MUSTANG CITY COUNCIL
JULY 15, 2014

The Mustang City Council met in regular session on Tuesday, July 15, 2014, 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, July 11, 2014, at 3:05 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 **7:00p.m.**

B. PLEDGE OF ALLEGIANCE/INVOCATION (Michael Staton, Pastor, First Baptist Church Mustang)

Michael Staton, Pastor, led the assembly in the Pledge and Invocation. He stated the pre-school and children's building addition was almost done and should be completed at time of school start and will be a great facility for the church and community. He stated this month had been a great month of mission work with different mission groups either going to or just returning from Canada, South Africa, Nicaragua, Memphis and Sturgis stating it was an honor for the church to be able to serve others.

C. ROLL CALL

Councilmembers Present:	**Taylor**
	Staples
	Bowers
	Jones
	Hagan
	Schweinberg
	Adams
Councilmembers Absent:	**None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **07/01/14** City Council Minutes

*2. Claims List for **FY '14**

*3. Claims List for **FY'15**

4. Approval of **Resolution No. 15-001**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2014-2015 Fiscal Year Budget by $1,166.

5. Approval to Renew Agreement for **Dispatch Services** between the Mustang Police Department and the Town of Union City for FY2015.

6. Approval to Renew the Interlocal Agreement with Canadian County Sheriff's Office to **Deputize Local Law Enforcement Officers** for FY2015.

7. Approval to Renew the Interlocal Governmental Cooperation Agreement with the Canadian County Sheriff's Office to **Hold Excess Prisoners** for FY2015.

*8. Acceptance of a **10' Utility Easement** located in the East Half of the Northwest Quarter, Section 35, Township 11 North, Range 05 West from the Oklahoma Army National Guard for the Industrial Access Road (E Thunderbird Ln) Water Main Project.

*9. Approval of **Memorandum of Agreement** with Oklahoma Army National Guard for the Industrial Access Road (E Thunderbird Ln) Water Main Project.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones,** to approve Items F-1 thru F-9 of the Consent Agenda.

AYE: **Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams**
NAY: **None**

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney presented ***Fire Chief Carl Hickman*** with a framed certificate advising he had earned the designation of "Chief Fire Officer" stating Chief Hickman was one of 961 Chief Fire Officers worldwide.

Chief Hickman addressed the Council and audience thanking the City Manager, Council, his department, and family for their support stating he could not have obtained this designation without them.

City Manager Rooney also stated that ***Norma Brown***, Fire Department Administrative Assistant, received the Chamber of Commerce's July "Employee of the Month" and congratulated her for that honor.

City Manager Rooney recognized ***Police Chief Chuck Foley*** stating Mustang had been named the second safest city in Oklahoma, population greater than 10,000, by Movoto Real Estate, a national firm based in San Mateo, CA.

Chief Foley addressed the Council and audience stating he had recognized Mustang was a low crime community even prior to coming here and stated the citizens were invested in the Police Department and the Police Department was invested in them.

Mayor Adams stated Mustang was fortunate to have ***Chief Hickman*** and ***Chief Foley*** as they were great role models as well as all City Staff such as ***Norma Brown***.

a. Quarterly Presentation of Financial Statements ending June 30, 2014.

Finance Director Watts gave a presentation of the City of Mustang and Mustang Improvement Authority's (MIA) quarterly financial statements ending June 30, and sales tax reports for July 2014, advising:

- Sales Tax collected in July, 2014 totaled $787,180.58 which was $7,180.58 or represents over projected budget of .9%;
- Use Tax received in July, 2014 totaled $31,034.62, an increase of 5.81% over last fiscal year;
- General Fund had a positive Net Change in Fund Balance Year to Date totaled $130,064 which represents 9.89% in reserves;
- MIA Net Change in Fund Balance was $63,870 which represents 10.58% in reserves

Councilman Taylor thanked ***Finance Director Watts*** for the statements and presentations advising they were a great help.

2. City Council

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

Councilman Taylor thanked the City Manager for making the recognition presentations during the Council meeting stating the citizens were very appreciative of the Chiefs and their departments. He stated he heard from several citizens complimenting the firework show and was very thankful with the cooperation of everyone in Ward 1 in getting their trash picked up stating it was the best he had seen in seven years.

Councilwoman Staples stated she did not hear any complaints regarding fireworks this year and complimented ***Chief Foley*** and his department regarding the handling of a certain situation.

Councilwoman Bowers did not have anything to report at this time.

Councilman Jones stated he had been busy interacting with a number of citizens on several different items.

Councilwoman Hagan did not have anything to report at this time.

Councilman Schweinberg did not have anything to report at this time.

Mayor Adams stated he had been elected Chairman of the ACOG 911 Board of Directors and was honored to be named to this position.

a. Re-Appointment of One (1) Member to the Mustang Public Library Board.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve the re-appointment of Mr. Karl Mengers to the Mustang Public Library Board, for the term July 1, 2014 through June 30, 2017.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** to Relocate Community Garden to a Designated Location in Wild Horse Park.

   Parks and Recreation Director Battles stated the Community Garden is currently located on private land behind the Old Police Department off of Highway 152 stating the Parks and Recreation Department has been working with the Mustang Kiwanis Community Garden Club for almost one year trying to find a place to relocate. He provided a map of Wild Horse Park with the proposed area to hold the community garden outlined in red advising there were two water locations close by and as a part of Severn Trent's current contract, Severn Trent would extend the two water lines for irrigation.

   Mr. Bob Wilson of the Mustang Kiwanis Community Garden Club (Club) addressed the Council providing past history and advising their mission was to feed those in need, to teach our youth and adults how to grow their own food, to provide a market of garden fresh produce, and to foster a greater spirit of community.

   Councilwoman Bowers asked if any pesticides were used, what the size of the garden was, and why were they moving from their current location.

   Mr. Wilson stated some pesticides were used, but not industrial grade ones. He stated the garden would include 20 – 100 foot rows and the reason they were moving was the land they currently occupied is owned by a private developer and if he sells the land, the garden would have to be moved. He stated it was difficult to add any capital improvements since they don't know how long they would be there. **Wilson** also stated they would like to have the garden near the Farmers' Market (which is now held at Wild Horse Park) so customers could see how the food was grown and provide education.

   Mayor Adams asked if the move would occur next season, if the new road and improvements in Wild Horse Park would be completed first, if there would be parking, would a fence need to be installed, and if there would be any drainage problems.

Battles stated the garden would not be moved until next year and the new road and improvements should be completed. He stated parking could be accommodated in the new expansion parking and would like to install walkways to the garden. **Battles** stated the only drainage issue might be on the north end and the City will work with EST regarding that during the roadway design and construction going on now and stated a fence may need to be installed in the future to help with any vandalism. He stated the City and the Club are working on an agreement now that would help both parties and would bring the agreement back to Council for approval.

MOTION was made by **Councilman Jones**, seconded by **Councilman Taylor** to Approve Relocating the Community Garden to a Designated Location in Wild Horse Park.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

2. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1104** Amending Chapter 94, Article II, Division 2 of the Code of Ordinances of the City of Mustang, Oklahoma, by Amending Section 94-55(1), Conversion of Non-Conforming Signs, to Provide Method of Measuring Distance; Declaring Repealer; Providing for Severability; Providing that Amendment Applies to Pending Permit Applications; and Declaring an Emergency.

   Senior City Planner Helsel stated this issue was discussed in the July 1, 2014 City Council meeting as it relates to the application for billboard conversion at 448 E State Highway 152. She stated the amended Ordinance defines the way the distance of a billboard sign converted to LED display is measured from a residential district stating if the billboard is single sided, the distance shall be measured from the lighted side and in a 180° arc.

MOTION was made by **Councilman Schweinberg,** seconded by **Councilwoman Bowers** to Approve **Ordinance No. 1104** Amending Chapter 94, Article II, Division 2 of the Code of Ordinances of the City of Mustang, Oklahoma, by Amending Section 94-55(1), Conversion of Non-Conforming Signs, to Provide Method of Measuring Distance; Declaring Repealer; Providing for Severability; Providing that Amendment Applies to Pending Permit Applications.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

MOTION was made by **Councilman Schweinberg,** seconded by **Councilwoman Hagan** to Approve the Emergency Clause for **Ordinance 1104**.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

3. **Discussion, Consideration and Possible Action** regarding Conditional Approval of an Electronic Billboard Conversion at 448 E State Highway 152.

    Senior City Planner Helsel stated this is the application tabled from the July 1, 2014 City Council meeting from Mr. Curt Callahan with Callahan Outdoor Advertising to convert an existing billboard on the property at 448 E State Highway 152 to an electronic/LED display. She stated he has submitted all documents necessary for the permit application with the exception of structural drawings from a state licensed engineer as he did not want to invest additional funds until he was certain the concept was acceptable to the City. She stated the Traffic Commission recommended approval as do staff. **Helsel** stated the billboard will remain non-conforming use and if it is damaged beyond 50% of its value, it will not be re-built.

MOTION was made by **Mayor Adams,** seconded by **Councilwoman Staples** for Conditional Approval of an Electronic Billboard Conversion at 448 E State Highway 152.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

*4. **Discussion, Consideration and Possible Action** regarding Approval of Contract and Bonds with Brewer Construction Oklahoma LLC for the Industrial Access Road Waterline Project.

    City Manager Rooney stated this was the contract and bonds for the project titled Industrial Access Road Waterline Project awarded to Brewer Construction Oklahoma LLC in the amount of $88,644 in a previous City Council meeting. He stated the Mustang Armed Forces Reserve Center will reimburse the City $11,382.75 for 180 feet of waterline extension onto their property upon completion of the project.

MOTION was made by **Mayor Adams,** seconded by **Councilman Taylor** to Approve the Contract and Bonds with Brewer Construction Oklahoma LLC for the Industrial Access Road Waterline Project.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

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

City Manager Rooney stated he was hoping to have feedback from OEMA's legal counsel prior to tonight's meeting; however, have not, therefore requested this item be tabled to the next City Council meeting.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Schweinberg**, to Table the Approval of Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Garbage and Refuse.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

Items 6 and 7 were discussed simultaneously.

6. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1105** Amending Chapter 106, by Adding a New Article VI, Hotel Tax, Sections 106-181 through 106-209, Providing for the Levying on the Rental of Hotel and Motel Rooms within the City of Mustang, a Tax of Five Percent (5.0%) of the Room Rental Rate; Defining Terms; Providing for Exemptions, Acknowledgement and Records; Providing for Tax to be Separately Designated; Providing that Operator is Responsible for Collection of Tax; Providing for Certificates of Registration; Requiring Records be Created; Providing for Returns; Requiring Payment of Tax; Identifying Delinquent Taxes; Requiring Interest on Unpaid/Delinquent Taxes; Providing for Collection of Taxes by Suit; Providing for Posting of Bond; Providing for Assessment and Determination of Tax; Providing for Refunds; Providing for Notices; Providing for Exclusive Remedy; Providing Penalties for Failure to File, Submitting Fraudulent Returns and Failure to Post a Bond; Providing for Operator's Discount for Keeping Records; Requiring Records be Kept Confidential; Designating Use of Funds; Providing General Powers of Finance Director; Providing for Administration of Oath and Compelling Testimony; Providing for Proceedings to Recover Tax; Amendments; Providing that Provisions are Cumulative; Providing that Provisions are Severable; Requiring Approval of Ordinance by a Majority of Registered Voters Voting at an Election Held for this Purpose and Fixing Effective Date Thereof; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

7. **Discussion, Consideration and Possible Action** regarding Approval of Resolution No. 15-002 Notifying the Secretary of the Canadian County Election Board that a Special Election Providing for the Levying, on the Rental of Hotel and Motel Rooms within the City of Mustang, of a Tax of Five Percent (5.0%) of the Room Rental Rate, Defining Terms, Providing for Exemptions as set out in Ordinance No. 1105 of the City of Mustang, State of Oklahoma, and Providing for the Use of Funds Derived Therefrom, shall be Held in the City of Mustang, Oklahoma, on the 4th Day of November, 2014, Providing for Special Election Procedures; Setting Forth the Facts Required by Section 13-102 of Title 26 of the Oklahoma Statutes; Directing the City Clerk to Immediately Submit this Resolution to the Secretary of the Canadian County Election Board; Further Directing the City Clerk to Immediately Submit a Current, Certified Copy of the Charter of the City of Mustang, Oklahoma, to Said Election Board as Required by Section 13-109 of Title 26 of the Oklahoma Statutes; and Directing the City Clerk to Immediately Provide the Canadian County Election Board with a Map as Required by Section 13-107 of Title 26 of the Oklahoma Statutes; and Declaring an Emergency.

City Manager Rooney stated information regarding a lodging tax was reviewed in the March 3 and June 9, 2014 Work Sessions and based on the response received from the City Council at those meetings, staff asked ***City Attorney Miller*** to develop both a proposed ordinance and resolution regarding the lodging tax. He stated the ordinance outlines the details of the tax, the amount (5%), how it is collected, etc. which is voted on by the citizens and the resolution is what calls for the election and provides the wording on the ballot. **Rooney** stated the next election for which this measure could be placed on a ballot is Tuesday, November 4, 2014 and both the proposed ordinance and resolution would need to be adopted and approved by City Council no later than August 20, 2014.

Rooney stated ***Community Development Director Coleman*** has provided a lot of information for their review regarding other communities' lodging tax statistics. He stated this has been brought to a vote in Mustang before and failed; however, he wasn't sure if enough information had been provided to the citizens explaining the tax. **Rooney** stated he would speak to every civic organization, homeowner associations, to anyone that would have him as well as provide information through the media. He stated the proceeds are earmarked to the general fund in order for the Council to decide where to spend the funds depending on the need.

Discussion was held concerning the cost of the election with no specific cost being known; however, it was stated if the proposal was on the ballot with other questions, then the cost is shared.

Discussion was also held concerning the need for a hotel(s) due to the Armed Forces Reserve Center, St. Anthony Healthplex, and the ball tournaments stating more money would be spent in Mustang if people could lodge in Mustang.

Other discussion included whether or not we would be competing with other communities who do not have a lodging tax with it being stated no, the other surrounding communities have a lodging tax. **Councilman Taylor** stated he travels all over the country and has never stayed anywhere that did not charge this tax and most were higher than 5%.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Schweinberg**, to Approve **Ordinance No. 1105** Amending Chapter 106, by Adding a New Article VI, Hotel Tax, Sections 106-181 through 106-209, Providing for the Levying on the Rental of Hotel and Motel Rooms within the City of Mustang, a Tax of Five Percent (5.0%) of the Room Rental Rate; Defining Terms; Providing for Exemptions, Acknowledgement and Records; Providing for Tax to be Separately Designated; Providing that Operator is Responsible for Collection of Tax; Providing for Certificates of Registration; Requiring Records be Created; Providing for Returns; Requiring Payment of Tax; Identifying Delinquent Taxes; Requiring Interest on Unpaid/Delinquent Taxes; Providing for Collection of Taxes by Suit; Providing for Posting of Bond; Providing for Assessment and Determination of Tax; Providing for Refunds; Providing for Notices; Providing for Exclusive Remedy; Providing Penalties for Failure to File, Submitting Fraudulent Returns and Failure to Post a Bond; Providing for Operator's Discount for Keeping Records; Requiring Records be Kept Confidential; Designating Use of Funds; Providing General Powers of Finance Director; Providing for Administration of Oath and Compelling Testimony; Providing for Proceedings to Recover Tax; Amendments; Providing that Provisions are Cumulative; Providing that Provisions are Severable; Requiring Approval of Ordinance by a Majority of Registered Voters Voting at an Election Held for this Purpose and Fixing Effective Date Thereof; Declaring Repealer; Providing for Severability.

AYE: Taylor, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: Staples

MOTION was made by **Councilman Schweinberg,** seconded by **Councilwoman Hagan** to Approve the Emergency Clause for **Ordinance 1105**.

AYE: Taylor, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: Staples

MOTION was made by **Councilman Taylor**, seconded by **Councilman Schweinberg**, to Approve **Resolution No. 15-002** Notifying the Secretary of the Canadian County Election Board that a Special Election Providing for the Levying, on the Rental of Hotel and Motel Rooms within the City of Mustang, of a Tax of Five Percent (5.0%) of the Room Rental Rate, Defining Terms, Providing for Exemptions as set out in Ordinance No. 1105 of the City of Mustang, State of Oklahoma, and Providing for the Use of Funds Derived Therefrom, shall be Held in the City of Mustang, Oklahoma, on the 4th Day of November, 2014, Providing for Special Election Procedures; Setting Forth the Facts Required by Section 13-102 of Title 26 of the Oklahoma Statutes; Directing the City Clerk to Immediately Submit this Resolution to the Secretary of the Canadian County Election Board; Further Directing the City Clerk to Immediately Submit a Current, Certified Copy of the Charter of the City of Mustang, Oklahoma, to Said Election Board as Required by Section 13-109 of Title 26 of the Oklahoma Statutes; and Directing the City Clerk to Immediately Provide the Canadian County Election Board with a Map as Required by Section 13-107 of Title 26 of the Oklahoma Statutes;

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

MOTION was made by **Councilman Schweinberg,** seconded by **Councilman Jones** to Approve the Emergency Clause for **Resolution 15-002**.

AYE: Taylor, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: Staples

I. CITY ATTORNEY'S REPORT

None.

K. ADJOURNMENT

MOTION was made by **Councilman Schweinberg**, seconded **Councilwoman Staples** to adjourn.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

The meeting was adjourned at **8:04 p.m.**

____
Jay Adams, Mayor

Attest:

____
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JULY 15, 2014

The Mustang Improvement Authority met in regular session on Tuesday, July 15, 2014, at 7:00 p.m. in the Mustang Municipal Building Council. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, July 11, 2014, at 3:05 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 **8:04 p.m.**

B. ROLL CALL

Trustees Present: **Taylor**
Staples
Bowers
Jones
Hagan
Schweinberg
Adams

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **07/01/14** MIA Minutes
*2. Claims List for **FY '14**
*3. Claims List for **FY '15**
*4. Acceptance of a **10' Utility Easement** located in the East Half of the Northwest Quarter, Section 35, Township 11 North, Range 05 West from the Oklahoma Army National Guard for the Industrial Access Road (E Thunderbird Ln) Water Main Project.
*5. Approval of **Memorandum of Agreement** with Oklahoma Army National Guard for the Industrial Access Road (E Thunderbird Ln) Water Main Project.

MOTION was made by **Chairman Adams**, seconded by **Trustee Taylor,** to approve Items D-1 thru D-5 of the Consent Agenda.

AYE: **Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams**
NAY: **None**

E. <u>INFORMATION/REPORTS</u>

1. Trustee Manager

None.

2. Trustees

None.

F. <u>DISCUSSION ITEMS</u>

*1. **Discussion, Consideration and Possible Action** regarding Approval of Contract and Bonds with Brewer Construction Oklahoma LLC for the Industrial Access Road Waterline Project.

MOTION was made by **Chairman Adams,** seconded by **Trustee Schweinberg** to Approve the Contract and Bonds with Brewer Construction Oklahoma LLC for the Industrial Access Road Waterline Project.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

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

MOTION was made by **Trustee Taylor**, seconded by **Trustee Schweinberg**, to Table the Approval of Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Garbage and Refuse.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

G. ADJOURNMENT

MOTION was made by **Trustee Taylor** and seconded by **Trustee Schweinburg** to adjourn.

AYE: Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams
NAY: None

Meeting was adjourned at **8:06 p.m.**

____
Jay Adams, Chairman

Attest:

____
Lisa Martin, Secretary