MUSTANG CITY COUNCIL
FEBRUARY 19, 2013

The Mustang City Council met in regular session on Tuesday, February 19, 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 15, 2013 at 4:00 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

Councilman Jones led the assembly in the Pledge of Allegiance and Prayer.

C. ROLL CALL

Councilmembers Present:	Taylor
	Grubbs
	Bowers
	Jones
	Hagan
	Mount
	Adams
Councilmembers Absent:	None

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Councilman Taylor introduced three business owners that were at the meeting and they were Kaylee Amway of the Posh Polka Dot, Steve Baker of Pebble Creek Golf Course and Bill McCormick of the Masonic Lodge.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

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

F. CONSENT AGENDA

1. Approval of **02/05/13** City Council Minutes.

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

3. Approval of **Resolution No. 13-029**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 fiscal Year Budget by $3,000.
4. Approval to Renew the **Annual Agreement** with **Area Wide Aging Agency** to Provide Weekly Meal Program for Senior Adults.
5. Approval of **Resolution No. 13-030**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $800.00.
6. Approval to Turn Past Due Library Accounts Over to the Collection Agency.

*7. Approval of Maintenance Bonds for Water/Sewer and Paving Drainage for Hunters Hill 3 Addition.

Councilwoman Bowers asked that Item No. 1 be pulled for a separate vote.

MOTION was made by **Councilman Taylor** and seconded by **Councilman Mount** to approve Consent Agenda Items F2 through F7.

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

Councilwoman Bowers stated that on page 11 that the wording of the minutes be changed to ***family friendly*** in lieu of alcohol related.

MOTION was made by **Councilman Mount** and seconded by **Councilwoman Bowers** to approve Consent Agenda Item F1 as amended.

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

G. INFORMATION/REPORTS

1. City Manager

Interim City Manager Battles reported that there was a letter in Council's packets to our citizens in regards to the monitoring for DEQ. There were some monitoring requirements that were not met. Notice was initiated by DEQ and mailed out to our citizens. Severn Trent will pay for envelopes, postage, etc.

We also met with the property owners in regards to the Armory Road. They proposed a few minimal changes to the plans and we are going to meet with them again next Monday. If all goes well we could possibly have this at our next meeting and we are looking forward to moving forward on this project.

Battles reported that we have a short list of road repairs that really need to be fixed. Mr. Shawn is going through his list and prioritizing this list in the order that they need to be fixed.

Councilman Taylor asked for a copy of the short list and Battles stated he would provide him with a copy.

Councilman Mount asked Justin what Council can expect to hear or see at the next meeting regarding the Armory Road.

Battles stated the proposed location of the road which is the south side of the property and the other thing would be the easement agreement with the property owner for that roadway. As long as the Monday meeting goes well and he likes the changes, which he suggested then we will finish the cost estimates, etc.

Mount asked when they were going to see what is going on the easement as far as the legal description of that road.

Battles stated that they were very close at the last meeting to agreeing on the legal description of the property but there were some minimal changes. This is what could be on the next agenda.

Battles reported that Heights Drive is operating correctly at this time and appreciate Silver Star's assistance with that.

He stated that Miller Architects are perfectly on schedule with the hospital. He will be showing a site plan at their next meeting.

The live streaming of the City Council Meetings has been worked out. After this meeting there will be about a one hour shut down of Channel 20. We will have to upload some software so that we can live stream the Council Meetings on the Web for the citizens who do not have access to cable.

Battles stated that there is a possibility between now and March 1, 2013 that we will need to have a Special Meeting in regards to a DEQ Order that we received. We are on a timetable and we found this after the Agenda had gone out on Friday. We have some deadlines so this may be necessary.

Battles also stated that tomorrow at 2:00 p.m. is the bid opening for the Library and Banquet Hall Expansion.

2. City Council

Councilman Jones stated that he has a constituent that has concerns in regards to a bus that is being converted to an RV. He stated that it looks like they drove the bus to the back yard. He just wanted to give the City Manager this information.

Councilwoman Bowers went to the OEMA Meeting and she reported on that meeting. She also talked about the meeting in her area where they talked about the adding of 55 new homes in Centennial.

Councilman Taylor announced that there would be a benefit breakfast at the Masonic Lodge this Saturday at 10 a.m. and the public is welcome.

He asked the City Attorney about Tornado Shelter Inspections. He asked if he could ask staff about that now or place on agenda for next week.

City Attorney Miller stated that if he wishes to get into a discussion with other Councilmembers then it would have to be on the next agenda. A question or two directed to staff would be okay.

Councilman Taylor asked Mr. Coleman what the fee is for this type of inspection.

Mr. Coleman stated that it is included in the $54.50 minimum permit fee.

Taylor asked what is covered in this inspection and why are they needed.

Coleman stated that this inspection includes a plan review and most require an engineer's stamp and seal on the design and he went on to explain further.

Councilman Taylor asked what the recourse for the City is if a shelter is placed at a home without a permit, etc.

Mr. Coleman stated that it would depend on the type of shelter. Some come as one unit. If it is one that is poured in place then we may have to have a structural engineer to look at it and determine if what is there was what was in the design.

Councilman Taylor asked that Battles place on the next agenda an Item for discussion in regards to Storm Shelters.

Councilman Taylor asked the City Manager to look into a Resolution that was passed by Charlottesville, Virginia advising the State of Virginia that they were against the use of Police Drones and the surveillance done by these drones in their Municipalities. He would like the City Manager to review this and determine if this is something that would hold up or if it is against any Federal Laws. He stated that this really concerns him.

Taylor stated that he was fortunate to join Governor Mary Fallin and Mayor Mick Cornett at the Capitol today regarding second hand smoke. If you would like to read more please go to www.dontsmokeonme.com. This shows how second hand smoke affects our municipalities and all citizens.

Mayor Adams stated that he attended the COWRA Meeting on Friday. The group is moving forward with their project contract to do data collection and sampling of water sources in the Canadian County area. They have provided the City of Mustang a list of data items that they need so that they can move forward with this. He stated that this is step one in this process.

He also asked Battles about the signalization project update.

Battles said that there were some concerns with some bracket heads ability to be turned, etc. He stated that EST has addressed those problems and he has a copy of that and he is very happy with their response. Still no exact time but they will be moving forward.

H. DISCUSSION ITEMS

1. **Public Hearing, 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.

Mr. Coleman stated that since the last meeting they have made a few changes to the Ordinance:

1. On Item 15E there was a change requested by Councilman Jones for a minimum of 45 feet of separation.

2. On item 15G there was a change requested by Councilman Grubbs for a height limitation.

After the last meeting we gave a copy of the Ordinance to the Mustang Chamber of Commerce. Some of the Board said they were concerned with banners with flashing lights.

Councilman Taylor went over the differences in this Ordinance in comparison with the current Ordinance.

Coleman stated that there is more of a restriction on where the banners can be put but they do not have to come to us for a permit. There is no length of time that the banner can be up as long as it is well maintained.

Mayor Adams opened the meeting to a Public Hearing.

Kaylee Amway at 327 W. SH 152 thanked Council for reviewing this matter. It will be great to have her sign out.

MOTION was made by **Councilman Jones** and seconded by **Councilman Taylor** to close the Public Hearing.

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

MOTION was made by **Councilman Taylor** and seconded by **Councilman Jones** to approve Item H1.

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

MOTION was made by **Councilman Taylor** and seconded by **Councilman Jones** to approve the Emergency Clause on Item H1.

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

2. **Public Hearing, Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1079,** Amending the Zoning Ordinance of the City of Mustang as Amended to Change Certain Property Located in Canadian County, Oklahoma from "I-1" Light Industrial District to "C-5" Commercial Intensive District and Declaring Repealer; Providing for Severability and Declaring an Emergency – **Link's Lawn 221 S. Cedar Springs Lane**

Melissa Helsel reported that this is a rezoning application for three acres tucked in between the old Cosby Ranch and the Cedar Springs Arena. The Application is by Link's Lawn Equipment on the east side of S. Cedar Springs Lane. Their lease is up and they want to build their own building. They have been in town for eight (8) years now. They also ask that the Emergency Clause be approved because with their lease expiring they would like to get started on their building as soon as possible. This land is currently Zoned I-1 and they ask that it be changed to C-5. Zone I-1 will not allow this type of business in this area and C-5 will allow this. Staff recommends approval because their plan conforms to the Long Range Plan. The Planning Commission voted 7-0 to recommend approval.

Mayor Adams opened the meeting to a Public Hearing.

No one spoke in favor of or against the Rezoning.

Mayor Adams closed the Public Hearing.

MOTION was made by **Councilman Jones** and seconded by **Councilwoman Hagan** to approve Item H-2, **Ordinance No. 1079**.

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

MOTION was made by **Councilman Jones** and seconded by **Councilman Mount** to approve the **Emergency Clause for Ordinance No. 1079**.

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

3. **Discussion, Consideration and Possible Action** Regarding the Process Available to be Used by the City of Mustang for Conducting a Search for a New City Manager.

Human Resources Director, Laura Anderson, reported to Council on options for hiring a City Manager. We have a number of instate options as well as throughout the United States and she listed some of these sources. She gave the Council the cost to run these ads. She also pointed out that we can advertise in the Sunday Oklahoman but it would be very costly.

Mayor Adams stated that with the National League of Cities we could get a nationwide view of this.

Councilman Taylor asked that we reach out to the OU and OSU public administration.

Councilman Mount stated that his comment pertains to the job summary 1, 2 and 3. He has read all of this and thinks if he was a young man and could meet all of those requirements he would not work for $90,000 to $120,000 a year.

Anderson stated that a recent salary survey that she ran shows our figures are pretty close.

Councilman Taylor stated that according to the survey he thinks the salary is fair.

Councilman Jones thinks Mrs. Anderson did a good job and the rest of Council agreed.

Councilman Grubbs stated that the price of one Sunday ad and the number of people that see it is not a good use of our money.

Mayor Adams suggested Anderson advertise in everything but the Sunday Oklahoman and Council agreed.

CityAttorney Miller suggested that in the job description for those that make an inquiry we should include a copy of Section 3.1 of the Charter.

Mayor Adams stated that March 29, 2013 is the last working day in March; therefore, he would like that day to be the final day to accept applications.

Councilman Taylor stated he felt we should leave it open for 60 days.

Mayor Adams stated that he would not want to wait 60 days to close the application process. If for some reason that we are not happy with any of the applications that we receive then we have time to look further.

Councilman Mount cautioned Council in regards to this matter. He does not want to feel rushed in this process. This is a big decision to make.

Mayor Adams stated that he is saying that the 40 days is for the Application process, not the entire hiring process. He feels 40 days is ample time to receive applications. He is not going to settle! If we get to the 40th day and we do not have a good candidate, then he would be the first one to ask for an extension on this.

MOTION was made by **Mayor Adams** and seconded by **Councilwoman Hagan** to approve the items included in Item H-3 including the advertising areas excluding the Sunday Oklahoman with a deadline for receiving resumes on March 29, 2013 at the close of business and that we allow ourselves the option that if we do not receive applications that we are satisfied with that we extend out the timeline. Also, to all the applicants that inquire into this job that they receive a copy of 3.1 in the City of Mustang Charter along with the job description.

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

Councilman Mount thanked Laura Anderson for all of her work.

J. CITY ATTORNEY'S REPORT

MOTION was made by **Councilman Taylor** and seconded by **Councilman Jones** to adjourn to Executive Session.

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

1. **Discussion, Consideration and Possible Action** Regarding Employment of an Interim City Manager for the City of Mustang, Including Interviews of Chuck Foley, Justin Battles and Jim Luckett, Jr. as Potential Candidates for Interim City Manager and **Executive Session as Authorized by 25 O.S., Section 307 (B)(1).**

MOTION was made by **Mayor Adams** and seconded by **Councilman Taylor** to employ Justin Battles as Interim City Manager and Trust Manager for the Mustang Improvement Authority and any other trust of which the City is sole beneficiary upon the following terms:

a. Base Salary equal to 20% over and above his current salary.
b. Family Group Health, Dental and Life Insurance benefits provided to general employees of City at no cost to the employee.
c. Benefits of Employment provided to general employees of City.
d. A Cellular and Mobile connectivity reimbursement of $100 monthly.
e. Mr. Battles employment is pursuant to Charter Section 3 and shall be on an interim basis until selection of a new City Manager
f. The City will hold Mr. Battles current position open and he will return to that position after conclusion of his time as Interim City Manager.
g. Subject to a written contract to be presented to the City Council at the next meeting with the effective date of February 19, 2013.

A roll call vote was taken.

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

K. ADJOURNMENT

MOTION was made by **Mayor Adams** and seconded by **Councilman Jones** to adjourn the meeting.

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

Meeting was adjourned at 9:14 p.m.

____
Mayor

Attest:

____
City Clerk

MUSTANG IMPROVEMENT AUTHORITY
FEBRUARY 19, 2013

The Mustang Improvement Authority met in regular session on Tuesday, February 19, 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 15, 2013 at 4:00 pm. 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 9:14 p.m.

B. ROLL CALL

Trustees Present: **Taylor**
Grubbs
Bowers
Jones
Hagan
Mount
Adams

Trustees Absent: **None**

C. NEW BUSINESS

None

D. CONSENT AGENDA

1. Approval of **02/05/13** MIA Minutes.
*2. Approval of Claims List for **FY '13**
*3. Approval of Maintenance Bonds for Water/Sewer and Paving Drainage for Hunters Hill 3 Addition.

MOTION was made by **Trustee Jones** and seconded by **Trustee Hagan** to approve the Consent Agenda D1 through D3.

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

E. INFORMATION/REPORTS

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

No reports.

F. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** to Authorize the Completion and Filing of an Application for Permit to Construct for Construction of a Modification to Lift Station #3, and Authorizing Jay Adams as Trustee of the Mustang Improvement Authority to Sign and Submit the Same to the Oklahoma Department of Environmental Quality.

Battles reported that DEQ has been gracious enough to give us an extension to March 8, 2013 to submit a permit to construct. We must pay the Construction Permit and by doing this we will avoid any type of Consent Order.

MOTION was made by **Chairman Adams** and seconded by **Trustee Taylor** to approve Item F1.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **9:15 p.m.**

Chairman

Attest:

Secretary