MUSTANG CITY COUNCIL
NOVEMBER 5, 2013

The Mustang City Council met in regular session on Tuesday, November 5, 2013, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, November 1, 2013, at 3:25 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Adams called the meeting to order at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE/INVOCATION *(Dave Owens, Pastor, Christ Lutheran Church)*

Dave Owens, Pastor, led the assembly in the Pledge and Invocation. He stated they held their 10th annual community picnic last weekend where Mustang Firefighters judged the "Best Pie in Mustang" contest. He also stated they were preparing food baskets and services for the holidays.

C. ROLL CALL

Councilmembers Present:	**Staples**
	Bowers
	Jones
	Hagan
	Mount
	Adams
Councilmembers Absent:	**Taylor**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mayor Adams introduced Canadian County Commissioner Dave Anderson who was in attendance.

E. PRESENTATIONS

Mayor Adams presented the "*Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for Fiscal Year Ended June 30, 2012*" to ***Finance Director Watts*** and the Finance Staff. He thanked them for their service and hard work stating how proud he was they were part of this City.

Mayor Adams introduced Mr. Sean Lepard, Consultant for the Central Oklahoma Water Resources Authority (COWRA), an organization working to develop new water resources in the county.

Sean Lepard introduced Mr. Karl Stickley and Mr. Ken Senour with Guernsey who gave a presentation to Council entitled "Brackish Water Project" stating Phase 1 had been completed and was moving into Phase 2.

Councilman Mount asked if it would be feasible to use existing disposal wells drilled by oil companies.

Mr. Stickley stated it was possible, but due to several variables, it could be less expensive to drill a new well than use an existing one if the Memorandum of Understanding is approved with the Oklahoma Department of Environmental Quality (ODEQ) and the Corporation Commission.

Councilman Jones asked if the cost estimate given in the presentation included the fees paid to landowners.

Mr. Stickley stated yes, water rights were included.

Mayor Adams asked what the positions were of other cities.

Mr. Lepard stated the Cities of Yukon and Okarche have stated they are in and are ready to pay the full amount (estimate of $425,000.00). He stated they would like to have the other cities involved too, but would cover the cost in order to begin Phase 2. **Mr. Lepard** stated they are meeting with Yukon, El Reno and Piedmont in the next few weeks. He advised that Mustang's share of Phase 2 would be $83,389.99 based on the $425,000.00 estimate, but bids could come in lower which would lower that amount. He also stated COWRA dues were paying approximately$60,000.00 of the cost and they were trying to obtain federal and state money as well.

Jones asked ***Canadian County Commissioner Anderson*** to give the County's views on this.

Anderson stated the County is a member of COWRA and recognizes water supply as an important issue and supports COWRA; however, the County would need to re-evaluate if they would be a part of the project since the County does not distribute water.

F. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

G. CONSENT AGENDA

1. Approval of **10/15/13** City Council Minutes
*2. Claims List for **FY '14**
3. Approval of **Resolution No. 14-020** making Changes in the Park Improvement Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $400.00.
4. Approval of **Resolution No. 14-021** Calling for a Municipal Election for Councilmembers for Wards 5 and 6.
5. Approval of **Resolution No. 14-022** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $5,185.00.
6. Approval to Declare a Bauer Breathing Air Compressor, Model UN12-E1, Serial Number 18774, as **Surplus**, and Donating to the Union City Fire Department.
7. Approval of **Bonds with Shawnee Lighting** whom Provided Lighting Services for Wild Horse Park Baseball Complex.
*8. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130726**, to Construct Sanitary Sewer Lines for Savannah Lakes 5th Addition Phase 5.
*9. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. WL000009130728**, to Construct Water Lines for Savannah Lakes Addition, Phase 5.

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Jones** to approve Items G-1 through G-9 of the Consent Agenda.

AYE: Staples, Bowers, Jones, Hagan, Mount, Adams
NAY: None

H. INFORMATION/REPORTS

1. City Manager

City Manager Rooney advised this week is United Way and Community Health charities campaign week and the City has different events planned, led by ***Human Resources Director Laura Anderson*** who is working hard and doing a great job to help raise money. He invited the Council and the public to a bake sale on Thursday, November 7th, from noon to 2:00 at Town Center.

2. City Council

Mayor Adams asked the Councilmembers if they had anything to report in their respective Wards:

Councilwoman Staples stated she received a call regarding mandatory minimum on sewer rates and asked when rates are set and if someone moves into Mustang in a different month, what do they pay.

City Manager Rooney replied they are averaged based on January, February, and March usage, but the resident pays the standard rate until the City can obtain information for those months. He also stated there are no refunds for the months at the standard rate if that rate is higher than what is averaged in January, February, and March.

Councilwoman Bowers stated she had nothing to report at this time.

Councilman Jones thanked the City staff and crews for the street work performed in Copper Creek due to pavement damage from heavy trucks.

Jones also introduced the new Mustang Chamber of Commerce Executive Director Renee Peerman who was in attendance this evening.

Councilwoman Hagan stated she had a parking issue that was already resolved by the City Manager.

Councilman Mount stated he had received a number of calls mostly regarding an item on the agenda and would wait until that time to discuss them.

Mayor Adams stated he received numerous calls stating this year's Spooktacular was the best ever and complimented the Parks and Recreation staff for a job well done.

Adams also stated he had received a letter from the Oklahoma Water Resources Board (OWRB) regarding their extensive review of the City of Mustang's flood plain insurance and flood management plans. He stated the OWRB had looked at over 43 flood insurance policies and areas and were so impressed stating "the City of Mustang flood plain management program is a model program and sets a high standard for other cities to follow". **Adams** thanked ***Community Development Director Robert Coleman*** and ***Senior City Planner Melissa Helsel*** and Community Development staff for their hard work.

J. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding Approval to Grant a Temporary Variance from the 2003 Water System Policy; and from Section 46-64 of the Code of Ordinances.

Councilman Mount advised he had received a call on this agenda item stating the caller wanted to voice their objection to this water tie-in. He stated his primary concern is that City staff inform the owner exactly what is needed to move this forward in order for the owner to get a realistic idea of what he needs to do and what it is going to cost him, and for the City to advise and help him as much as possible.

City Manager Rooney stated he agreed with ***Councilman Mount***; however, the owner has changed his mind several times as to what the intended use of the property will be. He stated if it is a permitted use within the district, the City has been very clear of the requirements, or if the use requires a special exception, as was the original request, there are conditions to be placed on it. **Rooney** advised the current recommendation is the minimum that would be required for a use permitted in that district which includes installation of two (2) hydrants - one to be installed prior to the issuance of a building or occupancy permit and the other installed on or before November 5, 2014 - as well as the owner obtaining a building permit leading to a certificate of occupancy prior to any new tenant occupying the property. He stated records from the City or County permitting any use or occupancy has not been found from previous years on this property and it is important we establish some sort of process from this point forward.

Councilwoman Hagan stated the Council just heard from COWRA regarding how important water is and to remember, members of the City Council are also water trustees of the Mustang Improvement Authority (MIA), and should require property owners in Mustang to go through the Mustang water system. She stated by allowing them to go through Oklahoma City is taking money out of the MIA and she could not vote to let someone put a hydrant into Oklahoma City.

City Manager Rooney advised the water hydrant would be for fire suppressant only and not for drinking water.

Mayor Adams advised it would only be the installation of a valve and nothing would be coming into MIA or out. He stated they would not be buying from Oklahoma City, plus the City of Mustang could benefit from the hydrant.

Councilwoman Staples asked who pays for the hydrant.

Community Development Director Coleman stated the applicant pays for the hydrant unless the City chose to do otherwise. He stated people within 600 feet of the hydrant could benefit from it.

Staples asked where the second hydrant would be located.

Coleman stated he would ask the Fire Chief to make a recommendation as to where it is placed. He also stated the City of Oklahoma City and ODEQ would perform all the inspections.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Staples** to Approve Granting a Temporary Variance from the 2003 Water System Policy and from Section 46-64 of the Code of Ordinances Under the Following Conditions based upon Staff Recommendation: 1) The Owner Obtains a Building Permit Leading to a Certificate of Occupancy Prior to any New Tenant's Arrival; and 2) One (1) Hydrant must be Installed Prior to the Issuance of the Permit and One (1) must be Installed on or Before November 5, 2014.

Upon recommendation from ***City Attorney Miller***, the above Motion was amended as follows:

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Staples** to Approve Granting a Temporary Variance from the 2003 Water System Policy and from Section 46-64 of the Code of Ordinances Under the Following Conditions based upon Staff Recommendation: 1) The Owner Obtains a Building Permit Leading to a Certificate of Occupancy Prior to any New Tenant's Arrival; 2) One (1) Hydrant must be Installed Prior to the Issuance of the Permit and One (1) must be Installed on or Before November 5, 2014; and 3) the Installation of the Second Hydrant shall be a Condition for Continuance of the Permit.

AYE: **Staples, Bowers, Jones, Mount, Adams**
NAY: **Hagan**

2. **Discussion, Consideration and Possible Action** regarding Approval of Second Amendment to the Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Garbage and Refuse between the City of Mustang and OEMA.

City Manager Rooney stated he was made aware of a situation with the Oklahoma Environmental Management Authority's (OEMA) contract shortly after arriving in Mustang where the City of Mustang and OEMA entered into a verbal agreement where OEMA was to provide manpower to monitor citizen dumping at the roll-off containers and the City of Mustang was to reimburse them for that service for approximately $3,000.00 per month. **Rooney** advised there was no written agreement between the City and OEMA for these services and he had not found any email documentation between the former City Manager and Mr. David Griesel with OEMA to support this agreement.

Rooney further advised an invoice had been presented to the City from OEMA in late September for the amount of $24,795.52 which represented monitoring services performed by OEMA for the period of February through June 30, 2013. He stated because the monitoring service had been provided, but there was no written agreement between the two parties, Mr. Griesel and he agreed to split the total costs of the invoice with each entity paying $12,397.76 along with the understanding that the OEMA present an amendment to the existing contract for this fiscal year. He stated this is the Amendment which would formalize the understanding and agreement that was evidently outlined in February of 2013 between the two parties and will be a part of the contract effective July 1, 2013. He advised monitoring is needed; however, not sure to this extent and this can change before the end of the contract. **Rooney** advised the existing contract with OEMA expires in June, 2014 and the City's intention is to place refuse services out to bid and not automatically renew the contract.

MOTION was made by **Councilwoman Hagan**, seconded by **Councilwoman Bowers** to Approve the Second Amendment to the Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Garbage and Refuse between the City of Mustang and OEMA.

AYE: Staples, Bowers, Jones, Hagan, Mount, Adams
NAY: None

K. <u>CITY ATTORNEY'S REPORT</u>

1. **Discussion, Consideration and Possible Action** Regarding Howard R. Haralson and Cheri Haralson vs. City of Mustang, et al., Case No. CV-2013-107 District Court, Canadian County, State of Oklahoma; and **Executive Session as Authorized by 25 O.S., Section 307(B)(4).**

MOTION was made by **Mayor Adams,** seconded by **Councilman Jones** to adjourn to executive session.

AYE: Staples, Bowers, Jones, Hagan, Mount, Adams
NAY: None

TIME ADJOURNED to Executive Session: **8:04 p.m.**

Mayor Adams called the meeting back in session at **8:08 p.m.**

In reference to Item J-1 –

No action was taken, informational purposes only.

L. ADJOURNMENT

MOTION was made by **Mayor Adams**, seconded **Councilman Mount** to adjourn.

AYE: Staples, Bowers, Jones, Hagan, Mount, Adams
NAY: None

The meeting was adjourned at **8:08 p.m.**

____
Jay Adams, Mayor

Attest:

____
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
NOVEMBER 5, 2013

The Mustang Improvement Authority met in regular session on Tuesday, November 5, 2013, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, November 1, 2013, at 3:25 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Adams called the meeting to order at 8:08 p.m.

B. ROLL CALL

Trustees Present: **Staples**
Bowers
Jones
Hagan
Mount
Adams

Trustees Absent: **Taylor**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **10/15/13** MIA Minutes.
*2. Claims List for **FY '14**
*3. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130726**, to Construct Sanitary Sewer Lines for Savannah Lakes 5th Addition Phase 5.
*4. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. WL000009130728**, to Construct Water Lines for Savannah Lakes Addition, Phase 5.

MOTION was made by **Chairman Adams**, seconded by **Trustee Bowers** to approve Items D-1 through D-4 of the Consent Agenda.

AYE: Staples, Bowers, Jones, Hagan, Mount, Adams
NAY: None

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding Approval to Grant a Temporary Variance from the 2003 Water system Policy; and from Section 46-64 of the Code of Ordinances.

MOTION was made by **Chairman Adams**, seconded by **Trustee Mount** to Approve Granting a Temporary Variance from the 2003 Water System Policy and from Section 46-64 of the Code of Ordinances Under the Following Conditions based upon Staff Recommendation: 1) The Owner Obtains a Building Permit Leading to a Certificate of Occupancy Prior to any New Tenant's Arrival; 2) One (1) Hydrant must be Installed Prior to the Issuance of the Permit and One (1) must be Installed on or Before November 5, 2014; and 3) the Installation of the Second Hydrant shall be a Condition for Continuance of the Permit.

AYE: Staples, Bowers, Jones, Mount, Adams
NAY: Hagan

*2. **Discussion, Consideration and Possible Action** regarding Approval of Second Amendment to the Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Garbage and Refuse.

MOTION was made by **Chairman Adams**, seconded by **Trustee Staples** to Approve the Second Amendment to the Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Garbage and Refuse between the City of Mustang and OEMA.

AYE: **Staples, Bowers, Jones, Hagan, Mount, Adams**
NAY: **None**

G. ADJOURNMENT

MOTION was made by **Chairman Adams** and seconded by **Trustee Jones** to adjourn.

AYE: **Staples, Bowers, Jones, Hagan, Mount, Adams**
NAY: **None**

Meeting was adjourned at **8:11 p.m.**

____
Jay Adams, Chairman

Attest:

____
Lisa Martin, Secretary