# MUSTANG CITY COUNCIL
# NOVEMBER 19, 2013

The Mustang City Council met in regular session on Tuesday, November 19, 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, November 15, 2013, at 1:00 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 Owens, Pastor, Christ Lutheran Church)*

**Dave Owens, Pastor,** led the assembly in the Pledge and Invocation. He stated the church would begin smoking meat for the Thanksgiving holiday this weekend, cold weather and all. He also stated they were preparing food baskets for those in need and reminded everyone that "Jesus is the reason for the season".

## C. ROLL CALL

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

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

**Clyde Langston, 741 W. Shepherd Dr., Mustang, OK,** addressed the Council regarding motorcycles and four wheelers utilizing a field that backs up to their neighborhood for a bike track. He stated it was very noisy and disruptive to the neighborhood. **Mr. Langston** stated they have been told the landowner gave permission for them to utilize the land, therefore the police state they are not able to do anything about it and for him to contact the City. He stated when contacting the City, they advise to contact the police. He would just like to know if there's anything that can be done.

**City Manager Rooney** advised he would meet with Mr. Langston and work on a solution.

**Robert Crout, 1100 S. Wild Rose Dr., Mustang, OK**, addressed the Council regarding the embarrassing emails sent to the City Manager and the amount of time the City Manager and staff is having to spend addressing them. He stated the emails are excessive nit picking and asked that they stop.

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

None.

**F. <u>CONSENT AGENDA</u>**

1. Approval of **11/05/13** City Council Minutes
*2. Claims List for **FY '14**

**Councilman Taylor** requested Item F-1 be pulled.
**Councilman Mount** requested Item F-2 be pulled for discussion.

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

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

**ITEM F-2:** Claims List for **FY '14**

**Councilman Mount** asked what the payment was for to EST, Inc. in the amount of $17,245.00.

**Community Development Director Coleman** advised it was for the review of various plats and developments in the City, such as Hunter Hills, Jack in the Box, Applebee's. He stated there were five or six invoices.

**MOTION** was made by **Councilman Mount**, seconded by **Councilwoman Bowers** to approve Item F-2 of the Consent Agenda.

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

## G. INFORMATION/REPORTS

### 1. City Manager

**City Manager Rooney** stated the first week in November was the City's campaign week for United Way and Community Health charities advising the City raised over $6,800.00. He stated the event was led by ***Human Resources Director Laura Anderson*** who did a fantastic job.

### 2. City Council

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

**Councilman Taylor** stated he had nothing to report at this time.

**Councilwoman Bowers** advised she would be absent at the next City Council meeting to be held December 3rd as she would be on a Mission trip in Mexico.

**Councilman Jones** stated Mr. Langston, who spoke earlier in the meeting, lived in his Ward and **Jones** offered to assist in resolving this matter.

**Councilwoman Hagan** stated she received a card from Youth and Family Services inviting the Council to their Annual Thanksgiving Dinner. She also stated her intention on filing for re-election.

**Councilman Mount** stated he had received a number of calls, but they had been handled at this point.

**Mayor Adams** stated he had received calls regarding a couple of issues which were taken care of by the City Manager. He also stated to remember how important friends and family are and to give thanks for them.

a. Re-Appointment of **Two (2) Commissioners** to the **Mustang Planning Commission**.

**Community Development Director Coleman** stated both Karl Mengers and Jerry Brown's terms have expired and both have expressed an interest in being re-appointed. He stated no applications have been received for Planning Commissioner in the past year. **Coleman** also stated Douglas Streu would be stepping down due to relocating to another community and the City is actively seeking candidates to fill the vacancy.

**MOTION** was made by **Mayor Adams**, seconded by **Councilman Jones** to reappoint Karl Mengers and Jerry Brown for a three year term to the Mustang Planning Commission.

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

b. Re-Appointment of **Two (2) Members** to the **Mustang Board of Adjustment.**

**Community Development Director Coleman** stated both Jess Schweinberg and Larry Spohn's terms have expired and both have expressed an interest in being re-appointed. He stated no applications have been received for these positions in the past year. **Coleman** also stated Board of Adjustment positions are not ward specific as there are only four members chosen from the general population.

**MOTION** was made by **Mayor Adams**, seconded by **Councilman Jones** to reappoint Jess Schweinberg and Larry Spohn for a three year term to the Mustang Board of Adjustment.

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

## H. <u>DISCUSSION ITEMS</u>

1. **Discussion, Consideration and Possible Action** regarding Approval of AC Owen Construction to Provide Life and Safety Repairs to Mustang Town Center.

**Parks and Recreation Director Battles** stated the current construction company, AC Owen, who is working on the new additions of Town Center found there was no emergency disconnect originally installed during Town Center's original construction. He stated AC Owen submitted a quote for putting the emergency disconnect into Town Center with the total cost of the project being applied to the current bond. **Battles** stated the cost for repairs was $45,269.00 and the cost for three days of backup generator to operate Town Center was $15,687.00 for a total of $60,956.00.

**Councilman Mount** asked if this was a change order on the AC Owen contract.

**Battles** replied yes.

**Mount** stated Patrick Bumpas, the architect, made the statement that this was outside the scope of the contract and their engineer was not involved in inspecting it.

**Battles** stated Mr. Bumpas was talking about the generator load to operate the building and not about the switch. **Battles** read part of a communication from Bumpas regarding the disconnect.

**Mount** stated from the information he has, Mr. Bumpas stated it was outside the scope of the contract and he believes he is talking about the disconnect switch.

**Battles** stated he was not, that he had spoken with him.

**Mount** asked if it was not a problem for it to be in excess of $50,000.00.

**Battles** stated no, that statute allows change orders up to $150,000.00 and this is the first one.

**Councilwoman Bowers** asked if the $15,687 included the fuel cost.

**Battles** replied yes.

**MOTION** was made by **Mayor Adams**, seconded by **Councilwoman Bowers** to Approve AC Owen Construction to provide life and safety repairs to Mustang Town Center.

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

2. **Discussion, Consideration and Possible Action** regarding Acceptance of Bids for the Project Titled Wild Horse Park Baseball Complex Fencing.

**Parks and Recreation Director Battles** stated EST, Inc. and the City of Mustang put out bid specifications for fencing at the new baseball complex which included fencing for the facility, concrete work for the dugouts and fence footings, foul poles, and benches for the dugouts. He stated bids were opened October 31, 2013, and one bid was received from Quality Fence Company in the amount of $378,997.00 and advised the Engineer's Estimate was $356,890.00. **Battles** stated the bid did meet all specifications.

**MOTION** was made by **Mayor Adams**, seconded by **Councilman Jones** to Accept the Bid for the Project Titled Wild Horse Park Baseball Complex Fencing.

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

3. **Discussion, Consideration and Possible Action** regarding Awarding Bid for the Project Titled Wild Horse Park Baseball Complex Fencing.

**Parks and Recreation Director Battles** stated bids for fencing at the new baseball complex which included fencing for the facility, concrete work for the dugouts and fence footings, foul poles, and benches for the dugouts were opened October 31, 2013, and one bid was received from Quality Fence Company in the amount of $378,997.00. **Battles** stated we are never pleased to receive only one bid, but from talking with local vendors and other professionals in the field, many of the contractors are already busy due to the May storms and the Notice to Bidders was sent out to companies all over the metro and a total of three companies picked up plans from EST, Inc. with only one company bidding.

**Battles** stated the bid specifications also includes 12 dugouts with a 10 foot front and 8 foot back and the concrete needed in the dugouts; advising this was commercial gauge, not residential. He advised the fencing will be comparable to the softball fields except for the foul poles and feels it is market value.

**Councilwoman Bowers** asked if a 10 foot by 40 foot dugout was normal.

**Battles** stated it was common in ball parks now. He advised it wasn't unusual to have 20-25 people in the dugout (players, coaches, team helpers, etc) plus this would provide room for the equipment bags and provide protection from the weather.

**MOTION** was made by **Mayor Adams**, seconded by **Councilman Jones** to Award the Bid for the Project Titled Wild Horse Park Baseball Complex Fencing to Quality Fence Company, Inc.

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

4. **Discussion, Consideration and Possible Action** regarding Approval of Contract with Quality Fence Company, Inc. for the Project Titled Wild Horse Park Baseball Complex Fencing.

**Parks and Recreation Director Battles** requested approval of the contract for the project titled Wild Horse Park Baseball Complex Fencing to Quality Fence Company, Inc. in the amount of $378,997.00. He stated the contractor has 45 days to complete the project and if this time period is not met, the contract includes liquidated damages in the amount of $500.00 per day past the 45 days. He provided a copy of the liquidated damages and stated the contract is a carbon copy of the Oklahoma Department of Transportation's (ODOT) fencing contracts.

**Councilwoman Bowers** asked about the plans as mentioned in the contract, but were not attached.

**Battles** stated it is in reference to the plans and drawings provided with the specifications and on file with the City. He stated he could provide a copy for her to review if needed.

**Councilman Taylor** asked if 45 days would be enough time and if he had any idea when the project would be completed.

**Battles** replied yes. He stated there are exceptions allowing for weather delays, but not many. He advised the plan is to provide the contractor with the Notice to Proceed in the first week of December.

**Taylor** asked if there was any bonus for completing the project early.

**Battles** replied no.

**MOTION** was made by **Mayor Adams**, seconded by **Councilman Jones** to Approve the Contract with Quality Fence Company, Inc. for the Project Titled Wild Horse Park Baseball Complex Fencing.

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

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

None.

## K. ADJOURNMENT

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

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

The meeting was adjourned at **7:34 p.m.**

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**Jay Adams, Mayor**

**Attest:**

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**Lisa Martin, City Clerk**

**MUSTANG IMPROVEMENT AUTHORITY**
**NOVEMBER 19, 2013**

The Mustang Improvement Authority met in regular session on Tuesday, November 19, 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, November 15, 2013, at 1:00 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 8:08 p.m.

## B. ROLL CALL

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

**Trustees Absent:** **Staples**

## C. NEW BUSINESS

None.

## D. CONSENT AGENDA

1. Approval of **11/05/13** MIA Minutes.
*2. Claims List for **FY '14**

**Trustee Taylor** requested Item D-1 be pulled.

**MOTION** was made by **Chairman Adams**, seconded by **Trustee Bowers** to approve Item D-1 of the Consent Agenda.

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

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

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

## E. INFORMATION/REPORTS

### 1. Trustee Manager

None.

### 2. Trustees

None.

## F. DISCUSSION ITEMS

None.

## G. ADJOURNMENT

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

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

Meeting was adjourned at **7:36 p.m.**

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**Jay Adams, Chairman**

**Attest:**

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**Lisa Martin, Secretary**