MUSTANG CITY COUNCIL
JUNE 18, 2013

The Mustang City Council met in regular session on Tuesday, June 18, 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 14, 2013, at 2:45 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 *(Dave Bryan, Pastor, Chisolm Heights Baptist Church)*

Dave Bryan, Pastor, led the assembly in the Pledge and Invocation. He stated they just finished with Vacation Bible School and was the first time in the brand new building. **Pastor Bryan** stated there were a lot of summer activities occurring and they are getting ready to go to Mexico on a mission trip. He also thanked the City for all the help they have provided over the last couple of weeks with the storms and all.

C. ROLL CALL

Councilmembers Present:	**Taylor**
	Staples
	Bowers
	Adams
Councilmembers Absent:	**Jones**
	Hagan
	Mount

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

Interim City Manager Battles requested Item H.3. "Discussion, Consideration, and Possible Action Regarding Waiving All Liens against Common Areas owned by the Castlerock Homeowners Association" be removed from this agenda and be brought back in a future meeting.

F. CONSENT AGENDA

1. Approval of **05/30/13** City Council Minutes
2. Approval of **05/31/13** City Council Minutes
3. Approval of **06/04/13** City Council Minutes
4. Approval of **06/11/13** City Council Minutes

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

6. Approval of **Resolution No. 13-053**, Establishing the Nine-One-One (9-1-1) Emergency Telephone Fee Rate for Calendar Year 2014.
7. Approval of **Resolution No. 13-054** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $1,500.00.
8. Approval of **Resolution No. 13-055** Making Changes in the General Fund Budget by Making a Supplement Appropriation to Increase the 2012-2013 fiscal Year Budget by $587.00.
9. Approval of **Resolution No. 13-056**, Making Changes in the Debt Service Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $102,000.00.
10. Approval of **Resolution No. 13-057**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $10,950.00.
11. Approval of **Resolution No. 13-058**, Making Changes in the Enforcement of Alcohol Laws Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $1,500.00.
12. Approval of **Resolution No. 13-059**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2012-2013 Fiscal Year Budget by $7,576.00.
13. Acceptance of both a Federal E-Rate Grant in the amount of $6,168.00 and a State Universal Service Fund Grant in the amount of $6,168.00 for Library's two T-1 lines for Fiscal Year 2013-2014 with Total Grant Funds Received being $12,336.00.
14. Acceptance of Oklahoma Homeland Security Grant in the amount of $10,150.00 for Public Safety and Interagency Interoperability Radio Equipment.
15. Approval to Renew Agreement with Clearwater Enterprises for Fiscal Year 2013-2014 to Purchase Natural Gas for the Town Center, Public Works Facility, and Police Station.

*16. Approval to Renew Tub Grinder Agreement with Oklahoma Environmental Management Authority (OEMA) for Fiscal Year 2013-2014 to Grind Tree Limbs, Yard Waste Material and Brush Debris.

17. Approval to Renew the Public Works Contract between the Department of Corrections and the City of Mustang for Fiscal Year 2013-2014 to Utilize Inmate Labor.
18. Approval to Renew Agreement with Smart Technologies for Fiscal Year 2013-2014 for Remote Network Administration.
19. Approval to Renew Agreement with Blackboard, Inc. for June 21, 2013 through June 20, 2014, for Blackboard Connect Emergency Notification System.
20. Approval to Renew Agreement with Clifford Power Systems for Fiscal Year 2013-2014 for Annual Generator Backup System Inspection.
21. Approval to Renew Maintenance Agreement with Circa, Inc. for Fiscal Year 2013-2014 for Battery Backup System.

Councilman Taylor asked that Item 18 be pulled for discussion.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Items F-1 through F-17 and Items F-19 through F-21 of the Consent Agenda.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

Taylor stated the financial impact of Item F-18 to renew the agreement with Smart Technologies for FY 2013-2014 for Remote Network Administration is approximately $38,000.00. He asked if this item should be bid since it is over $25,000.00.

Battles stated this was a roll over contract and we have the ability to roll over the contract from one fiscal year to the next without bidding.

Taylor asked if Smart Technologies was local and when did the City last look at other alternatives.

Battles stated Smart Technologies is out of Oklahoma City and would have to do some research to see when other alternatives were last reviewed.

MOTION was made by **Councilman Taylor** to table Item F-18 and ask the City Manager to conduct research into alternatives. There was no second.

Battles stated his concern with this is it would cause the City to begin operating in the new fiscal year without a contract. He stated this is an issue when you have problems such as today where email goes out and the tower goes out. **Battles** stated Smart Technologies was at the Fire Department today climbing the tower and this is an issue when Police and Fire do not have communications, email or internet.

Adams stated Council could approve the Smart Technologies contract for FY2014, then go out for bid in early 2014 for a comprehensive IT and maintenance bid.

Taylor withdrew his motion.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Bowers** to approve Item F-18 of the Consent Agenda.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

G. INFORMATION/REPORTS

1. City Manager

Interim City Manager Battles reported:

- The City continues with the tree and limb clean up from the May 31st storms. He also thanked Silver Star Construction for all their hard work on this;
- He will be attending a meeting on Wednesday, June 19th, with FEMA and Canadian County Emergency Management to discuss reimbursement requirements and funds;
- Approximately 27,000 cubic yards of debris had been collected so far with an estimate of another 10,000 cubic yards still on the ground;
- All debris will be removed prior to fireworks being allowed;
- Fireworks will be allowed June 27th through July 3rd from 3:00 p.m. to 10:00 p.m., and on July 4th from 9:00 a.m. to 11:00 p.m. **Battles** read rules regarding fireworks. He stated a Blackboard Connect message will go out to the citizens of Mustang prior to the 27th advising of the days and hours;
- A lot of work has been done on the Town Center. He stated due to rain days, completion is expected the first week of December;

- Mid-America Golf and Landscape is laying pipe for irrigation at the baseball complex with three fields remaining for rough grade;
- Shawnee Lighting was also on site today at the baseball complex setting an initial control box to begin the lighting of the ball fields;
- He will be out of the office June 24-26 and ***Robert Coleman, Community Development Director***, would be named Acting Interim City Manager in his absence;

2. <u>City Council</u>

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

Councilman Taylor requested a speed trailer on south bound Sara Road between SW 59th and Hwy 152 due to speed concerns. He also advised a power line was hanging in the middle of the signal lights at Hwy 152 and Sara Road that needed attention.

Taylor stated his parents from Houston would be visiting and was excited they would be able to attend the fireworks show and supper. He encouraged everyone to attend – the date is June 29th, at 6:30 p.m. at Wild Horse Park.

Taylor advised he inquired about the condition of SW 59th with the City of Oklahoma City and was told the City will be holding internal meetings to create a priority list and once that's done, they would provide him with more information.

Mayor Adams stated he had also talked with the City of Oklahoma City and they stated there could be a quicker turn around since FEMA had given their declaration for Canadian County. He stated the City of Oklahoma City would be proceeding with the FEMA application and approaching ACOG for federal ER funds for the projects.

Councilwoman Staples announced Frank Lucas would be holding a Town Hall meeting at the Town Center on July 15, 2013, at 7:00 p.m. and encouraged citizens to attend.

Councilwoman Bowers advised her email had been compromised and if anyone receives any emails from her, she wasn't the one sending them. She stated she was anxious to have all the limbs picked up and thanked Silver Star Construction for their work on this. She also thanked the man that bought her coffee in the aftermath of the storm and stated she was thankful to live in a community like Mustang.

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

Library Director, Desiree Webber stated they advertised for applications to the Library Board and received an application from Mr. Jack Price. She stated Mr. Price was an outstanding individual in the community, he was an educator, former Chamber of Commerce President, Chairman of the Board of Adjustments, and had conducted several classes for the library, to name a few of his accomplishments, and she highly recommended him for the appointment to the Library Board.

Taylor stated he applauded his interest in the community and we needed more people like him.

MOTION was made by **Councilwoman Staples**, seconded by **Councilwoman Bowers** to approve the appointment of Mr. Jack Price to the Library Board, for the term July 1, 2013 through June 30, 2016.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

H. DISCUSSION ITEMS

***1.** **Discussion, Consideration and Possible Action** Regarding Acceptance of City Manager Contract for Mr. Tim Rooney.

Adams advised this is the final acceptance to enact the contract.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve the acceptance of the City Manager contract for Mr. Tim Rooney.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

2. **Discussion, Consideration and Possible Action** Regarding Approval of Contract with Schwarz Paving Co. for the construction of the road project titled Industrial Access Road, Phase II.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve the contract with Schwarz Paving Co., Inc., for the construction of the road project titled Industrial Access Road, Phase II.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

3. **Discussion, Consideration and Possible Action** Regarding Waiving all Liens against Common Areas owned by the Castlerock Homeowners Association.

Item was pulled under New Business.

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

Adams stated while cleaning up after the storm and taking calls, he really thought hard about this. He stated 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 a picture showing people on the highway, crossing the median, and driving in the wrong direction trying to get away from the tornado. He stated you can't outrun a tornado and that people need to get somewhere safe. He stated this was the type of panic experienced that day and during the May 20^{th} tornado. **Adams** stated the Fire Department and Police Department say the only solution is to shelter in place – don't' try to run.

Adams stated the City of Moore, in 1999, tried to consider the requirement of storm shelters for all new dwelling units. He stated they backed off because of homebuilders saying it would kill the housing development, growth, etc. and a lot of them regret it now due to the May 20th tornado. **Adams** stated he talked with community leaders in Mustang and homebuilders and they agreed it may be something to consider. He stated *USA Today* researched the world for places with the most tornados and the State of Oklahoma was world champs – Oklahoma had the most tornados in the world.

Adams stated it was time to look at requiring storm shelters and the only choice to keep people safe was to shelter in place. He stated the City of Moore and the City of Oklahoma City were watching to see what the City of Mustang does on this topic.

Adams stated even if we require storm shelters for all new dwelling units, we still need to address existing homes. He stated one way to get shelters into existing homes would be for the City of Mustang to start their own rebate program where $50,000.00 could be set aside each year, citizens apply, a public drawing is held, and 25 names are drawn out who would receive a $2,500.00 rebate.

Bowers stated she liked the incentive idea, but was concerned with requiring new houses to have storm shelters. She stated some people can't go into a storm shelter, such as her mom and the handicapped.

Adams stated the home buyer could designate if they wanted a storm shelter or safe room.

Staples stated she had a problem with saying "must". She said she liked the idea of the incentive or encouraging people to put in a storm shelter, but not requiring them to do it.

Adams stated several builders have said they won't build a home without installing a storm shelter. He stated they said it increases the value of the house and is a selling point.

Staples stated with existing homes, could be a matter of money.

Adams stated sometimes it's lack of money and sometimes it's lack of incentive which the rebate program would help provide. He stated he received phone calls from people griping that we're the government and it's our duty to keep them safe. He stated he has always felt responsible for his family's safety and never relied on the government to provide it for him.

Adams stated an article from a civil engineer who surveyed the Joplin houses after the tornado said many houses were not up to code. **Adams** stated the Joplin City Council considered requiring hurricane clips on the beams in the roofs; however, it was rejected due to people not wanting to spend the extra money for the clips even though it was found it would only cost approximately another $350.00 to install them. He stated storm shelters were currently being installed here for approximately $2,800.00 - $3,500.00. He said we're talking about saving lives, what's a life worth.

Taylor stated he was conflicted with this. He said he agreed the City should encourage residents to have storm shelters, but can't accept the principle that government at any level will know what's best for his family home or make him do something. He stated even if it's a requirement for new houses, it will still take a long time to make a dent in the existing homes. He thought incentivizing people was a great idea.

Taylor asked what happens if the City requires a home to have a storm shelter and someone dies in the shelter because of flooding, for instance. He asked how we respond to that death and law suit. **Taylor** stated the government is not responsible for his or his family's safety, that it's not their role. He stated the right path is to encourage storm shelters and offer incentives and see if we could get financial institutions to partner with us, but draws the line there.

Adams stated the government isn't responsible for safety, but is responsible for public safety. He stated we may not see a difference in six months, but long term, will see a difference. He stated it's a long term solution and would point us in the right direction.

Taylor stated the Council would be wise to not force these types of decisions on individual property owners and to let the market and the consumer decide what they want.

Staples stated we should encourage, not force.

Adams stated we require when installing a new water heater, that the heater be on a stand with a pan due to safety issues. He stated a lot of people were shaky with this at first too and he doesn't see a difference. He stated it's a safety issue and there to protect you.

Taylor stated in that case, we could tell people the real threat is people breaking into your home; therefore, we're going to require every residential structure have an alarm, and we have a lot of hail in Oklahoma, so we're going to require certain hail roofs, storm windows, etc. He stated we don't get into that because the property owner is ultimately responsible for the decisions they make in buying and building a home.

Adams stated in the Joplin tornado, a lot of the home damage came from debris from other homes that weren't built to code. He stated you have to look at safety standards that could have serious impacts on other people.

Adams requested the Council think about this, talk to people and ask what they think about making it a requirement and about the incentive program. He requested to place the item back on the agenda for the next City Council meeting.

J. <u>CITY ATTORNEY'S REPORT</u>

1. **Discussion, Consideration and Possible Action** Regarding Howard R. Haralson and Cheri Haralson vs. City of Mustang, et al., Case No. CV-2013-107, District Court, Canadian County, State of Oklahoma; and **Executive Session as Authorized by 25 O.S., Section 307(B)(4).**

2. **Discussion, Consideration and Possible Action** Regarding James Jagodzinski v. City of Mustang, Case No. CV-2012-195, District Court, Canadian County, State of Oklahoma; and **Executive Session as authorized by 25 O.S., Section 307(B)(4)**.

3. **Discussion, Consideration and Possible Action** Regarding Cottonwood Development, LLC v. City of Mustang, et al., Case No. CV-2013-76, District Court, Canadian County, State of Oklahoma; and **Executive Session as authorized by 25 O.S., Section 307(B)(4)**.

*4. **Discussion, Consideration and Possible Action** Regarding ODEQ Consent Order Case No. 12-240 and Approval of Standard Operating Procedure; and **Executive Session as authorized by 25 O.S., Section 307(B)(4)**.

City Attorney Miller stated Items J-1 through J-4 involve pending litigation; therefore he recommended all four items be heard in Executive Session.

MOTION was made by **Mayor Adams,** seconded by **Councilwoman Bowers** to adjourn to executive session.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

TIME ADJOURNED to Executive Session: 8:06 p.m.

Mayor Adams called the meeting back in session at 8:40 p.m.

In reference to Item J-1 –

No action was taken.

In reference to Item J-2 –

No action was taken.

In reference to Item J-3 –

No action was taken.

In reference to Item J-4 –

MOTION was made by **Mayor Adams,** seconded by **Councilman Taylor** to approve the Standard Operating Procedure regarding ODEQ Consent Order Case No. 12-240.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

K. ADJOURNMENT

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

AYE: Taylor, Staples, Bowers, Adams
NAY: None

The meeting was adjourned at **8:40 p.m.**

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Mayor

Attest:

____
City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JUNE 18, 2013

The Mustang Improvement Authority met in regular session on Tuesday, June 18, 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 14, 2013, at 2:45 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 8:41 p.m.

B. ROLL CALL

Trustees Present: **Taylor**
Staples
Bowers
Adams

Trustees Absent: **Jones**
Hagan
Mount

C. NEW BUSINESS

There was no new business.

D. <u>CONSENT AGENDA</u>

1. Approval of **06/04/13** MIA Minutes.
*2. Claims List for **FY '13**
*3. Approval to Renew Tub Grinder Agreement with Oklahoma Environmental Management Authority (OEMA) for Fiscal Year 2013-2014 to Grind Tree Limbs, Yard Waste Material and Brush D*ebris.

MOTION was made by **Trustee Taylor**, seconded by **Trustee Staples** to approve the Consent Agenda.

AYE: Taylor, Staples, Bowers, Adams
NAY: None

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

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

There were no reports.

F. <u>ADJOURNMENT</u>

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

AYE: Taylor, Staples, Bowers, Adams
NAY: None

Meeting was adjourned at **8:43 p.m.**

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Chairman

Attest:

____
Secretary