MUSTANG CITY COUNCIL
JULY 2, 2013

The Mustang City Council met in regular session on Tuesday, July 2, 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, June 28, 2013, at 1:20 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 *(Michael Staton, Pastor, First Baptist Church, Mustang)*

Michael Staton, Pastor, led the assembly in the Pledge and Invocation. He stated the steel was going up in the new preschool and children's addition to the church and hopeful in the next couple of months to see a lot of progress. He said the church has been busy with mission work all over the world, such as Mexico, Africa, Japan, and Nicaragua, and sending people out locally as well.

C. ROLL CALL

Councilmembers Present: **Taylor**
Staples
Bowers
Jones
Hagan
Mount
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. <u>CONSENT AGENDA</u>

1. Approval of **06/18/13** City Council Special Meeting Minutes
2. Approval of **06/18/13** City Council Minutes

*3. Claims List for **FY '13**

4. Approval of **Resolution No. 14-001** Making Changes in the Enforcement of Alcohol Laws Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $30,300.00.
5. Approval to Renew Agreement for Dispatch Services between the Mustang Police Department and the **Town of Union City**.
6. Approval to Renew Agreement with **Simplex Grinnell** for Annual Fire Suppression System Inspection.
7. Approval to Renew Agreement for Software Support for Law Enforcement Management Software with **ETS Development Group dba Sleuth Software**.
8. Approval to Renew Excess Workers' Compensation Insurance with **Mid-West Employers**.
9. Approval of **Performance, Statutory, and Maintenance Bonds** from Schwarz Paving Co. for the construction of the road project titled Industrial Access Road, Phase II.
10. Approval to Turn Past Due Library Accounts Over to Collection Agency.

Councilman Mount asked that Items F-1 through F-3 be pulled for discussion.

MOTION was made by **Councilman Jones**, seconded by **Councilman Taylor** to approve Items F-4 through F-10 of the Consent Agenda.

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

Mount stated he would like to abstain from the vote to approve the Minutes on Items F-1 and F-2 since he was not in attendance for those meetings.

Councilwoman Hagan also stated she would like to abstain from the vote to approve the Minutes on Items F-1 and F-2 as she was not in attendance for those meetings.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Staples** to approve Items F-1 and F-2 of the Consent Agenda.

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

Mount stated he had concerns with Item F-3 in regards to the cost of the limb removal. He stated in the June 4, 2013, City Council meeting, one of the commentaries stated Silver Star Construction would oversee tree and limb removal at an estimated cost of $190,000.00 depending on the amount of the debris. He advised on the June 18, 2013, City Council meeting, it was stated that 27,000 cubic yards of debris had been collected with an estimated 10,000 cubic yards still remaining to be collected. **Mount** stated in today's report, the City paid Silver Star Construction $528,577.38 for limb removal for the 27,000 cy and he estimates the City will pay approximately another $200,000.00 for the remaining debris removal.

Mount also stated he was concerned with how the Council handled the debris removal. He stated Silver Star Construction's contract was for maintenance and street repair; the tree limb removal may be outside the scope of their contract. He advised, if it is outside the scope of the contract, then by law, it must be competitively bid when the project exceeds $50,000.00.

Adams stated there was a book in the City Manager's office providing a day by day account of the debris removal as well as photographs of each load.

Interim City Manager Battles stated the cost for debris removal through Silver Star Construction is $18.75/cy and the cost for debris removal through OEMA is $20.00/cy and OEMA's fee does not include the dump fee.

City Attorney Segler advised this item cannot be discussed at this time as it is not part of the claims list for the City Council.

Battles stated it is on the claims list for the Mustang Improvement Authority (MIA).

Segler stated this would need to be discussed under MIA, not City Council.

Mount stated the agenda states this item is concurrent with MIA. He advised he was elected to represent the citizens and to properly inform them.

MOTION was made by **Councilwoman Bowers**, seconded by **Councilman Jones** to approve Item F-3 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

Interim City Manager Battles reported:

- The ground-breaking for the Saint Anthony Health Complex is scheduled for August 6, 2013, at 9:00 A.M.;
- Limb removal has been completed everywhere except for two tracts of privately owned property, and pick up is being scheduled for those two. All removal has been photographed and videoed, and any limbs that appear now are after the fact and will not be collected;
- The speed trailer requested by Councilman Taylor in the June 18th meeting will be set up after the July 4th holiday due to the possibility of it being damaged from fireworks;
- He will be attending a meeting with Canadian County Emergency Management and FEMA next Tuesday. He stated they were very happy with our documentation and the City will receive 85% reimbursement from FEMA and 12% reimbursement from the State for the tree limb removal (total of 97% reimbursement);
- Mid-America Golf and Landscape is installing the irrigation, wrapping up the grading, and will begin laying down sod next week;
- The Leisure Board is still taking applications. He stated one was on the agenda tonight to be appointed and another applicant is available for appointment by one of the Wards if needed;
- He spoke with ODEQ regarding Consent Order 12-151 to replace the Sanitary Sewer Outfall Pipe. He advised bids were to be opened on July 25, 2013, and ODEQ had granted an extension to begin construction to August 15, 2013;
- The revised SOP approved by City Council on June 18, 2013, has been submitted to ODEQ. He advised this was in regards to Consent Order 12-240 regarding biomonitoring violations and non-submittal and late submittal of DMRs;
- Approximately 60 more days are remaining to submit some revised plans regarding the Notice of Violation on Lift Station 3 based on the ODEQ changes;
- He cautioned everyone to please be safe with fireworks;

2. <u>City Council</u>

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

Councilman Taylor asked if the City's 3% for limb removal would come out of reserves?

Battles advised it would come from the MIA reserves.

Taylor thanked the First Baptist Church, Mustang, for their assistance during the storms. He also thanked the Fire Department and others involved for the supper and firework show on June 29th. He stated his parents were in from Houston and they all had a wonderful time.

Councilwoman Staples reported she had received a phone call regarding unsolicited circulars, newspapers and phone books on lawns.

Councilwoman Bowers thanked the City for working on the tennis and basketball courts. She also urged citizens to pick up after themselves when popping fireworks.

Bowers stated she had received two phone calls regarding houses still with fences down and roofs needing to be repaired. She asked the public to try and complete repairs as soon as possible. She also thanked the Berkleys for the wall in the Berkley Estates.

Councilman Jones thanked the citizens in Ward 4 as well as the City and those involved with the firework display. He stated after the firework show on June 29th, he witnessed a couple of Chinese lanterns that had been launched around Hwy 152 and Czech Hall Road and was concerned due to them having an open flame coming out the bottom.

Battles advised he would check into it.

Councilwoman Hagan stated it was a privilege to be able to shoot fireworks in Mustang and asked everyone to be careful and safe.

Councilman Mount advised he had received several phone calls. He stated one call was from the Vice President of the Homeowners Association for Bittercreek who had learned of the litigation involving the 80 acres that lies adjacent to them. He advised them to contact the City Attorney.

Mayor Adams stated he had received several phone calls since the June 18th City Council meeting. He also advised he had been elected to the ACOG 911 Board of Directors and was honored to be elected because it was important to our area and also because it held a sentimental value as Councilman Keith Brian was chairman of that Board his last year and felt he was carrying on his legacy. **Adams** asked if ***Councilman Jones*** would be at the next City Council meeting July 16th as he may need to be absent.

Jones replied yes.

a. Appointment of One (1) Member to the Leisure Board.

Battles advised an application had been received from Coeta Morrell for the Leisure Board and she was a recommendation from ***Councilman Mount***.

Mount stated he knew Ms. Morrell and her background well and she would do a great job. He stated he highly recommended her for the Leisure Board.

MOTION was made by **Councilman Mount**, seconded by **Councilwoman Bowers** to approve the appointment of Ms. Coeta Morrell to the Leisure Board, for the term July 1, 2013 through June 30, 2016.

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

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1088**, Amending Chapter 118, Article I, of the Municipal Code by (A) Amending Section 118-2(a) to Clarify that Utility Bills that are Unpaid by the Due Date shall be considered Delinquent and to Renumber Section 118-2 as Section 118-3; and (B) Adding New Section 118-2 to Provide for Billing Procedures, Security Deposits and Transfer of Accounts; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Battles stated City Council had asked the City Attorney to review and amend Chapter 118, Article I of the Municipal Code, clarifying utility billing information and this is the revised Ordinance as prepared by the City Attorney. He stated this would do away with any Resolutions regarding this subject.

Taylor asked if the City Manager or City Council had received any phone calls on this.

Battles and Council stated no.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Mount** to approve **Ordinance No. 1088**, Amending Chapter 118, Article I, of the Municipal Code.

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

MOTION was made by **Councilman Jones**, seconded by **Councilman Taylor** to approve the Emergency Clause for **Ordinance No. 1088**, Amending Chapter 118, Article I, of the Municipal Code.

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

2. **Discussion** Regarding Requirement of Storm Shelters for all new Dwelling Units and possible Incentive for Storm Shelter Installation on Existing Homes.

Adams stated he requested this item be placed on this agenda since three of the Council Members were absent during the last council meeting. He summarized what was discussed in the last meeting advising there were three important lessons we should have learned from the tornados:

1. A school is not any safer than any other building;
2. With this storm occurring during the school day, even if the school basement had been opened to citizens, there wouldn't have been enough room for everyone which is another reason we can't utilize the school as a storm shelter; and
3. The large majority of people killed were in their cars - being in a car during a storm is not safe.

Adams presented the picture showing people on the highway, crossing the median, and driving in the wrong direction trying to get away from the tornado. He stated this was the type of panic experienced that day and during the May 20th tornado. He stated if we were more proactive regarding ways to help people shelter in place, there wouldn't be so many cars out there.

Adams stated the City needed to seriously look at safety issues. He stated the May 31st tornado was 2.6 miles wide and had it traveled down Hwy 152, it would have been wider than our town. He compared the storm shelter requirement in new dwelling units to the 1990s when the federal government required all cars to have air bags. He stated it is a life saving device. **Adams** stated the City of Moore was also reviewing this matter.

Mount stated he owns a storm shelter and felt it was a wise choice living in Oklahoma; however, he stated we needed to be aware of the rights of the people – the rights of the people shall not be infringed. He stated from an economic standpoint, builders say it's not cost effective to add the cost of a storm shelter to a new home. He said it can become a liability as far as value and it's worth very little on resale.

Mount stated the Constitution gives people certain rights and it is wrong for the government to start legislating these things. He stated if people want a cellar, let them build it, but not have this group require it.

Taylor stated seat belts and storm shelters are not the same.

Adams stated they seemed parallel to him and if something is found that saves lives, it was common sense to him.

Mount stated we paid $3.6 million on the Town Center expansion and baseball fields and a storm shelter was not included; we should start with us if we're going to mandate storm shelters.

Taylor stated this was a slippery slope in that we are discussing whether this Council wants to take the first step in legislating safety into someone's private property. He said first we legislate storm shelters, then we legislate all homes have defibrillators, next we require all homes must have non-slip flooring, and so on. He stated this was a standard he's not willing to set and it is the private property owner's responsibility.

Jones stated one thing we can do is public education and start with showing that picture. He stated it was a difficult issue being discussed and not sure there's an answer for it. He said we have to spread the word to prepare.

Taylor stated two communities tried to mandate extra safety measures due to tornadoes and there was no action – Moore and Joplin. He stated they were wise not to and would encourage this Council to resist.

Adams stated according to the *Norman Transcript*, the City of Moore is going to move forward with this. He stated he applauded them.

Bowers stated people can go to www.soonersafe.ok.gov, register for a storm shelter, and be a part of a drawing.

Adams stated this was a rebate program utilizing FEMA money and it is a lottery type program as they discussed at the last meeting.

Adams also discussed the incentive program as presented at the last City Council meeting where $50,000.00 from the budget could be used towards our on rebate program.

Hagan stated she was not for the incentive program nor for mandating storm shelters be built in new dwelling units. She stated we needed to allow our citizens freedom to make their own decisions.

Jones said he would like to see a concerted effort with the Fire Department, Police Department, and Emergency Management regarding education and to talk about incentives. He stated the incentive program could be a step in the right direction and need to keep the subject alive.

Adams stated he had received tons of calls, letters and emails. He stated he currently is receiving four to one in favor of storm shelters. He asked the Council if they would be willing to take it to the vote of the people.

Taylor stated they were elected to these seats to represent the citizens and Ward 1 does not want it. He stated if an Ordinance came before the Council, he would have to vote "No" against it.

Bowers stated she was in favor of the incentive programs.

Hagan stated she did not like taking $50,000.00 from the budget. She asked where it would come from when we had to scrunch to get dispatchers.

Taylor stated he agreed, there were line items in the previous budget that were never fulfilled. He stated he liked the idea of the incentive, but not sure it would be feasible now. He stated we should lobby legislators, apply for grant money, etc. if we wanted to provide an incentive.

Jones stated he would like to see the newspapers put out a straw poll and see what the public response is.

Bowers asked how much an extra election would cost.

Adams stated he thought it was about $1,100.00 last time, but not positive. He thought with the discussion regarding freedom of choice, this Council would be willing to take it before the citizens for a vote.

3. **Discussion, Consideration and Possible Action** Regarding Action to Waive all Liens Filed Against Common Areas Owned by the Castlerock homeowners Association.

Battles advised this item is in regards to the Common Areas A and B in the Castlerock subdivision that had overgrown and caused them to be out of compliance with City code. He stated the City was forced to abate the nuisances after no action was taken by the Homeowners Association (HOA).

Battles stated the invoice remitted to the HOA remained unpaid for more than 30 days and liens were filed. He stated the lien against Common Area B ($367.50) was paid, but the lien against Common Area A ($467.50) remains outstanding. He stated the previous City Manager had stated the City would look into waiving the additional lien if the HOA will take over maintaining the Common Areas. **Battles** stated Castlerock's HOA was well on their way in maintaining them and were moving in the right direction.

MOTION was made by **Councilman Jones**, seconded by **Councilwoman Hagan** to waive all liens filed against common areas owned by the Castlerock Homeowners Association.

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

J. CITY ATTORNEY'S REPORT

None.

K. ADJOURNMENT

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

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

The meeting was adjourned at **8:25 p.m.**

____
Jay Adams, Mayor

Attest:

____
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JULY 2, 2013

The Mustang Improvement Authority met in regular session on Tuesday, July 2, 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, June 28, 2013, at 1:20 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 8:25 p.m.

B. ROLL CALL

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

Trustees Absent: **None**

C. NEW BUSINESS

There was no new business.

D. CONSENT AGENDA

1. Approval of **06/18/13** MIA Minutes.

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

Councilman Mount asked that Item D-2 be pulled for discussion.

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Taylor** to approve Item D-1of the Consent Agenda.

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

Trustee Mount stated if the limb removal only costs the citizens of Mustang 3%, then he would reluctantly say the end justifies the means and how we get there is another matter, but from a financial standpoint, 3% is a good number for the City of Mustang.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Bowers** to approve Item D-2 of the Consent Agenda.

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

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

1. Trustee Manager

None.

2. Trustees

Trustee Taylor stated he was getting reports that the feed on Channel 20 was going in and out tonight.

Interim City Manager Battles stated he would check into it.

F. <u>DISCUSSION ITEMS</u>

1. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1088**, Amending Chapter 118, Article I, of the Municipal Code by (A) Amending Section 118-2(a) to Clarify that Utility Bills that are Unpaid by the Due Date shall be considered Delinquent and to Renumber Section 118-2 as Section 118-3; and (B) Adding New Section 118-2 to Provide for Billing Procedures, Security Deposits and Transfer of Accounts; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve **Ordinance No. 1088**, Amending Chapter 118, Article I, of the Municipal Code.

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

MOTION was made by **Chairman Adams**, seconded by **Councilman Taylor** to approve the Emergency Clause for **Ordinance No. 1088**, Amending Chapter 118, Article I, of the Municipal Code.

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

F. ADJOURNMENT

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

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

Meeting was adjourned at **8:30 p.m.**

____
Jay Adams, Chairman

Attest:

____
Lisa Martin, Secretary