, Chief-of-Police)

Executive Summary

This Mutual Aid Agreement, between the City and the City of Krebs, is for law enforcement services.

Councilman Mason moved to approve a Mutual Aid Agreement with the City of Krebs, Oklahoma for law enforcement services. The motion was seconded by Councilman Read.

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

AYE: Councilman Mason, Smith, Condit, Read, Wilkinson & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

6. Consider, and act upon, an Ordinance amending General Zoning Ordinance No. 1843 (1989) and accompanying map by rezoning from A-1 (Agriculture) to C-5 (Highway Commercial) at Lot 91 in Townsite Addition No. #4. (Jack Southard, Premier Hospitality, Petitioner)

Executive Summary

The Ordinance is to rezone the above property described from Agriculture (A-1) to Highway Commercial (C-5) to locate new commercial development including two hotels and one or more restaurants.

ORDINANCE NO. 2282

AN ORDINANCE AMENDING THE GENERAL ZONING ORDINANCE AND ACCOMPANYING MAP REFERRED TO AS GENERAL ZONING ORDINANCE NO. 1843 (1989), BY CHANGING THE CLASSIFICATIONS OF THE ZONING DISTRICT FOR: LOT 91 IN TOWNSITE ADDITION NO.4, CITY OF MCALESTER, PITTSBURG COUNTY, STATE OF OKLAHOMA FROM A-1(AGRICULTURAL DISTRICT) TO C-5(HIGHWAY COMMERCIAL).

Councilman Condit moved for approval of **ORDINANCE NO. 2282**, seconded by Councilman Read.

Before the vote, Councilman Mason asked where this property was.

Mayor Lewis stated that it was east of the Choctaw Hospital before you get to the nursing home.

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

AYE: Councilman Mason, Smith, Condit, Read, Wilkinson & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

7. Discussion, and possible action, on the proposed revised Charter dated February 7, 2008. (Tim Wynn and Weldon Smith, Charter Review Committee)

Executive Summary

The Charter Review Committee has prepared a proposed revised Charter dated February 7, 2008, which they are seeking Council's continued review and comment.

Councilman Read moved to approve discussion and possible action on the proposed revised Charter dated February 7, 2008. The motion was seconded by Councilman Wilkinson.

Before the vote, Councilman Smith explained some of the most recent changes to this version of the revised Charter.

Mayor Lewis pointed out some items that he felt needed to be readdressed by the Charter Review Committee and possibly changed, one of which was the Audit & Finance Committee being in the Charter and not addressed by an ordinance.

There was discussion concerning the percent amount of the reserve fund and when the revised Charter had to be completed so it could be placed on a ballot. The City Clerk stated that the election board had to have the resolution with the entire revised Charter on it sixty (60) days before the election.

There was no further discussion, and no vote was taken on this item at this time.

8. Consider, and act upon, the acceptance of the (FEMA) AFG Assistance to Firefighters Grant and allowing the Fire Department to purchase of 45 hand-held radios (with accessories), 43 radio interface connections (with microphone and ear-piece) and 4 base chargers from a sole source provider. (Harold Stewart, Fire Chief)

Executive Summary

The Fire Department has received a (FEMA) AFG Assistance to Firefighters Grant for the purchase of interoperable communications equipment, i.e. 45 hand-held radios, 43 radio interface connections and 4 base chargers. The Fire Department is seeking approval to accept the above named grant and for authority to purchase these items from a sole source provider.

Councilman Read moved to accept the FEMA AFG Assistance to Firefighters Grant and allowing the Fire Department to purchase 45 hand-held radios, 43 radio interface connections

and 4 base chargers from a sole source provider. The motion was seconded by Councilman Wilkinson.

Before the vote, there was discussion between Councilman Mason, Councilman Smith and Robert Ivester, the City Attorney concerning if there was another vendor in the state that could furnish this equipment and if the City was violating the Competitive Bidding Act with this item. During the discussion Mr. Ivester stated that this was under central purchasing and the other individual that had indicated that he could furnish this equipment actually could not. He added that the individual that this equipment was to be purchased from was the sole source provider and was actually lower in price than the central purchase amount.

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

AYE: Councilman Smith, Condit, Read, Wilkinson, Mason & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried.

NEW BUSINESS

None

CITY MANAGER'S REPORT

Mark Roath stated that he had no comments this evening.

REMARKS AND INQUIRIES BY CITY COUNCIL

Councilman Smith encouraged everyone to read the revised Charter that was on the website and make any suggestions or comments if they had any.

Mayor Lewis reported that he had been informed of some calls and emails of political signs on the right of way and we are instructing the street department to remove the signs and contact the individuals to pick them up.

Councilman Mason asked for clarification of right of way.

Mayor Lewis reported that the full agenda was on the website and he wanted to thank James Stanford for his work on that project. He stated that Mr. David Burks had accepted the offer for the City Treasurer's position and would be reporting on March the 10th or sooner. Mayor Lewis reported that the Council and several of the employees had toured the City last Friday. He stated that it was a very informative tour.

Mayor Lewis commented that the retreat started at 6:00 P.M. Friday evening and recessed at 9:00 P.M. Friday. He added that it reconvened Saturday morning at 8:00 A.M. and continued until 2:00 P.M. He stated that many matters were discussed during the retreat, what our population would be in ten (10) years, the boundaries and infrastructure needs were among the topics. He added that when the report of the retreat was received it would be made available.

He briefly mentioned the invoice from the National League of Cities that the City of McAlester had received and stated that information pertaining to that membership would be forwarded to the Council for their response.

He also mentioned that if anyone was interested in serving on any of the Boards or Committees to inform either the City Clerk or the Mayor.

RECESS COUNCIL MEETING

Mayor Lewis asked for a motion to recess the Regular Meeting to convene the Authorities.

Councilman Condit moved to recess the Regular Meeting and convene the Authorities. The motion was seconded by Councilman Wilkinson and the vote was taken as follows:

AYE: Councilman Condit, Read, Wilkinson, Mason, Smith & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried, and the Regular Meeting was recessed at 7:54 P.M.

RECONVENE COUNCIL MEETING

The Regular Meeting was reconvened at 7:55 P.M.

DJOURNMENT

There being no further business to come before the Council, Councilman Condit moved for the meeting to be adjourned, seconded by Councilman Read. The vote was taken as follows:

Deleted: A

AYE: Councilman Wilkinson, Mason, Smith, Condit, Read & Mayor Lewis

NAY: None

Mayor Lewis declared the motion carried, and the meeting was adjourned at 7:56 P.M.

ATTEST:

Don R. Lewis, Mayor

Cora Middleton, City Clerk