

**MUSTANG CITY COUNCIL  
JANUARY 15, 2013**

The Mustang City Council met in regular session on Tuesday, January 15, 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, January 11, 2013 at 11:15 a.m. and Amended on January 11, 2013 at 12:20 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

**A. CALL TO ORDER**

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

**B. PLEDGE OF ALLEGIANCE/INVOCATION (Pastor Larry Holder, Mustang Methodist Church)**

**Terry Jones** led the assembly in the Prayer and the Pledge of Allegiance.

**C. ROLL CALL**

|                                 |               |
|---------------------------------|---------------|
| <b>Council Members Present:</b> | <b>Taylor</b> |
|                                 | <b>Grubbs</b> |
|                                 | <b>Bowers</b> |
|                                 | <b>Jones</b>  |
|                                 | <b>Hagan</b>  |
|                                 | <b>Mount</b>  |
|                                 | <b>Adams</b>  |

|                                |             |
|--------------------------------|-------------|
| <b>Council Members Absent:</b> | <b>None</b> |
|--------------------------------|-------------|

**D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES**

There were none.

**E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA**

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

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**F. CONSENT AGENDA**

- 1. Approval of 01/02/13 City Council Minutes.**
- \*2. Approval of Claims List for FY '13**
- 3. Approval of Resolution No. 13-027, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by \$13,151.**
- 4. Approval to Turn Past Due Library Accounts Over to the Collection Agency.**
- \*5. Approval of Water and Sewer Maintenance Bond for the Public Water Line for the Whataburger Project.**

**Taylor** pulled item No. 2 of the Consent Agenda.

**MOTION** was made by **Councilman Taylor** seconded by **Councilman Grubbs** to approve Items 1, 3, 4 and 5 of the Consent Agenda.

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

**NAY: None**

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

**Taylor** asked about Department 11 of the Claims List being Human Resources.

**City Manager, Mike Rutledge** stated that it was for the hiring of employees and it comes out of the account as general Human Resource expenses.

**MOTION** was made by **Councilman Taylor** seconded by **Councilman Mount** to approve Items 2 of the Consent Agenda.

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

**NAY: None**

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**G. INFORMATION/REPORTS**

**1. City Manager**

**Rutledge** stated that Whataburger opened and the turnout was huge. Cherry Berry will be opened by the end of the week. The waterline at the intersection of 152 and Clear Springs has been repaired.

**Adams** talked about the long lines at Whataburger.

**Justin Battles, Parks & Recreation Director** gave a report on the geese. He spoke with Wildlife Association. Mr. Bryant with the U.S. Fish and Wildlife said that Mustang is eligible for a free study and it is a six week process. If there are domestic animals they will be relocated to farms. He stated that people are allowed to feed them but we can try to get rid of them also, this is federal law.

**2. City Council**

**Mount** spoke in regard to the Planning Commission meeting. He stated that there has been a development of concern. He received phone calls and some of the people who called were at the meeting. He hopes that the developers are looking into something else since the item is not on the agenda tonight. He then stated that he enjoys speaking to people and is glad they could join the meeting.

**Jones** said that Ward IV is happy to see the hole repaired. He also stated that he met the Whataburger Manager and is very impressed.

**Bowers** attended the OEMA Board Meeting. She stated that they have closed on the property for the new landfill and said there has been some illegal dumping. In Mustang there are four sites, 2 areas on 89<sup>th</sup>. She stated that they are looking through the trash to find names so that letters may be written to address the situation.

**Taylor** talked about the Traffic Committee meeting where there was good discussion in regards to signage. He then announced that there will be a breakfast fundraiser in support of the Mustang Pompon Squad and it will be held at the Mustang Lodge and he asked that everyone come out and support them. He then expressed his excitement for Whataburger.

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**Taylor** asked for an update on streaming meetings live on the website.

**Rutledge** stated that the software had been downloaded today and that it is good but there was not enough time to get it running before the meeting.

**Taylor** asked about the water calculations.

**Rutledge** stated that there was a document made and the cost to publish would be \$2,000.00. He said that may be better for City to post it online for all to view.

**Taylor** stated that he would like to see this at the next meeting. He then asked about the banner/signage information.

**Rutledge** stated that Community Development has been actively working on this and there are a few changes to address but it will be brought to Council in February.

**Taylor** expressed his opinion in regards to an Executive Order to be used by the President thus violating everyone's 2<sup>nd</sup> Amendment Rights. He asked that everyone pray for the President and others involved.

**Adams** stated that he was told that the agenda was not posted on Channel 20 and it needs to be posted the same day as posted outside. He asked that this be checked on and report back at next meeting.

**Rutledge** stated that he would check on it and he asked Deputy City Clerk/Administrative Asst., Lindsey Grigg if it had been posted.

**Lindsey Grigg, Deputy City Clerk/Admin. Asst.** stated that it was posted the same day as it was posted outside.

**H. DISCUSSION ITEMS**

- \*1. **Discussion, Consideration and Possible Action** to Accept the Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year Ending June 30, 2012.

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**Rutledge** stated that this is the annual audit and he introduced Auditor, Andy Cromer to Council who would present the audit.

**Andy Cromer; Arledge & Associates** spoke to Council in regard to the audit. He mentioned that there is another CPA Firm involved in the audit process. He spoke about rules that changed years ago.

**Cromer** stated that the report passed out to Council is what is required by the State and there are two issues: Internal Control and Non-Compliance.

1. The state requires cities to insure that the bank has sufficient collateral to cover deposits, we looked at this on 6/30 and that was not sufficient.
2. He stated that Crawford cleans things up before they get here. He stated that the Bank reconciliations had not been done when they came. They had been done but not in a timely manner and this needs to be done monthly so that there is time for corrections.

He stated that the Audit opinion is a standard report and is a clean opinion.

**Mount** questioned the Comprehensive Report stating that it appears that Arledge & Associates expressed an opinion on 38 out of 104 pages. He stated that you don't expect an opinion on the other 66 pages and you disclaim those and Cromer answered by saying right.

**Mount** stated that there are four types of opinions which he listed as: Unqualified, Qualified, Adverse and Disclaimed. He asked of those four which best describes your report.

**Cromer** explained to Don Mount that our rules work that way and he talked about a disclaimer report. The City of Mustang participates in the GFOA program which is a voluntary program. Some of the requirements include tables and information that accounting principles do not require. We do not audit those charts, etc. that are not required to be audited. This may sound negative but it is not.

**Mount** expressed that in the reports there are two parts; unqualified and whatever you call the balance of it. He looked at the report and said that report says that they talk about other reports but they express no opinion, that

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the auditors have a disclaimer on 66 pages. All of these consist of numbers.

**Cromer** stated that it is an unqualified opinion and he explained further.

**Mount** stated things like combining balance sheets, etc. but no opinion?

**Cromer** said that those are included in our opinion and he explained further.

**Mount** said the Fiscal Year ends on June 30,, 2012 and the report is dated December 14, 2012. Is the reason it takes 6 months is because you are not ready or the City is not ready?

**Cromer** answered by stating that both parties need to be ready and that the City follows GFOA rules which has to be complete in 6 months.

**Janet Watts, Finance Director** explained that outstanding indebtedness is open until the date of September 30<sup>th</sup>.

**Mount** said that a lot of things happen in that 6 month period like Lowes being paid off.

**Watts** explained that the City has one more payment for Lowes.

**Mount** stated that on page 56 it states Lowes payment is payable over a 5 year period.

**Adams** stated that the first payment was made after the building was built in 2009.

**Taylor** asked how the audit report was made available for citizens.

**Watts** said that it will be posted on the website and advertised that citizens can come and view it at City Hall.

**Taylor** asked if this can be sent out with Utility Bills.

**Rutledge** stated that he would work on this.

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**Taylor** asked what the procedure was prior to new management.

**Brenda Wright, Crawford & Associates** stated that Janet Watts was not here at the time of the mistake and that comment was put in there before Janet. After the Finance Director left we found this error and since Janet's arrival many procedures have been put in place.

**Taylor** asked whose fault was it.

**Rutledge** stated that it was the Finance Director's job to do that and we were told she had it taken care of.

**Adams** asked if the incident from Fiscal Year 11 and Fiscal Year 12 were at the same bank or at different banks.

**Wright** said it was a single bank and different both years.

**Cromer** stated that it is the cities job to get cooperation from the bank to make this work.

**Wright** said that it gets harder and harder to get banks to secure collateral and it is sometimes a fight.

**Taylor** asked if Council was aware that a certain amount of money was not collateralized and asked if they were aware it was in the last report.

**Wright** stated that it was in the last report and presented to Council.

**Adams** explained that Council asked the Finance Director to develop procedures to make sure this doesn't happen again.

**Taylor** asked what the budget surplus for the Fiscal Year 2012 was.

**Wright** stated that the general fund on page 61 as per the final budget was \$1.8 million that the City carried over but some of this money could be for restricted projects.

**Wright** thanked Council for actually reading the audit and added that she doesn't get that a lot.

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**Taylor** referred Council to Page 3 the introductory letter from the City Manager dated December 30, 2012 and stated that he was ashamed that this was going out to citizens when the letterhead has the wrong Council listed on it.

**Wright** stated that the letterhead was sent to her and it was wrong but she will check it better next year.

**Adams** stated that on Page 8 the letterhead had the correct names on it.

**MOTION** was made by **Mayor Adams** seconded by **Councilwoman Hagan** to accept Discussion Item No. 1; Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year Ending June 30, 2012.

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

**NAY: None**

2. **Discussion, Consideration and Possible Action** Regarding Reappointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box.

**Rutledge** stated that this item was brought back from the last meeting.

**Taylor** thanked Council for indulging him on this and he thanked the Judges for their cooperation.

**MOTION** was made by **Councilman Taylor** seconded by **Mayor Adams** to approve the reappointment of Steve Huddleston as Municipal Judge and Chris Box as Alternate Judge.

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

**NAY: None**

3. **Discussion, Consideration and Possible Action** Regarding Arsenic Levels in the City of Mustang Water Supply.

**Rutledge** reminded Council of his discussion last week on arsenic levels in the City water. He talked about blending water with Oklahoma City and stated that Mustang has higher levels of arsenic but is very drinkable. He spoke about COWRA and various studies and ideas that the board has been working on.

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He stated that desalinization is something that is being looked at right now. He stated that the City will continue to blend and we test the water regularly so we know the levels of the arsenic.

**Taylor** stated that he is excited about COWRA and its findings.

**No Action Necessary. (Report Given)**

4. **Discussion, Consideration and Possible Action** Regarding Adding the Staff Position of Assistant City Manager with Duties and Responsibilities to be Determined by the City Manager or by the City Council.

**Adams** stated that he asked for this to be on the Agenda. The title is not quite right, Mustang has an Assistant City Manager position in the Code and so this is asking to fill that position. The City is approaching a population of 20,000 and it needs more of everything, the top part of management could use some help. It would be nice to have someone who will give the City Manager assistance. If the City Manager is incapacitated at any time then an assistant would be helpful.

**Mount** asked what the job description would be and what the City is looking for regarding expertise. He also asked if he/she would be equal to Mike or less than in qualification.

**Adams** explained that the hiring is up to the City Manager not the Council.

**Taylor** asked why the agenda item was written this way.

**City Attorney, John Miller** stated it was set under the City Manager and the Council is over the City Manager.

**Mount** stated that 4.3c says that Council by Ordinance may transfer some or all powers.

**Adams** said that in the past it may have been necessary to place that in the code.

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**Mount** asked if current City Manager said he needs help or if Mayor Adams just observed that. Mount asked if in this meeting we are considering this and one other position.

**Adams** stated that Mustang has 86 full-time employees and the rest are part-time.

**Grubbs** asked the City Manager if he needs this position.

**Rutledge** stated that the City has always been understaffed and he thinks that all departments need help. The City Manager also stated that this was not specified in this year's budget.

**Taylor** asked Rutledge if he needed an assistant or not.

**Rutledge** replied by saying today probably not but in the future maybe.

**Adams** stated that the Council is seeing errors on a regular basis and projects are not being completed on schedule, the City needs someone to help.

**Bowers and Adams** both asked what cities have Assistant City Managers.

1. Del City at a population of 21,000 has NO assistant
2. Yukon at a population of 24,000 DOES have an assistant

El Reno was mentioned as having an Assistant but was also stated that the information may be inaccurate.

**Taylor** stated that the City Manager said he did not need assistance.

**Rutledge** stated that he does not anticipate hiring someone immediately, he will have to research.

**Adams** talked about possibly having the City Manager go ahead and look into it.

**Bowers** expressed that this should be an item to revisit with the new budget.

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**Adams** stated that they could instruct the City Manager to look into this now.

**Hagan** thinks that some embarrassing things have happened and thinks that this item should wait until the budget and new Council are in place.

**Taylor** stated that the City Manager said he did not need one today.

**Rutledge** stated that he does not mind looking into it but he wants to make sure that he hires someone who can do the job.

**MOTION** was made by **Councilman Taylor** seconded by **Mayor Adams** to direct the City Manager to look into starting procedures to filling the potential job for Assistant City Manager.

**AYE: Taylor, Grubbs, Adams**

**NAY: Bowers, Hagan, Mount**

**ABSTAIN: Jones**

***Discussion Continued:***

**Rutledge** asked if the Council wanted him to go ahead with this or bring it back.

**Grubbs** asked if the Council has to authorize him to do this.

A tie vote was brought as per above (3-yes, 3-no, 1-abstain).

**Adams** stated that he has asked the City Manager to look into this item for the last 6 months and he did not so he took it upon himself to bring it to Council for a directive.

**Hagan** asked if that vote was to say yes.

**Adams** stated that the vote did not pass

**Grubbs** believes that if the City Manager wants to hire someone, he can without Council's vote.

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5. **Discussion, Consideration and Possible Action** Regarding Adding an Additional Staff Position with Duties to be Determined by the City Manager to Include Assisting in the Review and Response to Open Record Act Requests Submitted to the City of Mustang.

**Rutledge** stated that in November and December his office received considerable amounts of Open Record Requests but this has slacked off now but may pick up once again.

He stated that 15 letters were issued to the City Manager in December. We may have an issue, there was close to 60 hours of used staff time and work in this regard.

**Jones** asked for an amount of total labor.

**Rutledge** explained that he does not have a dollar amount but he, the City Clerk and the Finance Director spent a lot of time on this.

**Taylor** asked if there was an immediate need for the position.

**Rutledge** said no and that this is just an information item and the requests have slowed down.

**No Action Taken. (Report Given)**

J. CITY ATTORNEY'S REPORT

- \*1. **Discussion, Consideration and Possible Action** Regarding Potential Dispute Concerning Scope of Services Required by Severn Trent Environmental Services, Inc. Under the August 2012 Agreement for Operations, Maintenance and Management Services for Water and Wastewater Treatment Plants, Collection and Distribution Systems and Meter Reading; and Executive Session as Authorized by 25 O.S., Section 307 (B)(4).

**Taylor** stated that he has a problem going into executive session with this item. He asked the City Attorney to give him an explanation of the scope and feels important for citizens to hear what he says.

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**Mount** agreed with Taylor.

**Miller** stated that if there is legal advice given then the Council has waived attorney client privilege if discussed in open session.

**MOTION** was made by **Mayor Adams** seconded by **Councilman Grubbs** to move into Executive Session regarding Item J.1.

**AYE: Grubbs, Bowers, Jones, Hagan, Adams**

**NAY: Taylor, Mount**

***Council moved into Executive Session at 8:23pm***

**MOTION** was made by **Mayor Adams** seconded by **Councilman Jones** for the City Attorney to proceed as directed.

**AYE: Grubbs, Bowers, Jones, Hagan, Adams**

**NAY: Taylor, Mount**

**K. ADJOURNMENT**

**MOTION** was made by **Councilman Adams** seconded by **Councilwoman Hagan** to adjourn.

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

**NAY: None**

***The Meeting adjourned at 8:55pm***

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**MAYOR**

**ATTEST:**

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**CITY CLERK**

**MUSTANG IMPROVEMENT AUTHORITY  
JANUARY 15, 2013**

The Mustang Improvement Authority met in regular session on Tuesday, January 15, 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, January 11, 2013 at 12:20 p.m. and Amended on January 11, 2013 at 12:20 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 8:55p.m.*

**B. ROLL CALL**

|                          |                                                                             |
|--------------------------|-----------------------------------------------------------------------------|
| <b>Trustees Present:</b> | <b>Taylor<br/>Grubbs<br/>Bowers<br/>Jones<br/>Hagan<br/>Mount<br/>Adams</b> |
|--------------------------|-----------------------------------------------------------------------------|

|                         |             |
|-------------------------|-------------|
| <b>Trustees Absent:</b> | <b>None</b> |
|-------------------------|-------------|

**C. NEW BUSINESS**

There was no new business.

**D. CONSENT AGENDA**

1. Approval of **01/02/13** City Council Minutes.
- \*2. Approval of Claims List for **FY '13**
- \*3. Approval of Water and Sewer Maintenance Bond for the Public Water Line for the Whataburger Project.

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

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

**NAY: None**

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**E. INFORMATION / REPORTS**

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

*No reports given at this time.*

**F. DISCUSSION ITEMS**

- \*1. Discussion, Consideration and Possible Action** to Accept the Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year Ending June 30, 2012.

**MOTION** was made by **Chairman Adams** seconded by **Trustee Grubbs** to accept Discussion Item No. 1.

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

- \*2. Discussion, Consideration and Possible Action** Regarding Potential Dispute Concerning Scope of Services Required by Severn Trent Environmental Services, Inc. Under the August 2012 Agreement for Operations, Maintenance and Management Services for Water and Wastewater Treatment Plants, Collection and Distribution Systems and Meter Reading; and Executive Session as Authorized by 25 O.S., Section 307 (B)(4).

**MOTION** was made by **Chairman Adams** seconded by **Trustee Hagan** for the City Attorney to proceed as directed.

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

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**G. ADJOURNMENT**

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

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

**NAY:** None

*The Meeting adjourned at 8:57 pm.*

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**CHAIRMAN**

**ATTEST:**

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**SECRETARY**