MUSTANG CITY COUNCIL
MAY 7, 2013

The Mustang City Council met in regular session on Tuesday, May 7, 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, May 3, 2013 at 9:35 a.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 Cameron Whaley of Canadian Valley Baptist Church led the assembly in Prayer and the Pledge of Allegiance.

We just completed a new sanctuary to their existing facility. Things are going great.

C. ROLL CALL

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

Councilmembers Absent: **None**

D. CONSENT AGENDA

1. Approval of **04/15/13** City Council Special Meeting Minutes.
2. Approval of **04/16/13** City Council Minutes**.**
3. Approval of **04/29/13** City Council Special Meeting Minutes.
4. Approval of **04/30/13** City Council Special Meeting Minutes.

MOTION was made by **Councilman Jones** and seconded by **Councilman Grubbs** to Approve the Consent Agenda.

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

E. ADJOURN SINE DIE

MOTION was made by **Councilman Grubbs** and seconded by **Councilman Taylor** to Adjourn Sine Die.

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

1. PRESENTATION OF PLAQUE AND RECOGNITION OF OUTGOING COUNCILMEMBER MARK GRUBBS, WARD II

Mayor Adams presented outgoing Councilman Grubbs a plaque, which he read to the assembly. He also thanked Grubbs for all of his hard work.

2. SWEARING IN OF COUNCILMEMBER KATHLEEN MOON STAPLES, WARD II AND COUNCILMEMBER TERRY JONES, WARD IV.

Mustang Judge Steve Huddleston swore in returning Councilman Terry Jones and new Councilmember Kathleen Staples.

(RECEPTION HONORING COUNCILMEMBERS)

F. <u>CALL TO ORDER</u>

Mayor Adams called the meeting to order.

G. <u>ROLL CALL</u>

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

H. <u>INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES</u>

Scott Gibson of 1014 N. Crystal Way spoke to Council in regards to the lack of the use of prisoner labor. He asked Councilman Taylor why we are not using them now. Most of the prisoners are at the end of their sentence and they have been screened very carefully. He suggested to Council that they re-think this matter because the prisoners can do a lot of work for a little money.

J. <u>NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA.</u>

None

K. <u>CONSENT AGENDA</u>

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

2. Approval of **Resolution No. 13-047**, Making Changes I n the General Fund Budget by Making a Supplemental appropriation to Increase the 2012-2013 Fiscal Year Budget by $1,461.

3. Approval of Agreement between the ***Oklahoma Department of Libraries*** and the Mustang Public Library.

***4.** Approval of Principal Executive Officer/Authorized Agent Signatory Form Authorizing Dennis Merrill, Project Manager for Severn Trent to be the Authorized Agent for the Signing of DMRs/SMRs for Submittal to the ODEQ, Water Quality Division.

***5.** Approval of Maintenance Bond for Water Line and Fire Hydrant at 1209 E. Highline Lane.

***6**. Acceptance of Easement for Water Line and Fire Hydrant at 1209 E. Highline Lane.

Councilman Taylor asked that Consent Agenda Item K1 be pulled for discussion.

MOTION was made by **Mayor Adams** and seconded by **Councilwoman Staples** to approve the Consent Agenda Items K2 through K6.

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

Councilman Taylor asked what the $5,000 to the Youth & Family Services was for.

Battles replied that it is the annual contract for troubled youths. They provide programs and services for our troubled youths.

Chief Foley stated that it is used more in the court process.

MOTION was made by **Mayor Adams** and seconded by **Councilman Mount** to approve Consent Agenda Item K1.

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

L. <u>INFORMATION/REPORTS</u>

1. <u>City Manager</u>

Battles announced that the New City Clerk, Lisa Martin, will be starting on May 20, 2013. She has some previous experience as a City Clerk and will be a good addition to our staff.

Work continues on the Town Center. They are now pouring the footings.

The Armory Road Pre-Bid is on May 8, 2013 at 10:00 a.m.

Silver Star is now helping OEMA to pick up the limbs. They should be done by the end of Wednesday or possibly Thursday by noon.

2. City Council

Councilman Taylor informed everyone that on Saturday, May 11, 2013, the Masonic Lodge is having a Super Country Breakfast. The breakfast will cost $5.00 per person. He also informed them that the Shriners are selling Vidalia onions at the Lodge.

He also stated that he appreciates all the work that the City and OEMA have done in regards to the limb removal.

Councilwoman Staples commented that she thought we were still using a few prisoners.

Battles stated they have been limited in what they do.

Councilwoman Bowers stated that she has had several phone calls in regards to people not taking care of their yards. She asked that everyone keep their yards clean and to be a good neighbor.

Councilman Jones thanked the people in Ward IV for their vote. He also welcomed Councilwoman Staples.

Councilwoman Hagan also welcomed Councilwoman Staples to Council.

Councilman Mount commented that he also received several phone calls in regards to the limb removal.

Mayor Adams stated that he also received several calls regarding limb removal. He thanked Silver Star along with OEMA for all their help.

He informed everyone that the City now has commitments from Applebee's and Jack in the Box for putting their restaurants in Mustang. They have seen all the improvements that have been made to Mustang, for example the Armory and the St. Anthony's Health Plex, and felt now was the time to do this.

a. Appointment of Vice-Mayor

Mayor Adams nominated **Councilman Jones** as Vice-Mayor and **Councilwoman Bowers** seconded the nomination.

Councilman Mount nominated **Councilman Taylor** and **Councilwoman Staples** seconded the nomination.

Vote:		
	Taylor	**Jones**
	Staples	**Jones**
	Bowers	**Jones**
	Jones	**Jones**
	Hagan	**Jones**
	Mount	**Taylor**
	Adams	**Jones**

Mayor Adams stated that Councilman Jones is the new Vice-Mayor.

b. Appointment of One (1) Member to Traffic Commission

Councilman Taylor commented that he cannot continue on this Commission.

MOTION was made by **Councilman Taylor** and seconded by **Councilwoman Bowers** to nominate **Councilwoman Staples to the Traffic Commission**.

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

c. Appointment of One (1) Member and One (1) Alternate for the following Boards and Committees:

1) **ACOG Board of Directors**
2) **Intermodal Transportation Policy committee (ITPC)**
3) **Garber Wellington Policy Committee (GWPC)**
4) **9-1-1 Association Board of Directors**

MOTION was made by **Councilwoman Staples** and seconded by **Councilman Jones** to allow Mayor Adams to continue on the ACOG Board of Directors.

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

Councilman Mount and Councilman Jones were both asked to be the Alternate for the ACOG Board of Directors but they both said that they cannot serve due to other obligations. Councilman Taylor stated that he could not continue on this Board.

Mayor Adams stated that Council could leave the Alternate position open for right now. Councilman Jones stated that he might be able to do this if he had to but Mayor Adams stated they would just leave this position open for now.

M. <u>DISCUSSION ITEMS</u>

1. **Discussion, Consideration and Possible Action** Regarding Acceptance of Bids for Lighting at Wild Horse Park Baseball Complex.

Battles explained that this is just the Acceptance of Bids for the Lighting.

MOTION was made by **Mayor Adams** and seconded by **Councilwoman Hagan** to Accept the Bids for Lighting at Wild Horse Park Baseball Complex.

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

2. **Discussion, Consideration and Possible Action** Regarding Awarding of Bid for Lighting at Wild Horse Park Baseball Complex.

Battles recommended awarding this bid to the lowest bidder, Shawnee Lighting. They also said that they could install the scoreboards electric system for a little extra. We do not have to decide on the scoreboard system tonight if we don't want to. We are within budget and this is a savings to us.

MOTION was made by **Mayor Adams** and seconded by **Councilwoman Staples** to award the bid to Shawnee Lighting for $479,315 and include the voluntary add on for an additional $23,366.

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

3. **Discussion, Consideration and Possible Action** Regarding Acceptance of Bids for Auditing Services.

Janet Watts stated that the City solicited for bids for Auditing Services. They sent our 26 letters and received 6 bids. Staff recommends to accept the bids.

MOTION was made by **Mayor Adams** and seconded by **Councilman Mount** to accept the bids for Auditing Services.

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

4. **Discussion, Consideration and Possible Action** Regarding Awarding of Bid for Auditing Services and Authorization for Mayor to Sign Engagement Letter.

Janet Watts stated that staff recommends awarding to the lowest bidder, Annie Marie Elfrink for $17,000. Over a five year period she will save the City $9,300. She comes with great references.

MOTION was made by **Mayor Adams** and seconded by **Councilman Mount** to award the bid to Annie Marie Elfrink for $17,000.

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

City Manager Battles thanked Janet Watts for being so aggressive in saving the City of Mustang money.

5. **Discussion, Consideration and Possible Action** Regarding Approval of Drug Asset Forfeiture Sharing Agreement between the District Attorney, District 4, State of Oklahoma and the City of Mustang Police Department.

Chief Foley stated that this is a continuation of a pre-existing Agreement. We forwarded this document to our City Attorney for his review and a few minor changes were made but does not change anything.

MOTION was made by **Councilman Jones** and seconded by **Councilwoman Bowers** to approve.

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

***6. Discussion, Consideration and Possible Action** Regarding Direction of Council for Staff to Take Regarding Changes of Cut-Off Dates for Utility Bills and Authorization for City Staff to Take Necessary Action.

Battles explained that the Ordinance and Resolution in regards to the Utility Billing's Due Dates and Cut-Off Dates. The bill is due 21 days and the actual cut-off day is 10 more days after the due date.

Mount stated that he received a phone call from a single parent with a depleted checking and savings account and could not pay the Utility Bill. He then turned this account over to the City Manager. He also received another call regarding a gentleman that was called out of town for over 30 days and when he got home he did not have any water. Councilman Mount stated that the Ordinance is unclear. He feels that if the people believe that they have a 30 day notice then they think that they will have another 10 days on top of the 30 days to pay their bill. This adds up to 40 days not 30 days.

He read Section 18-2 to everyone present. He wants new language inserted in this paragraph. **He would like this changed to:**

> **Utility bills** that are 30 days past due will be considered delinquent and service will be interrupted and the meter will be locked. A notice of intent to interrupt service shall be mailed to the customer at least 15 days prior to the cut-off. The notice shall advise the customer of the cut-off date which shall be an additional 15 days subsequent to the original 30 day past due notice and contain provisions for an opportunity for a hearing before the City Manager or his / her designee.

Battles replied that our City Attorney will need to look into this. He appreciates Councilman Mount's comments. He re-read the first sentence in the Ordinance. It says that an account past 30 days is considered delinquent. We are not going to take a single mom that has consistently been paying her bills on time and not work with her on her bill. We work with people every day on their bills. We included in your packet a comparison of our surrounding communities and their policies. The revenue that we generate from these cut-offs is not something that we count on or function on.

Mount stated that he hopes that the City does not count on the $60,000 a year to live on. He does not think this is a good way to raise revenue.

Taylor asked if the City had the ability to e-mail the utility bills.

Battles replied "No", not at this time. The ways you can pay your bill is on our website, the drop box and you can auto-draft. He addressed the fact that about 78% of these people are repeat offenders. It is not going to make a difference whether they get 30 days or 45 days.

Mayor Adams stated that if someone is not a repeat offender the City will work with them.

Battles stated that he will do whatever the Council wants.

Taylor stated that he was disappointed that this was on the agenda without a Public Hearing.

MOTION was made by **Councilman Taylor** and seconded by **Councilwoman Bowers** to table this Item and bring it back with a Public Hearing.

Battles asked Council to look at Resolution No. 01-0127. This Resolution is more clear as to the dates that are in question.

Janet Watts stated that we also need to consider the bad debt. The farther we extend people the larger the bad debt.

Mayor Adams stated that he agrees with Councilman Mount and the Ordinance is unclear.

Battles stated that the way we read the Ordinance is that on the 30th day your service is interrupted and the meter will be locked. He is open to bringing this back to either change or clarify this matter.

Jones stated that he would like amend the **MOTION** to get the City Attorney's views on this matter. **Councilman Taylor** accepts the Amendment. **Mayor Adams** seconded the Amendment.

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

N. CITY ATTORNEY'S REPORT

City Attorney Miller stated that he has read the issue for item N1 and suggests going into Executive Session for discussion because it is a pending dispute.

The next item, N2, refers to the discussion on hiring a new City Manager. He also suggests going into Executive Session for this Item since this involves employees.

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

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

Returned from Executive Session at 8:55 p.m.

***1. Discussion, Consideration and Possible Action** Regarding Settlement of 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 Approval of Settlement Agreement and **Executive Session as Authorized by 25 O.S., Section 307 (B)(4).**

MOTION was made by **Mayor Adams** and seconded by **Councilman Mount** to Approve the Agreement dated April 2, 2013 between the MIA and Severn Trent.

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

2. Discussion, Consideration and Possible Action Regarding the Hiring of a City Manager and Authorization for City Staff and City Attorney to Take Action Necessary to Accomplish the Same. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(1).**

MOTION was made by **Mayor Adams** and seconded by **Councilman Bowers** to proceed as discussed.

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

O. <u>ADJOURNMENT</u>

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

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

Meeting was adjourned at 8:56 p.m.

____
Mayor

Attest:

____
City Clerk

MUSTANG IMPROVEMENT AUTHORITY
MAY 7, 2013

The Mustang improvement Authority met in regular session on Tuesday, May 7, 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, May 3, 2013 at 9:35 a.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 8:56 p.m.

B. CHAIRMAN/TRUSTEES

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

Trustees Absent: **None**

C. NEW BUSINESS

None

D. CONSENT AGENDA

1. Approval of **04/16/13** MIA Minutes.
***2.** Claims List for **FY '13**
***3.** Approval of Principal Executive Officer/Authorized Agent Signatory Form Authorizing Dennis Merrill, Project Manager for Severn Trent to be the Authorized Agent for the Signing of DMRs/SMRs for Submittal to the ODEQ, Water Quality Division.
***4.** Approval of **Maintenance Bond** for Water Line and Fire Hydrant at 1209 E. Highline Lane.
***5**. Acceptance of **Easement** for Water Line and Fire Hydrant at 1209 E. Highline Lane.

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

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

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

1. <u>Trustee Manager</u>

None

2. <u>Trustees</u>

None

F. <u>DISCUSSION ITEMS</u>

***1. Discussion, Consideration and Possible Action** Regarding Direction of Council for Staff to Take Regarding Changes of Cut-Off Dates for Utility Bills and Authorization for City Staff to Take Necessary Action.

MOTION was made by **Trustee Taylor** and seconded by **Trustee Mount** to table this item until the next meeting and to add a Public Hearing and ask the City Attorney to provide his view prior to the recommendation.

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

***2. Discussion, Consideration and Possible Action** Regarding Settlement of 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 Approval of Settlement Agreement and **Executive Session as Authorized by 25 O.S., Section 307 (B)(4).**

MOTION was made by **Chairman Adams** and seconded by **Trustee Jones** to approve the agreement dated April 2, 2013 between Severn Trent and the Mustang improvement Authority.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at 9:00 p.m.

Chairman

Attest:

Secretary