MUSTANG CITY COUNCIL
JUNE 4, 2013

The Mustang City Council met in regular session on Tuesday, June 4, 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 31, 2013, at 11:20 a.m. An Amended Agenda was posted on Monday, June 3, 2013, at 11:20 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 *(John Brewer, Worship Pastor, First Baptist Church, Mustang)*

John Brewer, Worship Pastor, led the assembly in the Pledge and Invocation. He stated the church was in the process of building a new children's wing due to the increasing number of pre-school age children. Pastor Brewer said a lot was going on with it being summer, such as Vacation Bible School, Falls Creek, and student ministries. He also stated the church was only having one worship service right now due to the construction.

C. ROLL CALL

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

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Michelle Fuller, of 448 E. Carson Lane, thanked Council and Silver Star Construction for the quick action and response to the storms on May 31st. She stated where she lived in Meadowbrook Acres and at the old ballpark, there were a lot of large trees down and still some citizens without power, but was thankful to the City for their quick and swift action in helping to cut trees and quickly scheduling tree and limb removal.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. <u>CONSENT AGENDA</u>

1. Approval of **05/21/13** City Council Minutes.
*2. Claims List for **FY '13**
3. Approval to waive the Requirement to Connect to the Municipal Sewer for Lot 11, R.D. Briscoe Addition to the City of Mustang.
4. Approval to authorize Mayor to execute those documents necessary to effect the transfer of title to a vehicle that was ordered forfeited and sold by the Mustang Police Department in *State of Oklahoma ex rel.Michael J. Fields, District Attorney v. 2007 Acura TL*, Case No. CV-2012-42, District Court, Canadian County, Oklahoma, and authorizing the auction proceeds to be paid to the District Attorney's office pursuant to the *Order of Forfeiture*.
*5. Approval of **05/09/13** City Council/MIA Budget Session Minutes
*6. Approval of **05/14/13** City Council/MIA Budget Session Minutes
*7. Approval of **05/16/13** City Council/MIA Budget Session Minutes
*8. Approval of Silver Star Construction to oversee tree and limb removal for the City of Mustang.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to approve Items F-1 through F-8 of the Consent Agenda.

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

G. <u>INFORMATION/REPORTS</u>

1. <u>City Manager</u>

Interim City Manager Battles gave his appreciation to City Staff, Fire Department, Police Department, Parks Department, Silver Star Construction, and Severn Trent for their efforts and work performed due to the May 31st storms. He also thanked the First Baptist Church, Mustang, for helping transport residents of Arbor House to a safe location in Moore/Norman.

Battles reported:

- Power was one of the biggest concerns now from the storms. He stated he had been on the phone with OG&E and OEC and both companies were working hard to restore power to everyone;
- Silver Star Construction will oversee the limb pickup. **Battles** advised in making sure we comply with FEMA regulations, Executive Recovery Group was hired. He stated they will do the reporting, documentation, pictures, etc. as required by FEMA. **Battles** advised FEMA had been here today and ***Chief Hickman*** took them around to see the damage. He stated we were told there was enough damage for FEMA to be called in; however, we will need to wait for the official letter stating the same and should be able to be reimbursed for some of those costs;
- Limb pick up will be held Thursday for residents. He stated they would also be in the Parks on Wednesday picking up limbs. **Battles** advised this is a part of our contract;
- Work continues on Town Center and library beams are up as well as a roof structure He also stated the block walls were going up at the Banquet Hall;
- The contractors have been on-site at the baseball fields since May 13. He stated it should take approximately 60 days minus rain days;
- A report was provided to Council regarding the Leisure Services Board. **Battles** stated the Board was in need of volunteers to be members and the Board was very important to the Parks Department;
- As of today, water is up and running with all pumps on

2. <u>City Council</u>

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

Councilman Taylor advised there would be a country breakfast at the Mustang Lodge on Saturday, June 1, 2013, $5.00 per plate.

Taylor thanked the First Baptist Church, Mustang, for helping with relocating the Arbor House residents to Norman.

Taylor asked ***Interim City Manager Battles*** why the agendas come out on Friday and asked if it was possible to get them earlier.

Battles answered by law, the agenda only has to be posted 24 hours in advance; however, we choose to put them out on Friday. He advised if it was provided any earlier, the Council would be handcuffing themselves, plus it would be difficult to do. **Battles** advised City Staff follows the laws and guidelines and provides the Regular City Council meeting agendas at least 24 hours in advance and Special City Council meeting agendas 48 hours in advance as required by law.

Councilwoman Staples thanked everyone for their help in cleaning up the mess from the storms.

Councilwoman Bowers also thanked everyone for the work they were doing, for helping each other and for cleaning up their yards.

Councilman Jones stated it was nice seeing neighbors helping neighbors in the aftermath of the storm. He said everyone is providing assistance to others who needed it. He also thanked the City Staff and first responders.

Councilwoman Hagan stated there was damage in her Ward with trees falling on a couple of homes. She asked Interim ***City Manager Battles*** to provide the limb pickup information for everyone.

Battles advised limb pick up would be provided on Thursday. He stated this was for tree limbs and cut up trees only. **Battles** stated any additional debris could be dumped at Mustang's City Dump and the County Dump south of El Reno by showing your ID. He stated they only authorized for limb pick up at the curb since it seemed to be the number one problem.

Councilman Mount thanked the City and responders for their hard work and stated he was thankful for the City of Mustang. He stated he had received very few phone calls.

Adams stated he had received quite a few calls. He said he did not have power until today and that his residence did have a lot of flood damage. **Adams** stated he went with ***Interim City Manager Battles*** and emergency responders to view the damage around the city and help provide support. He stated he was impressed with ***Chief Hickman*** and his storm coverage, predictions, and running the emergency operations center. He thanked ***Interim Parks Director Jean Heasley*** for her assistance in transporting Arbor House residents and stated although there was a lot of damage, he was thankful the City had no fatalities.

Adams advised he would like to have an agenda item on the next City Council meeting regarding storm shelters being included in all new housing construction as the City of Moore has recently considered.

a. Presentation of gift to honor JoAnn Hickman, who is retiring, for 14 years of service to the Library Board.

Mayor Adams presented a gift to ***JoAnn Hickman*** thanking her for her continual service to the Library Board from 1999 – 2013. He stated she had lobbied the State legislature for state funding, she had seen the library expand and grow into what it is today, and that a lot of people were very appreciative of her service.

Library Director Desiree Webber stated she was very appreciative of her, and stated she was very level headed, intelligent, kind and always gave good guidance. She stated she would be missed.

Mrs. Hickman advised she had seen many changes to the Library from when she first started until now. She stated she enjoyed it very much, and was grateful to have the opportunity to work with the best Library Director, staff and Library itself. She stated she was very proud to be a part of it.

H. DISCUSSION ITEMS

***1. Public Hearing** on **Fiscal Year 2013-2014** Annual Budgets for the City of Mustang, the Mustang Improvement Authority and Related Funds in Accordance with State Statutes.

At this time, **Mayor Adams** opened the matter for Public Hearing.

Being no public discussion, **MOTION** was made by **Mayor Adams**, seconded by **Councilwoman Bowers** to close the Public Hearing.

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

***2. Discussion, Consideration and Possible Action** Regarding Approval of **Resolution No. 13-052**, Approving the **Fiscal Year 2013-2014** Budgets for the City of Mustang, Mustang Improvement Authority and Related Funds.

Interim City Manager Battles stated in the last budget session meeting, Council discussed suspending **Resolution #05-027** and then brought it to Council at the May 21, 2013, meeting. He stated there had been a lot of good conversation and was proud of the budget presented.

Battles advised **Resolution #13-052** is the Resolution presented every year to make certain authorization is given to move forward with the budget as it's presented.

Finance Director Janet Watts stated total budget for the General Fund and all other funds was $53,840,995.00

Councilman Taylor stated he was very happy we were able to put everything in the budget and hopes Fiscal Year 2013-2014 is not a repeat of this last fiscal year where sidewalks and three more police officers were added in the budget, only to see them fall by the wayside. He stated he was excited about this upcoming budget for the new fiscal year and that he has a lot of expectation and hopes to see it all come to fruition.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Bowers** to approve **Resolution No. 13-052,** Approving the **Fiscal Year 2013-2014** Budgets for the City of Mustang, Mustang Improvement Authority and Related Funds.

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

3. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1087**, Amending Chapter 26, by Adding Section 26-46; Enforcement of Alcohol Laws Fund.

Interim City Manager Battles advised this Ordinance Amendment was prepared by ***City Attorney Jonathan Miller*** and ***Chief Chuck Foley***. He stated Oklahoma Statute Title 11, Article XIV, Section 14-111 "Enforcement and Penalties for Violation of Municipal Ordinances" Subsection C. establishes that the Court shall remit $50.00 of each alcohol fine or deferral fee to a fund of the municipality that shall be used to defray costs for enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol and other intoxicating substances, and traffic-related offenses involving alcohol or other intoxicating substances. **Battles** stated the fees were not being increased by $50.00, but rather $50.00 of the current fees would be earmarked to go towards what's listed in the Ordinance for prevention and deterrence of alcohol.

Councilwoman Staples asked if there was a program associated with this fee.

Battles stated the Ordinance was specific regarding how the fee could be used such as education and perhaps some equipment.

Staples stated deterrence would be great.

Battles stated this would benefit the City and he was very happy with this Amendment.

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Mount** to approve **Ordinance No. 1087**, Amending Chapter 26, by Adding Section 26-46; Enforcement of Alcohol Laws Fund.

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

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Jones** to approve the Emergency Clause for **Ordinance No. 1087**, Amending Chapter 26, by Adding Section 26-46; Enforcement of Alcohol Laws Fund.

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

***4. Discussion, Consideration and Possible Action** Regarding Approval to Solicit Bids for Effluent Outfall Line per ODEQ consent Order 12-151.

Interim City Manager Battles advised in November, 2012, the Oklahoma Department of Environmental Quality (ODEQ) issued Consent Order 12-151, discharge without a permit concerning the effluent outfall line of the wastewater treatment plant. He stated the order required construction to begin before August 1, 2013, and the engineer's estimate is just over $106,639.00. He stated this is mandatory per ODEQ. **Battles** advised plans were submitted to ODEQ from EST, Inc. on behalf of the City of Mustang and a construction permit from ODEQ was issued. He stated staff is asking for authorization to go to bid for this project and bring the City of Mustang in compliance with ODEQ.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Jones** to approve Soliciting Bids for Effluent Outfall Line per ODEQ consent Order 12-151.

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

5. Discussion, Consideration and Possible Action Regarding Acceptance of Bids for the project titled Industrial Access Road, Phase II.

Interim City Manager Battles advised staff put out bid specifications for the Industrial Access Road Phase II and bids were opened on May 16, 2013, at 10:00 a.m. at the Mustang City Hall. He stated a total of four (4) bids were received. **Battles** stated staff recommends accepting all bids as the engineer has reviewed all submittals and they all meet the specifications and requirements.

Mayor Adams advised for clarification that the Industrial access Road is the Armory Road. He stated the title is Industrial Access Road because Industrial Access funds by the State are being utilized.

Councilman Taylor asked if the City had worked with all four contractors in the past.

Battles stated the City had worked with Haskell Lemon and Schwartz Paving, but was not sure about Duit Construction or Rudy Construction.

Adams stated he believed Duit Construction had done work for the City in the past, but was not familiar with Rudy Construction.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Mount** to Accept the Bids received for the project titled Industrial Access Road, Phase II.

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

6. **Discussion, Consideration and Possible Action** Regarding Awarding of Bid for the project titled Industrial Access Road, Phase II.

Interim City Manager Battles stated Staff is recommending awarding the project to the low bid which is Schwarz Paving who met all requirements for the amount of $548,569.05. He stated the contract was included in the bid packet; however, a signed contract will be brought back to Council at the next meeting.

Mayor Adams stated Schwarz Paving was the contractor for the north section of Czech Hall Road.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to Award the bid for the Industrial Access Road, Phase II to Schwarz Paving Company in the amount of $548,569.05.

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

7. **Discussion, Consideration and Possible Action** Regarding Approving Contract with Shawnee Lighting to provide Lighting Services for Wild Horse Park Baseball Complex.

Interim City Manager Battles stated Staff put out bid specifications for baseball lighting at Wild Horse Park and bids were opened on April 18, 2013. He stated the low bidder was Shawnee Lighting for the amount of $479,315.00 and an additional $23,366.00 for an electrical system to power and control scoreboards. **Battles** stated Council accepted and awarded the bid at the May 7, 2013, City Council meeting and was now bringing the contract to Council to approve. He advised the contract was reviewed and edited by ***City Attorney Miller*** and himself. Battles stated Staff recommends entering into a contractual agreement with Shawnee Lighting.

Councilman Taylor asked if the City will be renting out space on the scoreboard to local businesses.

Battles stated yes, the scoreboards will be purchased with private funds and is not part of the bond issue.

Taylor asked if there will be advertisements on the outside walls.

Battles stated yes, those parameters were set forth in 2001 and the City has the ability to sell space there. He stated there are restrictions though, such as no alcohol, tobacco, etc.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to Approve the Contract with Shawnee Lighting to provide Lighting Services for Wild Horse Park Baseball Complex.

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

(THERE IS NOT AN "ITEM I")

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 Approval of the Agreement between the City of Mustang and The International Association of Fire Fighters, Local 4383, for Fiscal Year 2013-14. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(1).**

3. **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).**

   City Attorney Miller stated Item J-1 involves pending litigation, Item J-2 is a contract with a collective bargaining agent, and Item J-3 involves employment; therefore he recommends all three items be heard in Executive Session.

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

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

TIME ADJOURNED to Executive Session: 7:40 p.m.

Mayor Adams called the meeting back in session at 8:35 p.m.

In reference to Item J-1 –

MOTION was made by **Mayor Adams,** seconded by **Councilman Taylor** to approve as recommended.

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

In reference to Item J-2 –

MOTION was made by **Mayor Adams,** seconded by **Councilman Mount** to approve the Agreement between the City of Mustang and The International Association of Fire Fighters, Local 4383, ,for Fiscal Year 2013-14.

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

In reference to Item J-3 –

MOTION was made by **Mayor Adams,** seconded by **Councilman Taylor** to proceed as discussed.

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

K. ADJOURNMENT

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

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

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

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Mayor

Attest:

____

City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JUNE 4, 2013

The Mustang Improvement Authority met in regular session on Tuesday, June 4, 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 31, 2013, at 11:20 a.m. An Amended Agenda was posted on Monday, June 3, 2013, at 11:20 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 8:40 p.m.

B. ROLL CALL

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

C. NEW BUSINESS

There was no new business.

D. <u>CONSENT AGENDA</u>

1. Approval of **05/21/13** MIA Minutes.
*2. Claims List for **FY '13**
3. Approval of **05/09/13** City Council/MIA Budget Session Minutes
4. Approval of **05/14/13** City Council/MIA Budget Session Minutes
5. Approval of **05/16/13** City Council/MIA Budget Session Minutes
6. Approval of Silver Star Construction to oversee tree and limb removal for the City of Mustang.

MOTION was made by **Chairman Adams**, seconded by **Trustee Bowers** to approve the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager
2. Trustees

There were no reports.

F. DISCUSSION ITEMS

*1. **Public Hearing** on **Fiscal Year 2013-2014** Annual Budgets for the City of Mustang, the Mustang Improvement Authority and Related Funds in Accordance with State Statutes.

At this time, **Chairman Adams** opened the matter for Public Hearing.

Being no public discussion, **MOTION** was made by **Chairman Adams**, seconded by **Trustee Taylor** to close the Public Hearing.

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

***2. Discussion, Consideration and Possible Action** Regarding Approval of **Resolution No. 13-052**, Approving the **Fiscal Year 2013-2014** Budgets for the City of Mustang, Mustang Improvement Authority and Related Funds.

MOTION was made by **Trustee Taylor**, seconded by **Chairman Adams** to approve **Resolution No. 13-052,** Approving the **Fiscal Year 2013-2014** Budgets for the City of Mustang, Mustang Improvement Authority and Related Funds.

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

***3. Discussion, Consideration and Possible Action** Regarding Approval to Solicit Bids for Effluent Outfall Line per ODEQ consent Order 12-151.

MOTION was made by **Chairman Adams**, seconded by **Trustee Taylor** to approve Soliciting Bids for Effluent Outfall Line per ODEQ consent Order 12-151.

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

G. 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 **8:45 p.m.**

____
Chairman

Attest:

____
Secretary