MUSTANG CITY COUNCIL
FEBRUARY 5, 2013
MINUTES

The Mustang City Council met in regular session on Tuesday, February 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, February 1, 2013 at 1:30 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 (Pastor Phil Sellars, Mustang Christian Church)

Pastor Justin Williams of **Mustang Christian Church** led the Invocation and the Pledge of Allegiance.

C. ROLL CALL

Council members Present:	**Taylor**
	Grubbs
	Bowers
	Jones
	Hagan
	Mount
	Adams
Council members Absent:	**None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

1. Presentation by the Oklahoma Mustang Car Club

The **President of the Oklahoma Mustang Car Club** spoke and stated that it was an honor to work with a fine group of people and the citizens of Mustang and he thanked Council for their support.

He introduced Joe Palmer the Show Chairman for the Grand National and Ken the assistant. They spoke to Council and the City Manager regarding the people they hired to help run this City on their behalf. He talked about Justin

Battles, the Chamber, and the Fire and Police Chiefs. He stated that they appreciated everything that each of them had done for them.

They passed out trophies as a thank you from the Club to the Council.

He stated that with the help of the Police Chief the security was outstanding. He stated that they booought a flat panel HD TV for the police department so they could see traffic jams or anything they needed help with.

He stated that this year the Club made money and he presented the Mayor with a check for $3,000.

They also presented a check for $3,000 to Becky Julian, Director of the Chamber. He talked about what a marvelous job she did for them.

Palmer thanked Justin Battles again for his assistance in making the Car show a popular event to attend.

Mayor Adams stated that any time the City can be of service they want to be there and he thanked the Car Club for everything they do.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

There was no new business, deletions or continuances to the agenda.

F. <u>CONSENT AGENDA:</u>

1. Approval of **01/15/13** City Council Minutes.
*2. Approval of Claims List for **FY '13**
*3. Approval to Turn Past Due Utility Accounts Over to the Collection Agency.
4. Approval of **Resolution No. 13-028,** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $693.18.
*5. Approval of Maintenance Bond for Water/Sewer Lines and Paving/Drainage for Wild Horse Village Addition.

Councilman Taylor asked that Item No. 2 be pulled.

Councilman Grubbs asked that Item No. 5 be pulled for separate vote so that he could abstain.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Jones** to approve **Items 1, 3 and 4** of the Consent Agenda**.**

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

In reference to Item F-2.

Councilman Taylor asked on Page 1 under City Manager a charge of $574 for rabies vaccination. Was that a City wide deal or what?

Rutledge stated that was an employee bitten by a dog.

Taylor also asked about Incode charges on page 1, 2 and 3 of general government. What were they for?

Janet Watts, Finance Director explained that is the annual maintenance charge for all of the modules and all of the accounting systems.

Taylor asked what kind of maintenance is done.

Watts stated that they provide technical analysis.

Mount stated that he analyzed what we have before us tonight which totals $23,849.00 for that. He stated what we have really paid for this total service and over this past couple of months he came up with $37,193.00 and he tried to break it out where he could understand it and of that amount it appears there are 10 entries of online service contracts so he assumed that was online service. He looked at the annual maintenance contract of which there were five which is five modules.

Janet Watts explained to him what all of these costs were.

Mount asked about inside transaction fee which is another module and Watts explained that it was another module for credit card transactions.

Mount asked how many other modules the City has and stated that he is trying to get educated about some computer stuff.

Watts stated the City has bank reconciliation, fixed assets, payroll, general ledger, etc. and they are all separate modules.

Mount stated that is a good investment from a financial standpoint and pretty expensive and a perpetual license.

Mount stated that he would like to know how many modules we actually have and what the total cost of Tyler Technologies is.

Taylor wanted to know how much we have spent on Incode over the last few years and if the cost of this technology has gone down or if we are spending more.

Watts stated we have been with the system since 2002 and she would do the research and have it back to him.

Grubbs asked if it was an option to switch or is it too costly.

Watts stated that it was close to a $1 million at the City she came from to make the switch.

Rutledge stated that it is also tied into the Community Development Department, etc.

Mount stated that what he is trying to get to one of these days is what we are spending on Crawford, Arledge and Incode. What we spend on our own people for these accounting services.

Taylor asked if there were other companies that provide this software service.

Watts explained that there are but Incode is the leading program in municipalities.

Taylor asked about the $4,602.00 charge from Crawford. Was this tied to the audit services?

Rutledge stated that it probably is but he would look into it.

Taylor asked if he would see how many hours we were billed for that if that was consulting services.

Taylor asked about $24,000 for Dell Marketing. How many computers are we buying for that amount?

Rutledge said, thirty (30) which is a part of the capital improvement plan.

Mount asked about Page 10 where we are paying Eckroat Seed Company $108,060 and Silver Star $129,377.

Mount said that the total of $309,000 that we spent on moving the two soccer fields and the only thing he had to say about that is he would invite the 17,000 citizens of Mustang to drive up that road to look at those soccer fields that cost $309,000.

Mount pointed what the City is paying the architects now and what their total payments are and what it leaves with a balance of only $33,000 left he was wondering whether or not Red Prairie Design is going to be able to continue what is left to be done with that amount of money.

Battles explained that there is a pre-bid conference tomorrow and the bid will be opened on the 20th.

Mount stated that he has had calls regarding the bid information being off of the website with the bid opening being so close.

Battles explained that there was a reason for that being pulled and he explained it had to do with some changes that needed to be made but it was put back on.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Grubbs** to approve **Item F-2.**

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

In reference to Item No. F-5.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Jones** to approve **Item F-5.**

AYE: **Taylor, Bowers, Jones, Hagan, Mount, Adams**
NAY: **None**
ABSTAIN: **Grubbs**

G. INFORMATION/REPORTS

1. City Manager

a. Report on Streaming City Council Meetings

Rutledge stated that he is having difficulty getting the streaming accomplished but he is working on that.

b. Report on Water Calculations and Audit Info Being Included in Utility Bills

Rutledge stated that links were added to the website for the opportunity to view these and access easily.

c. Report on Channel 20

Rutledge explained if someone does not have a digital TV they can't pick up Channel 20 at this time but he is working on other options to make this work.

Rutledge reported on the security glass that has been installed in the front entry way for the staff sitting at the Utility Billing window, Community Development and Court windows. This will make it difficult for anyone to reach in and grab an employee.

2. City Council

Councilman Taylor stated that he would like a report on animal control activity fiscal year to date as far as how many calls they have gone on and summary of activity they are seeing.

Taylor asked if the inventory on the condition of city streets has been done yet.

Rutledge stated that it is still being worked on in fact staff was out last week working on it. I could be 30-45 days before it is done.

Taylor stated that there has been some discussion as to why there is a bad after taste in the City's water and he asked if the City Manager knew why this was happening. Has there been any activity at the water treatment plant that would cause something like that.

Rutledge stated that we have a water system that we operate and not a water plant. He stated that he has not had that problem at his house and he lives on the west side of town. He stated that what might be happening is we blend our water with Oklahoma City and it may be that is creating a different taste since the lake level is so low and it may be coming out of the bottom of the lake but he stated that it is all checked and safe to drink.

Taylor stated that he didn't encounter that taste either.

Rutledge stated if you are not a high water user it may cause it to taste a little different.

Taylor asked if the City Manager would look into a telecommuting space in the Town Center. He explained further what that entails and would like the City to offer a space for that. It is a dedicated space which is more than just a Wi-Fi System.

Rutledge stated that he thought we had that at the Town Center already.

Battles explained what the Town Center offers and what other cities offer regarding this. He stated that the Town Center is already almost maxed out with space. We looked at this in 2006. He stated that he thought it was a great idea but room wise don't have the space. He stated that Yukon, Edmond, or Norman do not offer that space either.

Taylor asked about Wi-Fi use at Town Center and Battles explained that the Town Center does offer that.

Grubbs asked about the stop light at Highway 152 and Heights Drive. It is acting up and it didn't use to do that. It is causing citizens to run the light. He asked why?

Rutledge stated that is why we are doing that signalization program.

Grubbs stated that the City has an accountant to come in and clean things up then we have the auditor come in. Is that a standard procedure?

Rutledge stated he thought clean up is not the right statement.

Watts stated she thought what the auditor was referring to is since the City was without a Finance Director from May until August it required Crawford to come in and prepare a lot for the audit.

Grubbs stated he thought they did that last year also.

Rutledge stated since Brenda Wright was our Finance Director and after she left to keep the integrity of the system we had them do that.

Grubbs stated so next year Crawford won't necessarily have to do that.

Bowers stated that she received phone calls this time and she was happy about that and she explained.

Taylor stated that he received a call from one of his constituents and he invited Jones to attend a crime stopper meeting to be held tomorrow night.

Mount stated that he is still getting lots of calls regarding Shadow Valley Estates. He thinks it is a vital issue for the City to look at. He would like to see this resolved at the Planning Commission level before it gets to the Council.

Adams clarified a comment that was made in the newspaper by Councilman Mount 's letter to the editor. Mount addressed Project No. 2 and Adams explained that it was somewhat misrepresented because the actual Project No. 2 was part of the bid specifications that Severn Trent put out regarding the water line leak at Highway 152 and Clear Springs. When they put out the original bids and they came back they didn't like it so they turned around and resubmitted bids to try to get clarification for repair of that line. As part of the bid specs that were submitted for that a Project No. 2, or more clearly an Option

No. 2, in the event repair to the lines could not be done, a bypass would have to be done and a valve would have to be installed to maintain water pressure for all of those affected additions.

Adams summarized by saying that Project No. 2 was not something that Council didn't address to help long term water pressure on west side of City it was an option that if the line had to be repaired with a bypass that water pressure would be maintained for those subdivisions. He stated that he wanted that to be clear on what Project No. 2 entailed.

H. <u>DISCUSSION ITEM</u>

1. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1078**, Amending Chapter 94, Article I of the Code of Ordinances of the City of Mustang, Oklahoma by Amending Section 94-5 "Exemptions" to Exempt Certain Weatherproof Banners from the Requirements of Chapter 94; Declaring Repealer; Providing for Severability and Declaring an Emergency.

Robert Coleman, Community Development Director, reported to Council that this item was put on the agenda at the request of Council to discuss changes to Banner requirements. He stated that staff has been working on this for a couple of months. He stated that this legislation will help us in prohibiting signage that is a danger and at the same time limited enough where most businesses will have the opportunity to promote their goods and services without too much regulation from the Community Development Department. He stated that there are 12 restrictions on Banners and they are exempt from permitting.

Coleman went over what the current Ordinance includes. It has a 90 day limit as to the time it can be up but that is not included in the proposed Ordinance.

Coleman went over the 12 regulations of the proposed Ordinance. They can put up a banner based on the amount of frontage of their property and they can leave it up as long as it is legible and there is not a permit required as long as it is an accessory sign.

Coleman stated that the weatherproof Banner must also be an Accessory Sign; display surface area is limited to a cumulative total of one square foot per 10 lineal feet of street frontage per r-o-w or 32 square feet whichever is greater.

He stated that a minimum of 50 feet of separation is maintained between other signs exempt by this section located on the same tract.

Grubbs stated that maybe this should be clarified as to what is meant regarding the 50 feet of separation and to specify this section of the code. He said you understand what you are wanting but if you decide to leave us who will know what you meant.

Taylor felt that a minimum of 50 feet is a little bit too much and he talked about the flags at Whataburger.

Coleman stated that they allow a new business a little time to celebrate with putting out flags, etc. It's hard to draw a line on something that is that subjective. He stated that they could adjust that if Council desires.

Taylor thought Council should consider not allowing alcohol related banners to be displayed within the City. He talked about Silver Stallion and their Banners.

Grubbs stated that is discrimination isn't it?

Adams asked the City Attorney if that is something we could do and he said he would have to look into that.

Taylor said he wasn't saying they couldn't put up any banners but just those relating to alcohol.

Hagan stated that she thought they are getting way out of their realm. She stated that this ordinance was suppose to simplify the situation but she didn't think it was doing that. She thought it was more difficult to determine what the Ordinance means.

Coleman stated he has been here about 19 months but he doesn't know of any citation that has been given for a sign issue. When we ask them to take them down they willingly comply. We have impounded signs that are in the rights of ways but no citations.

Taylor and Grubbs talked about business people that they know who were threatened with a citation regarding their Banners.

Councilman Jones asked about compromising with 40 feet and Adams stated that he was going to make a motion changing to 25 feet.

Taylor would like to have a Public Hearing so business owners could come to the Council Meeting to discuss this issue.

Grubbs stated that he would like the height limited.

Coleman asked about limiting it to 8 feet for a free standing banner.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Mount** to Table **Item H1;** Ordinance No. 1078 to the next meeting asking the City Manager to invite business owners to speak at a Public Hearing for this particular item.

Bowers also liked the idea of limiting the signs that are alcohol related.

Adams stated that we could ask the City Attorney to look into that issue.

Grubbs cautioned Council regarding limiting alcohol related signs.

A roll call vote was taken.

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

2. **Discussion, Consideration and Possible Action** Regarding Approval of Application for Amendment to Letter of Credit Issued by YNB (f/k/a Yukon National Bank) and Promissory Note (Renewal Note).

City Manager Rutledge stated that this allows for the payment for our incentive to Lowes.

MOTION was made by **Councilman Grubbs**, seconded by **Councilman Taylor** to approve **Item H2.**

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

3. **Discussion, Consideration and Possible Action** to Approve Solicitation of Bids for Dirt Work, Sod and Irrigation for Wild Horse Park Baseball Complex.

Justin Battles, Parks Recreation Director reported that this is asking for authorization at this time to go out for bid. EST has finalized all of our planning for this project. We are looking to go out for bid next week and it would be due March 7th. He stated that this is our Bond Project.

MOTION was made by **Councilman Grubbs**, seconded by **Councilman Taylor** to approve **Item H3**.

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

*4. **Discussion, Consideration and Possible Action** to Approve the Solicitation of Bids for Professional Auditing Services.

Janet Watts, Finance Director reported that this is for approval of solicitation of bids for professional auditing services. It is a good practice to go out for bid every 5 years. Arledge and Associates has been with the City since 2003.

MOTION was made by **Councilman Grubbs**, seconded by **Councilman Taylor** to approve **Item H4.**

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

5. **Discussion, Consideration and Possible Action** Regarding Approval of Proposed Contract for Emergency Weather Alerts from Blackboard Connect.

City Manager Rutledge reported that he spoke with Blackboard Connect representative Lee Kicker about a new product that is being made available to cities regarding weather alerts.

He stated that the service is based on the National Weather Service alerts that are issued when the weather conditions are severe. He stated that the additional cost would be $2,500 per year.

Taylor asked if there are any other companies out there that do this kind of business and Rutledge stated that they are the number one company in the country but he is sure there are others.

He stated if you are out of town and there is a blackboard connect system in the area you would be notified even then.

Taylor asked about release forms needed from the citizens.

Rutledge stated that Blackboard Connect has been doing this for a long time so he was sure they have the answers for this.

Rutledge explained further how this alert system works.

Taylor stated that he would like to see a presentation on this before he votes on it.

Police Chief Foley spoke to Council regarding this and he stated that he and Chief Hickman asked the City Manager to look into this. It only deals with the highest levels of warnings from NOAA. It gives us warnings regarding fire, tornado, flash flood warning, etc. We are getting ready to get into Spring which is severe fire season and storm season. He stated that it would give us a better level of alert.

Adams stated if the Police and Fire have seen how it works and approve of it he trusts them.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Grubbs** to Table Item H5**.**

AYE: Taylor, Bowers, Mount,
NAY: Grubbs, Jones, Hagan, Adams

Taylor asked if this is for first responders or the citizens. He stated that it wasn't presented to Council as for the first responders.

Rutledge stated that it is for both. They were being specific about the need for first responders. He indicated that it was for the citizens of Mustang but also for the first responders.

MOTION was made by **Councilman Grubbs**, seconded by **Councilman Jones** to approve **Item H5.**

AYE: Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: Taylor

J. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** Regarding Potential Recourse Available to the City of Mustang to Redress Failure of Street Lights and ***Proposed Executive Session as Authorized by 25 O.S., Section 307(B)(4).***

*2. **Discussion, Consideration and Possible Action** Regarding Notice of Violation No. S-23543-12-2 Received from Oklahoma Department of Environmental Quality Relating to Timely Submission of Discharge Monitoring Reports. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(4).**

It was City Attorney's recommendation to go into Executive Session.

MOTION was made by **Councilman Jones**, seconded by **Councilwoman Hagan** to adjourn into Executive Session to discuss Item no J1 and J2.

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

Council returned to regular session.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to proceed as discussed regarding Item J-1.

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

No Action Taken on Item J2; Notice of Violation No. S-23543-12-2 Received from Oklahoma Department of Environmental Quality Relating to Timely Submission of Discharge Monitoring Reports.

K. ADJOURNMENT

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

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

The meeting was adjourned at **8:59 p.m**.

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MAYOR

ATTEST:

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CITY CLERK

MUSTANG IMPROVEMENT AUTHORITY
FEBRUARY 5, 2013

The Mustang Improvement Authority met in regular session on Tuesday, February 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, February 1, 2013 at 1:30 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 **8:25 p.m**.

B. ROLL CALL

Trustees Present:	**Taylor**
	Grubbs
	Bowers
	Jones
	Hagan
	Mount
	Adams
Trustees Absent:	**None**

C. NEW BUSINESS

None

D. <u>CONSENT AGENDA</u>

1. Approval of **01/15/13** MIA Minutes.

*2. Approval of Claims List for **FY '13**

*3. Approval to Turn **Past Due Utility Accounts** Over to the Collection Agency.

*4. Approval of **Maintenance Bond for Water/Sewer Lines** and **Paving/Drainage** for Wild Horse Village Addition.

Grubbs pulled item D4 in order to abstain

MOTION was made by **Trustee Taylor**, seconded by **Trustee Taylor** to approve **Items D-1, D-2** and **D-3** of the Consent Agenda.

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

In reference to Item D-4.

MOTION was made by **Chairman Adams**, seconded by **Trustee Taylor** to approve **Item D-4** of the consent agenda.

AYE: Taylor, Bowers, Jones, Hagan, Mount, Adams
NAY: Grubbs

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

1. **Trustee Manager**
2. **Trustees**

NO Reports given at this time

F. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** Regarding Approval of Contract Completion and Close-Out Loan Documentation for the Wastewater Treatment Plant Improvements Project.

Janet Watts, Finance Director reported that the Wastewater Treatment Plant Improvements Project came well under budget with a total figure of $323,006.48 remaining. The project was funded with ARRA money and all the ARRA related projects need to be closed by March 15, 2013. These are the documents required to close this project.

Taylor asked what is being done with the $323,000.

Watts stated that they are putting it back into the billions of funding for other projects.

MOTION was made by **Chairman Adams**, seconded by **Trustee Taylor** to approve **Item F-1.**

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

*2. **Discussion, Consideration and Possible Action** to Approve the Solicitation of Bids for Professional Auditing Services.

MOTION was made by **Trustee Taylor**, seconded by **Trustee Grubbs** to approve **Item F-2.**

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

*3. **Discussion, Consideration and Possible Action** Regarding Notice of Violation No. S-23543-12-2 Received from Oklahoma Department of Environmental Quality Relating to Timely Submission of Discharge Monitoring Reports. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(4).**

No Action Taken

G. ADJOURNMENT

MOTION was made by **Trustee Taylor**, seconded by **Trustee Jones** to adjourn

AYE: Taylor, Grubbs, Bowers, Jones, Hagan, Mount, Adams
NAY: None

The meeting was adjourned at **9:00 p.m.**

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CHAIRMAN

ATTEST:

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SECRETARY