MUSTANG CITY COUNCIL
MARCH 20, 2012

The Mustang City Council met in regular session on Tuesday, March 20, 2012 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, March 16, 2012 at 3:35 p.m. in compliance with the requirements of the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

The meeting was called to order by Mayor Landrith at 7:00 p.m.

B. PLEDGE OF ALLEGIANCE/INVOCATION

Pastor Dave Bryan of Chisholm Heights Baptist Church led the assembly in Prayer and the Pledge of Allegiance.

C. ROLL CALL

Councilmembers Present:	**Adams**
	Grubbs
	Green
	Jones
	Hagan
	Mount
	Landrith
Councilmembers Absent:	**None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mayor Landrith recognized his Mom and also the two future Councilmembers.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

Matt Taylor of E. Forest Lane thanked Council for putting up the flashing stop signs at SW 59th and Hwy 92. He also thanked Justin Battles and the City for putting on the Daddy/ Daughter Dance. He had a great time.

Councilman Adams stated that the Police Department had not responded to any accidents at this intersection since the stop signs were put up.

F. <u>CONSENT AGENDA</u>

1. Approval of **03/01/12** City Council Special Meeting Minutes.
2. Approval of **03/06/12** City Council Minutes.

*3. Claims List for **FY '12**

4. Approval of **Resolution No. 12-025**, Directing Filing and Notification of the Publication of the 2012 Supplement to the Mustang City Code.
5. Approval of **Resolution No. 12-026**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2011-2012 Fiscal Year Budget by $1,925.
6. Approval of **Proclamation** Declaring **March 12-16, 2012** as **Girl Scout Week** in Honor of Their **100th Anniversary** on **March 12, 2012**.
7. Approval to Declare **March 14, 2012** as **"Cecil Wolf Day".**

Councilwoman Hagan asked that Item F4 be pulled for further discussion.

MOTION was made by **Councilman Adams** and seconded by **Councilman Green** to Approve the Consent Agenda Items F1, F2, F3, F5, F6 and F7.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

Councilwoman Hagan asked if anyone knew what the last date would be of the Ordinances.

Rutledge replied that he did not know the answer to that at this time.

MOTION was made by **Councilwoman Hagan** and seconded by **Councilman Mount** to approve Consent Agenda Item F4.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

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

1. <u>City Manager</u>

We have quite a few projects going at this time. Also, the rain was very helpful but we did not have any major flooding.

Councilman Adams commented that they have been working hard to get some projects moving forward. We are ready to go out for bid on the South Czech Hall Road Project that will be ready to go out for bid next week and also we are working on the Rollin' Acres Project. Also, we are moving forward with the Light Signalization Project.

Rutledge stated that the South Czech Hall Road Project will not start until after school is out.

2. <u>City Council</u>

Councilman Grubbs thanked the citizens of Mustang for getting out and voting for the Bond Issue. He also apologized to Mr. and Mrs. Battles because previously he had said that not all residents affected by the commercial rezoning were notified. He later found out that the Battles' did send out notification to everyone.

Grubbs asked Justin Battles, Parks and Recreation Director, for some information as to where they were in regards to the Bond Issue.

Battles replied that the final specifications are being worked on for the Bond Issue Project. They are also working on the RFQ's. They are just trying to get the preliminary things ready so that when the money becomes available they will be ready to go.

Rutledge stated that we might receive the funds sometime in June, assuming that everything goes according to the time line they have set up at this time.

Grubbs stated that he has received a lot of calls from local contractors who would like in on this Project. Some of the contractors have even volunteered their services.

Battles replied that they have called him also and we appreciate it. We have to be careful though because by State Law we have a certain amount of money to spend and we cannot deter from this plan. When the time comes he will let the Engineer know that we have these services offered and how can we best utilize them.

Councilman Green thanked Council for working with him during his term on the Council. He only has two more meetings before he steps down.

Councilman Jones stated that he was thankful for the rain.

Councilwoman Hagan asked if we owe Engineering fees yet for the Baseball Project from several years ago. Battles replied that we have paid for this already.

Battles stated that we do not have the construction documents at this time ready for the current Project. The first step is RFQ's.

Hagan stated that she has received calls regarding the parks in Mustang. She said that the parks have been taken care of now and she thanked the City Manager and Severn Trent for taking care of this.

Councilman Mount asked if we had any complaints about flooding. Rutledge stated that there have been no complaints except one that he received just today. This complaint was in regards to the creek at Savannah Lakes Additon. He has contacted the County Commissioner and he has agreed to help us with this problem.

Mayor Landrith stated that it has been a privilege to serve on this Council. It has been an enjoyable experience. He also said that the Bond Issue was a team effort across the board and he thinks it is great that it passed.

H. <u>DISCUSSION ITEMS</u>

1. **Discussion, Consideration and Possible Action** Regarding Approval of Letter of Intent.

Mayor Landrith introduced Darren Miller of Miller Architects and Kyle Nondorf of St. Anthony's Hospital.

We are prepared tonight to bring a Letter of Intent to the City of Mustang to research the feasibility of putting a hospital in Mustang. We are here tonight to answer any questions that you may have.

Miller stated that the feasibility study will tell us the size and the scope of the project that is needed and will be working with St. Anthony Hospital over the next six months to determine this.

Mayor Landrith asked what size the hospital would be and Kyle from St. Anthony's said that it would depend on the needs of the Community.

Councilman Mount asked if the City Attorney is pleased with the content of Letter.

City Attorney Miller stated that if the City Council approves this Letter of Intent tonight then the City will sign this Letter along with two other parties.

Mayor Landrith stated that the City Manager has been working on this for the past two years. If this passes, congratulations to the City Manager.

Mount also wanted to let people know how hard Rutledge had worked on this Project. He also said that the ground around Integris Hospital in Yukon has been developed since the hospital came in. Everyone needs to get behind this program because it will bring growth to our community.

MOTION was made by **Councilman Adams** and seconded by **Mayor Landrith** to approve Item H1.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

2. **Public Hearing**, **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1069**, Amending the Zoning Ordinance of the City of Mustang as Amended to Change Certain Property Located in Canadian County, Oklahoma from "C-3" Commercial General District to "C-4" Shopping Center District and Declaring Repealer; Providing for Severability and Declaring an Emergency.

MOTION was made by **Mayor Landrith** and seconded by **Councilman Mount** to Open the Public Hearing.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

No one came forward to speak.

MOTION was made by **Mayor Landrith** and seconded by **Councilman Mount** to Close the Public Hearing.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

Melissa Helsel explained to Council that the Rezoning request is from Bronco Stop on SH 152. It came to his attention that he was selling firewood and he cannot do so the way it is zoned currently. Mr. Alzoubi is requesting a rezoning from “C-3” to “C-4” so that he can continue to sell his firewood. This rezoning meets standards of Long Range Plan. The Planning Commission voted unanimously for this rezoning at their last meeting. Staff also recommends approval.

MOTION was made by **Councilman Jones** and seconded by **Councilman Mount** to approve Item H2.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
AYE: None

MOTION was made by **Councilwoman Hagan** and seconded by **Councilman Jones** to Declare an Emergency.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

3. **Discussion, Consideration and Staff Direction** Regarding Development of Ordinance Restricting Use of Unlicensed Motorized Recreational Vehicles.

Rick and Megan Still of 1835 West Lake Park spoke to Council regarding this issue. They stated that they have had a situation in their neighborhood in regards to this issue. First of all, they are concerned for the safety of these kids not only driving the vehicle but for the traffic in the area. A lot of us have worked very hard to keep our property maintained and it has really taken a toll on our area. There are a lot of unsupervised youths in our area. It is usually a child around eleven (11) years old driving a dune buggy. They have seen multiple kids hanging from the sides of this two person vehicle. This is very dangerous and it happens all times of the day.

Mayor Landrith stated that he went himself to see what was happening and this kid cut him off.

Stephanie Riley of Sam Houston Way said that the land behind their house has been used by kids to ride their noisy vehicles. They also dart out into traffic which is very dangerous. She has called the Police several times in regards to this.

David Holly of 2207 Frontier Terrace spoke in regards to this issue. There are Laws on the books that will take care of this. To restrict all kids in Mustang from doing this is not fair. He does not see a problem with them riding during the day. He is a responsible adult that goes along with his granddaughter to teach her the right way to drive. We may need some restrictions and the kids need to be taught, but he does not see a problem with this.

Chief Foley spoke to Council in regards to this matter. He has heard calls go out but he personally has stopped and talked with kids letting them know what they can and cannot do. To his knowledge there have been no one sited for this problem. He has not specifically researched this because he was not aware that this was on the Agenda. In most cases, they just try to remedy the problem without issuing a ticket.

Foley said that if someone calls complaining about this they will go out and check it out. If the property owner calls and complains, then we can do something about it. If it is a noise issue there are certain hours of the day when the noise is allowed and certain hours when it is not allowed. If the vehicle is being driven on a public street then we can intercede on this. If the people have permission from the property owner then we cannot do anything. We cannot come onto private property.

Councilman Mount stated that it will be very hard for Council to solve this problem tonight. He has a lot to say about this and we do not have sufficient information to make a decision tonight. We need adequate time to look at this.

Grubbs asked that there be verbage something like, for example, the owner's residence can be within 600 feet but if another residence is located within that same area then it would have to stay back 600 feet. Something like that because if you have a large piece of property he does not feel they should have to stay back 600 feet.

Adams asked the Chief to bring his research back to Council at a later date. He would also like to ask the Chief to have stricter enforcement of the current laws. He recommends tougher action.

Jones stated that it could be a legal matter of Trespassing. Chief Foley stated that if the **property owner** wishes to file a complaint they can act on that.

MOTION was made by **Mayor Landrith** and seconded by **Councilman Mount** to table until the next meeting for further review.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

*4. **Discussion, Consideration and Possible Action** Regarding Approval to Extend the Operation and Maintenance Service Agreement Between the Mustang Improvement Authority and Severn Trent Environmental Services for a Period of Four Months or until July 31, 2012 and finding that an Immediate Emergency Exists.

Mayor Landrith asked how many days are we past the original renewal date.

Rutledge replied "200 days". We have been provided with the numbers and it will go out to everyone who qualifies for this contract.

Mayor Landrith asked why it has taken "200 days" to get this done.

Rutledge replied that he wanted to make sure everything is ready to go.

Councilman Adams asked that by March 30, 2012 it should be on the street. He also asked when it would be published.

Rutledge replied that the City Clerk's office takes care of this so he is not sure. He commented that the walk through of the Sewer Plant is scheduled for April 30, 2012.

Councilman Mount asked how long Severn Trent has been with us.

Rutledge said that it has been a ten (10) year period. This time it will be for a five (5) year period.

Grubbs asked if this contract is for the Sewer Plant only.

Rutledge stated that the mowing and roads will be a separate contract.

Grubbs asked if by the end of this four (4) month extension if Rutledge was sure it would be ready by then.

Mount asked if we do not grant this extension, what will happen to the City. Will it shut down the City or what. We have already done three (3) extensions on this and he is not happy about this.

Rutledge stated that we have to hire someone that knows what the DEQ requirements are.

Mayor Landrith stated that people want to know why it is taking so long. It has been 200 days and it is still not ready. If he does not vote for this extension, then what will we do?

Mount stated that they need assurance that this contract will be done the next time.

Jones stated there is no choice but to accept it.

Grubbs commented that it is in the best interest of the City to accept the extension. We would put the City in jeopardy if it is not accepted.

Jon Miller stated that there might be a few corrections to make and he will review it as soon as possible.

MOTION was made by **Councilman Jones** and seconded by **Councilwoman Hagan** to approve Item H4 and declare an Emergency.

AYE: Adams, Grubbs, Green, Jones, Hagan
NAY: Mount, Landrith

Councilman Adams stated that we cannot afford to put our citizens in jeopardy again. He would like to see us have a contingency plan in case this would happen again in the future.

5. **Discussion, Consideration and Possible Action** Regarding the Agreement for Professional Engineering Services between the City of Mustang and Garver Engineers, L.L.C. including but not Limited to Deciding Whether or Not to Provide Notice to Terminate said Contract.

Rutledge feels that Garver Engineering has not been appropriate in some of the things they have done. There were many things left out of the Sewer Plant that has caused us problems.

Grubbs stated that there are not too many respectable firms that do as good a job as Garver does.

Mayor Landrith asked if there were any deficiencies at the Sewer Plant.

Rutledge stated that there may still be some small things.

Helsel stated that the responsiveness of Garver has not been very good since our Projects have slowed down. Since the slow down a lot of the time when she calls she does not get a response back.

MOTION was made by **Councilman Adams** and seconded by **Councilman Jones** to approve Item H5.

AYE: Adams, Green, Jones, Hagan, Mount, Landrith
NAY: Grubbs

6. **Discussion, Consideration and Possible Action** to Seek Requests for Qualifications for Engineering Firms Interested in Serving as Consulting City Engineer for the City of Mustang.

MOTION was made by **Councilman Adams** and seconded by **Councilman Mount** to approve Item H6.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

7. **Discussion, Consideration and Possible Action** Regarding Approval of EST Engineering as the Engineer for the Signal Light LED Update and Synchronization Project and Authorization for City Manager to Negotiate Costs to Produce the Plans Necessary for Bidding and Construction.

Rutledge stated that the ODOT Engineer has assisted with the signalization project. We have made a set of plans as to what we want to accomplish. We then identified three qualified firms and sent a copy to them with the scope of the work to be done. We received responses electronically and decided EST Engineering ranked the highest.

Grubbs asked why this was done differently.

Adams replied that it is a project under $100,000.

Mount commented that the traffic moves fast enough as it is. He asked that this Signalization Project slow the flow of traffic down.

Adams stated that the synchronization will help control the flow of traffic. The lights are not designed to keep speeders going faster but instead it is to keep traffic flowing instead of backing up ¾ of a mile at the stop lights. We have to work with what we have. Also, we will get new LED lights at Morgan Road, at the Walmart entrance, Sara Road, Mustang Road, Heights Drive, Czech Hall Road and Hwy 92. These LED lights are brighter and easier to see. We can always add more lights if necessary by going through the proper procedures.

Adams commented that this Project was federally awarded and approved through ACOG. The City is only paying for engineering fees.

Grubbs asked the City Attorney if he was good with this process of selection. He has nothing against EST but they have gotten a lot of our past projects. If projects keep going out to the same Engineering firm then others won't bid on a project because they already know who is getting the job.

City Attorney Miller stated that Professional Engineering Services does not require the City to go out for competitive bidding.

Rutledge stated that TEC and Cobbs Engineering firms were the other two firms that they looked at.

MOTION was made by **Mayor Landrith** and seconded by **Councilman Jones** to approve Item H7.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

8. **Discussion, Consideration and Possible Action** on Cox Com, LLC to Commence Proceedings for Renewal of Existing Franchise and Consideration and Possible Action on the Retention of Michael Bradley as a Consultant to Advise the City of Mustang on Matters Relating to the Federal Communications Act and Related Regulations.

MOTION was made by **Mayor Landrith** and seconded by **Councilman Green** to approve Item H8.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

J. CITY ATTORNEY'S REPORT

There was no report.

K. ADJOURNMENT

MOTION was made by **Mayor Landrith** and seconded by **Councilman Jones** to Adjourn.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

The meeting was adjourned at 8:29 p.m.

____
Mayor

Attest:

____
City Clerk

MUSTANG IMPROVEMENT AUTHORITY
MARCH 20, 2012

The Mustang Improvement Authority met in regular session on Tuesday, March 20, 2012 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, March 16, 2012 at 3:35 p.m. in compliance with the requirements of the Open Meeting Law, 25 O.S., Section 301, et. seq.

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

Chairman Landrith called the meeting to order at 8:29 p.m.

B. <u>ROLL CALL</u>

Trustees Present: **Adams**
Grubbs
Green
Jones
Hagan
Mount
Landrith

Trustees Absent: **None**

C. <u>NEW BUSINESS</u>

There was no new business.

D. <u>CONSENT AGENDA</u>

1. Approval of **03/01/12** MIA Special Meeting Minutes.
2. Approval of **03/06/12** MIA Minutes.
*3. Claims List for **FY '12**

MOTION was made by **Trustee Adams** and seconded by **Trustee Mount** to Approve the Consent Agenda Items D1 through D3.

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

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

1. **<u>Trustee Manager</u>**
2. **<u>Trustees</u>**

There were no reports.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** Regarding Approval to Extend the Operation and Maintenance Service Agreement Between the Mustang Improvement Authority and Severn Trent Environmental Services for a Period of Four Months or until July 31, 2012 and finding that an Immediate Emergency Exists.

MOTION was made by **Chairman Landrith** and seconded by **Trustee Jones** to extend the contract between the Mustang Improvement Authority and Severn Trent to July 31, 2012 declaring an Emergency.

AYE: Adams, Grubbs, Green, Jones, Hagan
NAY: Mount, Landrith

G. ADJOURNMENT

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

AYE: Adams, Grubbs, Green, Jones, Hagan, Mount, Landrith
NAY: None

The meeting was adjourned at 8:30 p.m.

Chairman

Attest:

Secretary