MUSTANG CITY COUNCIL
AUGUST 6, 2013

The Mustang City Council met in regular session on Tuesday, August 6, 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, August 2, 2013, at 5:25 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 *(Terry Jones, Vice Mayor)*

C. ROLL CALL

Councilmembers Present:	**Taylor**
	Staples (arrived at 7:02 p.m.)
	Bowers
	Jones (left at 10:00 p.m.)
	Hagan
	Mount
	Adams
Councilmembers Absent:	**None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Brenda Schwartz, 1304 Quail Lake Way, Quail Lakes Estates - spoke about the Agenda Item regarding approval of the Hyde Park Addition Preliminary Plat. She stated she has lived in Quail Lakes Estates for 14 years and knew homes would someday be built there even though the area was blocked in. She stated Hyde Park residents would have to use Quail Lakes Estates entrance to get to their addition, giving the appearance they live in Quail Lakes Estates. She stated Quail Lakes Estates Homeowners Association (HOA) dues are $300/year which maintains the entryway, common areas, lighting, etc. She stated if Hyde Park residents are going to utilize their entryway and amenities, then they should be required to pay dues too. She felt it was unfair for them to be able to use it for free.

John Karrayianis, 606 E. Elder Lane – stated he had heard so much bad news across the country regarding cities going under and mismanagement. He asked the Council if the City of Mustang was headed that way with all the large projects in process and could the City afford it. He stated the taxpayers are the ones who have to pay for it. He said the City employees were doing tremendous jobs and deserve raises, but still concerned about our debt and who would be accountable if something happens and asked how strong the City's financials are?

Mayor Adams stated everyone on this bench is accountable for the budget. He advised the City has a substantial reserve in the general fund and MIA fund and there are no proposed sales tax increases for the future. He stated our economy is growing and sales tax numbers are climbing, and we are not anywhere close to bankruptcy.

Garland Price, 1520 W. Diamond Way, Berkley Estates – thanked the Council for their service and for listening to everyone. He stated as far as Berkley Estates was concerned, they were comfortable with the number of houses being planned in Hyde Park Addition and are OK with the developer's plans. He stated the streets are public streets and Berkley Estates will see more traffic too, which is OK; however, he would like to see a stop sign installed, especially around Whippoorwill. He said the developer had other options he could have chosen and felt it could be worse, so was good with this plan and hope Council will vote to approve and allow the developer to proceed.

Ann Wayda, 1431 Grandview Way, Quail Lakes Estates – advised she was the Quail Lakes Estates HOA President and the HOA and residents are against the addition of Hyde Park since they would be driving to their addition through Quail Lakes Estates addition. She said this will cause increased traffic throughout the day, at least 34 cars more, and their roads were not built for that much traffic – not even a school bus can come in and turn around. She stated if Hyde Park residents were going to have to drive through their entrance, looking as if they were part of Quail Lakes Estates, use their amenities, then they should have to pay some HOA dues too. She also stated she wasn't happy that her front yard will be facing the back yards of the Hyde Park addition which can cause increased noise due to dogs, children playing, etc.

Dwayne Keel, 1419 Grandview Way, Quail Lakes Estates – stated he felt the plat was fine; however, he didn't want the Hyde Park residents driving through their addition. He stated Quail Lakes Estates is a small addition and the streets were not meant to handle that much traffic. He stated this was a punishment to Quail Lakes Estates residents by allowing the additional traffic.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. <u>CONSENT AGENDA</u>

1. Approval of **07/16/13** City Council Minutes
*2. Claims List for **FY '13**
*3. Claims List for **FY '14**
4. Approval of **Resolution No. 14-002** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $10,982.00.
5. Approval of **Resolution No. 14-003** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $1,357.00.
6. Approval of **Resolution No. 14-004** adopting the Canadian County Multi-Jurisdictional Multi-Hazard Mitigation Plan.
*7. Approval to **Declare Certain Items as Surplus** and Authorizing Disposal of Those Items.
8. Approval to Declare Old and Damaged **Library Materials as Surplus**.
9. Approval of **Retirement** from Oklahoma Municipal Retirement Fund (OMRF) for Teena Scott, Mustang Police Department.
10. Approval to Renew Agreement with **Mustang Public Schools** to Provide Campus School Resource Officers.
11. Approval to Renew Agreement with **Wheatley, Segler, Osby & Miller, LLC** for Legal Services.
12. Approval of **Solicitation of Bids** for a Breathing Air Compressor System, including Fill Station and Cascade Station for the Mustang Fire Department
*13. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. WL000009130371**, to Construct Water Line for First Baptist Church Expansion Project.

*14. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130363**, to Construct Sewer Lines for Magnolia Trace Addition, Phase 5.

Councilman Taylor asked that Items F-6 through F-8, and F-10 through F-11 be pulled for discussion.

Councilwoman Bowers commented that the last payment to Lowe's had been made.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Staples** to approve Items F-1 through F-5, Item F-9, and Items F-12 through F-14 of the Consent Agenda.

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

ITEM F-6: Approval of **Resolution No. 14-004** adopting the Canadian County Multi-Jurisdictional Multi-Hazard Mitigation Plan.

Councilman Taylor asked if 2003 was the last time the *Canadian County Multi-Jurisdictional Multi-Hazard Mitigation Plan* had been adopted.

Community Development Director Coleman answered yes; it was the first time it was adopted and the last time it was adopted.

Taylor advised there was a lot of good information in this, but didn't realize it existed. He asked what was meant in the commentary regarding the statement "as a result, we have seen a number of changes in council membership and staff since the update began". He asked why changes in Council membership would affect updating this Plan.

Coleman stated because there are pictures and biographies in the Plan that are incorrect now, both on our side and the County side, and would like to have those updated prior to adoption as well as an incorrect sentence regarding our Fire Department not being EMSA compliant needing corrected (our Fire Department was one of the first in the state to be EMSA compliant) as well as a couple of other updates.

Taylor asked if this should be updated every couple of years.

Coleman stated they should be updated every five years. He stated the Canadian County Commissioners were the lead on this project and during the process, FEMA had changed the guidelines for putting the plans together which caused delays, as well as having other delays by Canadian County.

Taylor asked if it would be completed more consistently in the future.

Coleman stated the City might want to get its own consultant next time.

Interim City Manager Battles advised the process was delayed doing it as a joint venture with Canadian County, and in the future may be advantageous to do this on our own.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-6 of the Consent Agenda.

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

ITEM F-7: Approval to **Declare Certain Items as Surplus** and Authorizing Disposal of Those Items.

Councilman Taylor asked how often the City conducts the physical inventory of capital assets.

Interim City Manager Battles stated it should be conducted each year; however, this was the first time it had been conducted in ten years.

Taylor asked why the depreciation write off in the Exhibit shows a zero financial impact and asked if it should have some financial impact.

Finance Director Watts stated depreciation doesn't have a financial budget impact but it will impact our government wide financials in the audit.

Taylor asked what would be done with these assets once declared surplus.

Battles stated staff would go back through the list and those items which can be deemed for auction will be brought back to Council to approve, and the other items that no longer exist or have no resale value will be disposed of and taken off the list.

Councilwoman Bowers asked if this would provide any storage cost savings.

Battles stated most of the items are at City Hall or Public Works, so would not provide much of a savings in regards to storage.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-7 of the Consent Agenda.

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

ITEM F-8: Approval to Declare Old and Damaged **Library Materials as Surplus**.

Councilman Taylor asked what the Library considered outdated books.

Interim City Manager Battles stated ***Library Director Desiree Webber*** was not able to be here tonight due to another meeting, but she would be the best one to answer this question. He stated they probably weren't so much outdated as they were damaged, such as books having worn covers and that sort of thing.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-8 of the Consent Agenda.

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

ITEM F-10: Approval to Renew Agreement with **Mustang Public Schools** to Provide Campus School Resource Officers.

Councilman Taylor asked how many fee increases the Mustang Public School (MPS) district had seen from the City over the last three years.

Interim City Manager Battles replied none.

Taylor asked how many cost of living adjustments has the City seen over the last three years for the Police Department.

Battles stated every year, but the City has passed those off to MPS.

Finance Director Watts stated last year, MPS paid 2/3rds of the Police Officers' wages and benefits. She stated the City is now trying to include the roll up costs such as uniform cleaning, training, and vehicle expense/gas to the contract. She advised that MPS was not able to pay 100% of the 2/3rds of the total costs (wages, benefits, and roll up costs) this year, so is paying 85% of the 2/3rds of the total costs, with the agreement that MPS will pay 100% of the 2/3rds of the total costs in FY15.

Taylor stated with the cost of living increases as well as roll up costs increasing, he wanted to be sure the City was passing along the appropriate cost.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-10 of the Consent Agenda.

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

ITEM F-11: Approval to Renew Agreement with **Wheatley, Segler, Osby & Miller, LLC** for Legal Services.

Councilman Taylor asked why the Council was just now seeing this renewal when it renewed the first day of the fiscal year.

Interim City Manager Battles stated ***City Clerk Lisa Martin*** and I have gone through the numerous agreements throughout the year and are still trying to familiarize ourselves with everything we have.

Taylor said this reminded him of what Council went through in January when it was the next to the last meeting to renew the contract with Judge Huddleston and had to table it because we didn't do the appropriate things we needed to do required by charter to approve it. He stated he would really like to see going forward, when a contract comes up for renewal at the beginning of the fiscal year, to see the renewal contract prior to the beginning of the fiscal year. He also provided, for the record, the fee amounts:

2007:	FY2014:
Monthly Fee - $1,950.00	Monthly Fee - $2,196.00
Hourly Fee - $145.00	Hourly Fee - $163.00

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-11 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

Interim City Manager Battles reported:

- The ground-breaking for the Saint Anthony Health Complex has been rescheduled to September 10, 2013, at 9:15 A.M.;
- He contacted Cox Communication regarding the trunk line hanging over the light at Hwy 152 and Sara and a work order has been submitted and Cox stated multiple pole locations have to be raised;
- He has a walk through with ODOT on Wednesday, August 7, 2013, regarding State Hwy 152 signalization project. He stated it is almost done, but ODOT still had programming to perform. He also stated Silver Star Construction would take a look at them and notate any problems they find and send him a list;
- Mayor Adams suggested the walk through would be a good time to request ODOT to re-stripe the turning lanes at Hwy 152 and Sara when turning north and south;

2. City Council

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

Councilman Taylor stated he was happy to see the trunk line problem being addressed.

Taylor advised there would be a great breakfast at the Mustang Lodge on Saturday from 7:00 – 10:00am for $5 per plate.

Taylor thanked ***Interim Director Battles*** for all his efforts and for everything he has done to fill the gap in the interim. He stated ***Mr. Battles*** has done a great job and has tremendous potential and hope to see that potential realized and wanted him to know how much the Council and citizens of Mustang appreciate him.

Councilwoman Staples requested Mr. Price's concerns regarding Whippoorwill be placed on the Traffic Commission agenda.

Staples advised the ditch running behind Paradise is inundated with mosquitoes and weeds and asked if it could be sprayed.

Interim City Manager Battles stated Silver Star Construction has spread granule product in that ditch twice and both times, got a big rain. He stated Silver Star Construction has been very aggressive with it and is aware of the problem.

Staples asked the City Manager to place park land back on the agenda for reconsideration with some of the additions now getting very large with a lot of kids.

Battles stated it would be placed on the Leisure Services Board to take away the moratorium and if approved, will be brought to City Council.

Staples also stated she seconded everything ***Councilman Taylor*** said regarding ***Interim City Manager Battles*** – that he has done a wonderful job.

Councilwoman Bowers stated her Ward has been very active repairing roofs and all from the storms. She asked that everyone be good neighbors to each other during the repairs and clean up after themselves.

Councilman Jones told ***Interim City Manager Battles*** that he and everyone in his Ward appreciate everything he has done and especially with the storm debris removal, everyone was happy about that.

Councilwoman Hagan thanked Interim City Manager Battles for all his work and for making us look good.

Councilman Mount stated it had been quiet in his Ward. He stated he had received a couple of calls that he passed onto the City Manager who did his usual good job. He also echoed what ***Councilman Taylor*** said regarding ***Interim City Manager Battles,*** that he has done a nice job and went the extra mile.

Mayor Adams stated he had received a lot of calls, with City Staff taking care of most everything, but do need to address calls he's received from community leaders regarding ***Councilman Mount's*** letters to the editors about the debris removal. He stated they actually were a little upset with him for not responding to them, but he hadn't responded due to former Councilmembers and community leaders stating it gave the City a bad image for a couple of Councilmembers to be going back and forth at each other with letters to the editor, so had not done that.

Adams advised there are inaccuracies in ***Mount's*** letters needing to be addressed. **Adams** read ***Mount's*** letter to the editor. **Adams** stated he did research on the information ***Mount*** put together and found very substantial errors:

27,000 Cubic Yards = 38.74 Tons
38.74 Tons x 2,000 (pounds/ton) = 77,480 lbs
77,480 lbs / 27,000 CY = 2.87 lbs per CY

Adams stated a standard dump truck bed has capacity of 8 – 10 CY volume, so according to ***Mount's*** numbers, the back end of a fully loaded dump truck would weigh 28.7 lbs (10 CY x 2.87 lbs/CY) which is not possible.

Adams stated another figure in error by ***Mount*** is the 95,000 tons collected by Oklahoma City at a cost of $1,100,000. **Adams** stated this calculates to $11.57/ton ($1,100,000/95,000 tons) which is in conflict with the figures in his letter advising the Oklahoma City contracts cost per ton were $41.10/ton, $74.90/ton and $78.50/ton. **Adams** said he spoke with city officials at the City of Oklahoma City regarding their debris removal contracts and found out that Oklahoma City is now on their 4th bid. He stated the contractors who were awarded the first two bids only bid debris removal, they didn't bid tree pick up at city property or parks, so went out to bid a third time. He stated this contractor was awarded the bid at $41.10/ton; however, was not able to perform the contract at that amount and was not removing the debris. **Adams** stated the City went out to bid a fourth time and awarded the bid to two (2) contractors at $74.90/ton and $78.50/ton with the contractor awarded $78.50/ton receiving more than half of the debris removal. **Adams** also stated after talking further with the city officials, the $74.90/ton and the $78.50/ton does not include the landfill fee of $17.76/ton, therefore, the City of Oklahoma City is actually paying $92.66/ton and $96.26/ton. He stated the City of Mustang's contract rate includes the land fill fee.

Adams stated ***Mount's*** letter stated the City of Moore spent $1,000,000 in debris removal. **Adams** stated he spoke with City of Moore city officials who stated they were not even close to being done and expect their total cost to exceed $4,000,000; therefore, that $1,000,000 comparison was not accurate.

Adams provided the following actual numbers by the City of Mustang for total debris clean up and removal and were provided to FEMA for the City's end numbers:

> Debris Collected = 37,022 CYs (used CYs because that is what the City's contract states)
>
> Cost per CY = $18.75
>
> Total Cost = $694,162.50 (37,022 CY x $18.75/CY)

Adams stated it was difficult to convert wood from cubic yards to tons. He stated he found engineering estimates from the States of California, Florida and Maine for:

Approximate Pounds/Cubic Yard
for Construction Debris/Wood = 400lbs/CY Uncompacted or
= 800lbs/CY Compacted

Adams stated he also spoke with an engineer at the Oklahoma Department of Transportation (ODOT) regarding wood debris being uncompacted vs. compacted. He stated the ODOT engineer advised wood that is more than 2" in diameter would be dense and considered compacted, whereas brush or small debris would be considered uncompacted.

Adams stated it would depend on how the dump trucks were loaded in order to convert the total cubic yards to the total tons; therefore, he used the midpoint of 600 lbs/CY to get the following numbers:

37,022 CY x 600lbs/CY = 22,213,200 lbs
22,213,200 lbs / 2,000 lbs (pounds/ton) = 11,106.6 tons

$694,162.50 / 11,106.6 tons = $62.50 per ton

Adams stated even when using the uncompacted figure of 400 lbs/CY, the city would have paid $93.75/ton which is still lower than what Oklahoma City is paying.

Adams stated this is his Mayor's report as requested by community leaders in order that no citizen is led astray by the gross inaccuracies in the letters to the editor regarding our debris removal numbers.

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

Councilwoman Bowers nominated Lynly Grider for the Leisure Board. She stated she has a Bachelors Degree in Psychology from Oklahoma Baptist University, has studied graphic design and would make a good addition to the Board.

MOTION was made by **Councilwoman Bowers**, seconded by **Councilman Jones** to approve the appointment of Ms. Lynly Grider 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 Preliminary Plat PP-6-18-13-1-29, Hyde Park Addition, North Fork Development, LLC.

Senior City Planner Melissa Helsel stated this item was continued from the last City Council meeting. She stated the applicant is requesting approval of a Preliminary Plat for Hyde Park Addition and that the addition is zoned R-E, Rural Estates and the design of the subdivision meets the criteria for R-E development.

Helsel gave the following Project Description:

The subdivision contains 32.21 acres with common areas with a total of 2.04 acres. It is zoned R-E and will contain 34 proposed lots. All lots are greater than ¾ acre as required by Rural Estates zoning.

There will be two distinct parts of this subdivision, a north section that will contain 17 lots that will connect to Grand View Way in Quail Lake Estates to the north, and a south section that will also contain 17 lots and connect to N. Centennial Way to the south. Since there is no way to connect the streets in this subdivision to the east or west (Wellington Gardens is to the west and the developer is constrained from using them since they are private streets), this is the most equitable way to distribute the traffic from this addition.

The city engineer and fire department have both approved the preliminary plat as well as the engineer approving the preliminary drainage report, and the police department did not find any problems that would affect public health and safety.

The general character of the area is single-family residential and rural estates development. The property to the north is zoned R-E, to the east is Magnolia Trace PUD, to the south is R-1 and to the west is R-E.

The long-range plan calls for low density residential development in this area, so the request does conform to the comprehensive plan.

There is public water and sewer available to serve this development.

She stated with the new development and addition of the cul-de-sac, a school bus may now be able to pull into the addition and turn around.

Helsel advised the Planning Commission voted unanimously (6-0) to recommend approval of this Preliminary Plat at their July 9, 2013 meeting.

Helsel advised two former requests for re-zoning to R-1 were denied. She stated the developer tried a couple of different approaches to the traffic, but neighboring additions did not like them, and this appears to be the most equitable way. She said this time their plat is based straight on the R-E Zoning with no exceptions being requested and they will extend public water and sewer to each lot in the addition and be completely served by public services.

Councilwoman Staples asked if it would require a lift station.

Helsel stated no, the applicant has obtained an easement to tap into a sewer interceptor line laid by Robert Crout.

Councilman Mount asked what the frontage was on Lot 2 and Lot 3 located in the north 17 lots.

Helsel advised Lot 3 is 42.51' and Lot 2 is 48.48'.

Mount asked if that frontage met the RE Zoning ordinance.

Helsel stated Section 122-264 of the *Code of Ordinances* state "For dwellings in the R-E district, there shall be a minimum lot width of 55 feet at the front building line, and such lot shall abut on a street for a distance of not less than 40 feet."

Mount stated the plat says the minimum width at the front building line is 55'.

Helsel advised 55' is at the building line rather than abutting the street. The building line would typically be 30' back.

Councilwoman Hagan asked if this property had ever been a Planned Unit Development (PUD).

Interim City Manager Battles stated the property was zoned R-E in 2000; prior to this, in the 1980s, it was zoned R-1, but has not been zoned a PUD.

Helsel stated there were two requests to zone it R-1, but they were both denied.

Mark Grubbs, Grubbs Consulting, representing the applicant, stated tonight Council is being asked to vote on the preliminary plat and not the HOA; the HOA cannot be regulated through a preliminary plat, that it's a separate document. He stated his developer will meet with the HOA, but cannot guarantee any agreement will be made. He said if the requests are reasonable, he will try to work with them. **Grubbs** stated it was brought up during the Hearing of Citizens to make this addition a part of Quail Lakes Estates. He stated he would reiterate that it's called Hyde Park on the preliminary plat same thing as Twin Coves. He said there is not a sign that says Twin Coves and Twin Coves seems to be a part of Whippoorwill, same for Berkley Estates. He said he doesn't anticipate any signage for Hyde Park either and it will feel a part of Quail Lakes Estates. **Grubbs** stated during original rezoning meetings, he heard Quail Lakes Estates say if Hyde Park will be zoned rural, they would be happy and accept it which is what the developer did and is meeting the R-E zoning requirements. He said it was brought up about not building a through street, so the developer did not build a through street, but will be utilizing the roads north and south; they are public roads and do have rights to access them. He said it was brought up that her house will face Hyde Park's back yards; however, even if the area was developed Wellington Gardens, her house would still be looking at the back yards, nothing changed.

Mount stated with this subdivision, as it is laid out, the ridge line runs north and south and separates the west portion as far as drainage from the east portion which amounts to about 4.67 acres on the west part. He asked if that will drain into the existing retention pond which serves primarily Wellington Gardens.

Grubbs stated yes, that is the original drainage.

Mount stated this leaves 27.44 acres that will drain to the northeast to the new retention pond to be built on 8.85 acres. He stated when looking at the plat, the elevation of the southwest corner is 1333' and the new retention pond elevation is 1317' which is about a 16 foot fall from one corner of the plat to the other and the purpose of the retention pond is to retain that water until such point and time it can be controlled by flow release through the proposed 36" pipe. **Mount** asked ***Grubbs*** if the .85 acre retention pond in his opinion was sufficient to take care of that kind of run off on 27.44 acres and asked if he would have to build a dam around the retention pond in order to control it, catch it and release it into the 36" pipe.

Grubbs stated it's a matter of depth and feels it can be done; that it would release to a creek. He also stated they had obtained, at Mr. Crout's request, a storm sewer easement which will release through an underground storage sewer. He stated Mr. Crout requested it not be released on the surface. He stated they agreed to that and obtained the easement to put it underground to have more relief to his creek. He also stated with this being the preliminary plat, it can still be massaged if needed.

Mount stated in Wellington Gardens, there are three 42" pipes that direct water into this subdivision.

Grubbs stated that is an existing pond and the drainage basin comes from nearly Hwy 92 which is why the pipes are so large.

Mount stated it looks like there are three 42" pipes releasing into that 4.67 acres.

Grubbs stated no, there's actually a drainage easement and it will flow into that. He stated he would use bar ditches and ditches between the lot lines to get drainage back to where it needs to go as well as grading.

Mount asked if the drainage swells would be grass.

Grubbs stated it's a bar ditch, it will be asphalt paving and a bar ditch section.

Mount asked if the cul de sacs at the end of the streets are 42' radius and would a fire truck have room to turn around.

Grubbs stated the 42' radius is paving and that most cul de sacs are 40' radius which equals to 84 foot wide and is plenty of room.

Councilman Taylor asked if he had any estimate of what a home would be marketed for once its developed.

Grubbs stated the general rule of thumb in construction is to take the lot cost and usually multiply it five plus (sometimes six plus), so if the lot cost is $50,000, the house would market for at least $250,000 plus.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve the Preliminary Plat PP-6-18-13-1-29, Hyde Park Addition, North Fork Development, LLC.

Mayor Adams stated he knows there's a lot of concerns and issues on this. He said he does understand; that his first encounter with the Planning Commission and City Council was back in 1998 or '99 when the Kingsgate Addition was being built on the north end of Canadian Estates and the townhomes were being built on the east end. He stated the main entrance for Canadian Estates had this big sign and that would be the entrance they would utilize. He said he spoke to the Planning Commission stating this wasn't what their community or residential area was about. **Adams** stated he would never forget this, but one of the Members on the Planning Commission asked when he bought his house, which he answered in 1994. He said the Member asked if he looked at what the zoning was around the house and he said no, and the Member replied that's not her fault, it had been zoned R-4 for a long time. He stated all he could think was that's right, he couldn't argue with that, he had never looked at it. He said he realizes that doesn't make it any easier. **Adams** stated when he saw this on the docket, he asked about the history of zoning in this area and was told this section of land was zoned R-E in 2000 and prior to that, back to the 1980s, it was zoned R-1 which was prior to the building of the other additions except for Whippoorwill, so it has always been intended to be built. He said he knows the streets are another issue, but it's better for safety in the long run if the streets connect. He also stated he wished the Council could do something about HOAs, but have been told by our attorneys that we have no authority to be involved in that. He stated his advice would be for everyone to sit down together and work on it together.

Councilwoman Bowers stated she spoke with residents in Ward 3 and everyone was thankful the developer was only building 34 homes and would ask that the developer contact the HOAs and meet with them, especially Wellington Gardens and Quail Lakes Estates.

Councilman Jones stated, to reiterate, the Planning Commission voted 6-0 to approve.

Adams stated yes.

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

2. **Discussion, Consideration and Possible Action** Regarding Approval of Preliminary Plat PP-7-17-13-1-30, Hunters Spring Addition, DHD Corp (M. Hanif Dugan), NW/4, Section 30.

Senior City Planner Melissa Helsel stated the applicant is requesting approval of a Preliminary Plat for Hunter's Spring Addition. This addition is zoned R-1, Single Family Residential and the design of the subdivision meets the criteria for R-1 development.

Helsel gave the following Project Description:

This subdivision contains 54.8153 acres and will contain 244 proposed lots. There is a primary common area of 2.25 acres. All lots conform with the size, setback and frontage requirements of the R-1 district.

This land was previously platted and approved at a preliminary level, but the plat expired. Development was never begun.

This addition will have a primary entrance from N. Clear Springs Road and a secondary entrance from Hunters Hill Addition on N. Pheasant Way. All cul-de-sacs meet the city's minimum requirements.

The city engineer and fire department have both approved this preliminary plat (fire department did have some concerns, but those were addressed and approved), and the police chief did not find any problems that would affect public health and safety.

The general character of the area is single-family residential and rural estates development.

The property to the north is zoned R-E and A-1, to the east is R-E and A-1, to the south is R-1 and to the west is A-1.

The long-range plan calls for low density residential development in this area, so the request does conform to the comprehensive plan. There will be public water and sewer extended to cover this entire development.

Helsel advised the Planning Commission voted unanimously (6-0) to recommend approval of this Preliminary Plat at their July 23, 2013 meeting.

Councilman Jones asked if Betty Drive will be opened or extended.

Helsel stated no, the way it is platted, there will be no extension into Twin Acres. She stated there is no proposed entrance and no easement.

Jones stated in that case then, Twin Acres will be totally isolated.

Helsel stated yes.

Councilman Taylor asked if there would be another common area with the final plat.

Jason Spencer, Crafton Tull, representing the applicant, stated not at this time.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Bowers** to approve the Preliminary Plat PP-7-17-13-1-30, Hunters Spring Addition, DHD Corp (M. Hanif Dugan), NW/4, Section 30.

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

*3. **Discussion, Consideration and Possible Action** Regarding Acceptance of Bids for the project titled Sanitary Sewer Outfall Pipe (Effluent Outfall Line) per ODEQ Consent Order 12-151.

Interim City Manager Battles stated the Oklahoma Department of Environmental Quality (ODEQ) in November, 2012, issued Consent Order 12-151, discharge without a permit concerning the effluent outfall line of the wastewater treatment plant. He stated plans were submitted to ODEQ from EST, Inc. on behalf of the City of Mustang and a construction permit from ODEQ was issued.

Battles stated, although the agenda commentary recommended accepting all bids, further review of the bids were conducted and it was found that Continental Construction Corp. and Downey Contracting, LLC had submitted their bids on the incorrect forms; the forms had been updated at the Pre-Bid Meeting. He stated after discussing with ***City Attorney Miller***, staff feels it is in the City's best interest to reject the bids from Continental Construction Corp. and Downey Contracting, LLC and accept the bid from 4M Trenching, Inc.

Councilman Jones asked if the City would still meet our obligation if only have one bid.

Battles stated yes, there is no obligation by the State to have more than one bid. He stated we prefer to have more than one bid, which in this case we did; however, two of them did not submit the correct forms.

Councilwoman Staples asked if we tried to get them to submit the correct forms.

Battles stated we are not able to accept them since it was a sealed bid. He stated EST, Inc. did provide the correct numbers with the correct calculations to us, but was uncomfortable with this as this was not what the contractors bid.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to reject the bids from Continental Construction Corp. and Downey Contracting, LLC, and to accept the bid from 4M Trenching, Inc.

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

*4. **Discussion, Consideration and Possible Action** Regarding Awarding of Bid for the project titled Sanitary Sewer Outfall Pipe (Effluent Outfall Line) per ODEQ Consent Order 12-151 to Continental Construction Corp.

Interim City Manager Battles stated after careful examination with counsel, it was determined only one bid was considered responsive; therefore, staff is recommending this bid be awarded to 4M Trenching, Inc., who met all the requirements.

Mayor Adams asked if this item is not approved, will the City meet its deadline with the Oklahoma Department of Environmental Quality (ODEQ).

Battles stated no, an extension would have to be requested.

Councilman Taylor asked if the other two contractors would be notified.

Battles stated yes, a letter would be sent notifying them their bids were rejected.

Councilwoman Staples asked what the financial impact was.

Battles stated Continental Construction bid $175,810.00 and 4M Trenching bid $183,781.00; however, are not able to accept Continental's bid since they did not use the correct forms. Battles stated we did confirm with EST that 4M Trenching did submit the correct forms and all required documentation.

Councilwoman Bowers stated she noticed in 4M Trenching's bid, they currently have 18 incomplete projects. She asked if this will be an issue.

Battles stated 4M Trenching is aware of our timeline.

Adams stated if they do not follow up with our timeline, then they can be fired and re-bid.

MOTION was made by **Councilman Taylor**, seconded by **Councilman Jones** to award the bid for the project titled Sanitary Sewer Outfall Pipe (Effluent Outfall Line) per ODEQ Consent Order 12-151 to 4M Trenching, Inc. in the amount of $183,781.00

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

5. **Discussion, Consideration and Possible Action** Regarding Approval of the Notice of Intent to Apply for an Oklahoma Department of Emergency Management Hazard Mitigation Grant to Reimburse Property Owners for the Installation of Storm Shelters.

Interim City Manager Battles advised the total amount being requested is $1,125,000.00 and not $1,125.00 as stated in the commentary.

Community Development Director Coleman stated by approving the Multi-Hazard Mitigation Plan, the City is eligible to apply for grant funding. He stated the Hazard Mitigation Grant Program (HMGP) provides grants to states and local governments to implement long-term hazard mitigation measures after a major disaster declaration. He stated the purpose of the HMGP is to reduce the loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster. **Coleman** advised HMGP funds may help property owners by reimbursing up to 75% of the installation costs and the first step in seeking this assistance is to file a Notice of Intent (NOI) with the Oklahoma Department of Emergency Management (OEM).

Coleman stated the City is requesting a total of $1,125,000.00 of FEMA/ODEM assistance, which will allow a total of $1.5 million in storm shelter purchases/ installations and if the NOI is approved, the City will receive a formal invitation from the ODEM to apply for HMGP funds. He stated the application will be forwarded to City Council along with a proposed program establishing the criteria for eligibility. He stated the City of Yukon did this very successfully a couple of years ago.

Councilwoman Bowers asked how long it will take to know if we are approved.

Coleman stated it would probably take a couple of months. He stated if approved and the grant goes through, then homeowners who have not already purchased and installed a storm shelter will be able to apply to be a part of our program. He stated if the homeowner is approved and once their storm shelter is installed, it only takes about 10-12 weeks to get their rebate.

Councilman Taylor asked if the Hazard Mitigation Plan would have been brought to Council for approval had there not been this grant request.

Coleman stated absolutely. He stated after the approval of the 2003 plan, the City received a sizeable award for storm warning sirens as part of the HMGP. He also stated, similarly, another city he had worked in, received several hundred thousand dollars in HMGP money, but you have to have a plan in place first.

Battles stated the timing is purely coincidental. He stated after the May 31st event, after conversations with the contractor and the County, staff was so frustrated that the plan had not been brought back to us, we were looking at creating our own plan.

Mayor Adams also stated we had waited quite a while for the plan to be completed.

Taylor asked why this wouldn't be a state program; Oklahoma Emergency Management has these funds, why wouldn't they do this.

Coleman stated his understanding is this does not interfere with the Sooner Safe program which he believes only draws in January each year for a certain number statewide. He stated he was not sure why they would fund one and not the other, but if have the Hazard Mitigation Plan in place and a disaster is presidentially declared that affects your area, then a certain percentage of funds is set aside to help mitigate future disasters as long as the Plan has that danger written in, which we do.

Taylor stated $1,500,000 divided by $4,500 (average storm shelter cost) is approximately 333 homes. He stated the way he reads the NOI, it states:

Estimated project cost: $1,500,000
Local share (25%) $375,000

Do you currently have matching funds (25% of the project cost): Yes

Will the 25% match be: Cash

Taylor asked when the NOI is submitted to the State of Oklahoma, are we saying we are going to guarantee $375,000 in cash for the program.

Coleman stated the homeowners themselves will have to come up with the 25%. He stated 75% will come from FEMA through the State and 25% will come from the homeowners. He advised there will be guidelines the homeowners will follow when submitting their application. He stated the homeowners will pay 100% of the cost of the shelter up front and once the installation is completed, submit it for 75% reimbursement. **Coleman** stated Community Development's involvement includes permitting, making sure documents are correct, inspecting, as well as final inspection, photographing and documenting it is there, and then the homeowner submits this with their application to the State for 75% reimbursement if everything is in order.

Taylor asked by submitting this NOI, it in no way debts the City to the State for $375,000 in cash.

Coleman answered no.

Taylor stated he thinks this is a great program and asked why we don't ask for more money.

Coleman stated a couple of other applications versus population were reviewed and felt this amount was in line with the number of shelters expected for our population. He stated he thought Community Development is on a pattern to permit about 100 shelters this year. He advised this number could increase with the grant program, but won't know for sure until it's in place. He stated, as you know, after a tornado, sales go up, then go back down over time.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to Approve the Notice of Intent to Apply for an Oklahoma Department of Emergency Management Hazard Mitigation Grant to Reimburse Property Owners for the Installation of Storm Shelters.

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

6. **Discussion, Consideration and Possible Action** regarding Approval to Amend § 42-18(a)(2)g of the Code of Ordinances concerning Storm Shelter Permit Fees.

Interim City Manager Battles stated this item was requested by ***Councilman Taylor*** and was tabled from the previous City Council meeting to give Staff and Councilmembers time to review the budget to find ways to cover the approximately $6,500.00 in lost revenue if the Ordinance is changed allowing storm shelters to be built without a permit for one year. **Battles** requested the Council be very cautious when requesting any reduction in revenue and stated the City does not have the money to cover even $6,500 and it would have to come from reserves.

Councilman Taylor stated this is small in the grand scheme of things, but does feel it will help to encourage storm shelters. He stated he knows $50 is peanuts, but placing a moratorium on permit fees for one year is something the City can do now to help to encourage storm shelters which will help mitigate risk, and although the grant program is a great idea, he would not expect it to be in place for another six months to one year from now.

Councilwoman Staples stated she was strongly for it.

Mayor Adams asked if we would have an answer on our grant application within four to six weeks.

Community Development Director Coleman stated possibly, but with all the current activity at the Oklahoma Department of Emergency Management, he couldn't say for sure, but stated he is optimistic about our chances.

Mayor Adams stated he was worried about where the money would come from, but is in favor of encouraging storm shelters.

Councilman Jones asked if the City has to take more than one trip when conducting storm shelter inspections.

Coleman stated typically no, but depends on the type of storm shelter installed. He stated most of the shelters are installed in the garage and normally do not take much time; however, the shelters installed in the yard can take a significant amount of time.

Jones stated he had done a lot of thinking in regards to this with the budget being high on his list.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to Direct the City Manager's Office to Author an Ordinance to Amend Chapter 42 of the Code of Ordinances to put a Moratorium on the City of Mustang's portion of the Storm Shelter Permit Costs for the remainder of the current fiscal year.

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

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 Quail Lake Estates Homeowners Association, an Oklahoma Not for Profit Corporation vs. City of Mustang, Oklahoma; Huntington Acres Homeowners Association; Huntington Acres, LLC; Design Engineering, Inc.; and City of Oklahoma City, Oklahoma, Case No. CJ-2011-348, District Court, Canadian County, Oklahoma; and **Executive Session as authorized by 25 O.S., Section 307(B)(4)**.

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

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

TIME ADJOURNED to Executive Session: 9:03 p.m.

Mayor Adams called the meeting back in session at 10:12 p.m.

In reference to Item J-1 –

No action was taken.

In reference to Item J-2 –

No action was taken.

K. ADJOURNMENT

MOTION was made by **Mayor Adams**, seconded **Councilwoman Hagan** to adjourn.

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

The meeting was adjourned at **10:13 p.m.**

____
Mayor

Attest:

____
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
AUGUST 6, 2013

The Mustang Improvement Authority met in regular session on Tuesday, August 6, 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, August 2, 2013, at 5:25 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 10:13 p.m.

B. ROLL CALL

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

Trustees Absent: **Jones**

C. NEW BUSINESS

Interim City Manager Battles requested Item F-3 be removed from the agenda as this item is currently being reviewed and will be brought back to the Authority.

D. <u>CONSENT AGENDA</u>

1. Approval of **07/16/13** MIA Minutes.
*2. Claims List for **FY '13**
*3. Claims List for **FY '14**
*4. Approval to **Declare Certain Items as Surplus** and Authorizing Disposal of Those Items.
*5. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. WL000009130371**, to Construct Water Line for First Baptist Church Expansion Project.
*6. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130363**, to Construct Sewer Lines for Magnolia Trace Addition, Phase 5.

MOTION was made by **Chairman Adams**, seconded by **Trustee Staples** to approve Items D-1 through D-2 and Items D-4 through D-6 of the Consent Agenda.

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

MOTION was made by **Chairman Adams**, seconded by **Trustee Staples** to approve Item D-3 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** Regarding Acceptance of Bids for the project titled Sanitary Sewer Outfall Pipe (Effluent Outfall Line) per ODEQ Consent Order 12-151.

Interim City Manager Battles advised this is the same as was on City Council agenda where we are requesting the Authority to reject the bids from Continental Construction Corp. and Downey Contracting, LLC, due to submitting the wrong forms, and to accept the bid from 4M Trenching, Inc.

MOTION was made by **Trustee Taylor**, seconded by **Chairman Adams** to reject the bids from Continental Construction Corp. and Downey Contracting, LLC, and to accept the bid from 4M Trenching, Inc.

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

*2. **Discussion, Consideration and Possible Action** Regarding Awarding of Bid for the project titled Sanitary Sewer Outfall Pipe (Effluent Outfall Line) per ODEQ Consent Order 12-151 to Continental Construction Corp.

Interim City Manager Battles advised this item is to approve the award to 4M Trenching, Inc., in the amount of $183,781.00.

MOTION was made by **Chairman Adams**, seconded by **Trustee Taylor** to award the bid for the project titled Sanitary Sewer Outfall Pipe (Effluent Outfall Line) per ODEQ Consent Order 12-151 to 4M Trenching, Inc. in the amount of $183,781.00

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

3. **Discussion, Consideration and Possible Action** Regarding Approval of First Amendment to the Operation, Maintenance and Management Services Agreement between Severn Trent Environmental Services, Inc. and Mustang Improvement Authority.

This item was pulled from the agenda.

F. <u>ADJOURNMENT</u>

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

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

Meeting was adjourned at **10:16 p.m.**

____
Jay Adams, Chairman

Attest:

____
Lisa Martin, Secretary