**MUSTANG CITY COUNCIL**
**JULY 16, 2013**

The Mustang City Council met in regular session on Tuesday, July 16, 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, July 12, 2013, at 3:30 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

## A. CALL TO ORDER

**Vice Mayor Jones** called the meeting to order at 7:00 p.m.

## B. PLEDGE OF ALLEGIANCE/INVOCATION *(Jeff LeDuc, Associate Pastor, First Baptist Church, Mustang)*

**Jeff LeDuc, Associate Pastor,** led the assembly in the Pledge and Invocation. He advised he was fairly new to Mustang and likes the community very much. He gave a brief overview of his job duties where he oversees adult education from Sunday school classes to marriage and finance as well as oversees the youth pastors. He stated the church was in the middle of a building campaign and plans to move into the new children's wing in September, 2014.

## C. ROLL CALL

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

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

**Councilman Taylor** advised if anyone in the audience was here to speak regarding Item H-3, now was the time to do it since there was no public hearing for this item.

**(Shown here for reference only)**
*H.3. Discussion, Consideration and Possible Action Regarding Approval of Preliminary Plat PP-6-18-13-1-29, Hyde Park Addition, North Fork Development, LLC.*

**Dwayne Keel, 1419 Grandview Way** – advised he lived in Quail Lakes Estates and they had fought the addition of Hyde Park from day one. He stated they knew something would be built in this addition, but do not understand why access has to come through them and Twin Coves. He stated Wellington Gardens, even though it is a private addition, may be willing to allow access through them with something in return; however, the developer has never spoken to them about it. He said their two additions are being forced upon when the developer is at fault, he made this happen where it couldn't be accessed.

**Brenda Schwarz, 1304 Quail Lake Way**, advised she had lived in Quail Lakes Estates for 14 years and in one of the previous meetings, the Planning Commission said something would be built there and be prepared for it. She stated if the City was not going to require the developer to speak with Wellington Gardens about possibly going through their addition, then she would ask the Council consider they be annexed as a part of Quail Lakes Estates and be a part of their Homeowners Association (HOA). She stated as it is currently proposed, residents of Hyde Park are not entering Hyde Park, they are entering Quail Lakes Estates which allows them use of their addition, including the nice entryway and lights that are paid by Quail Lakes Estates, but do not have to pay anything for it – no HOA dues or anything. She advised this might save money for the developer as well as he would not have to create another HOA or create covenants. She said if they have to compromise and allow them through their addition, they should be forced to abide by their rules

**Jeffrey Elders, 1409 Quail Lake Way**, advised he lives at the entrance of Quail Lakes Estates and will catch all the construction traffic going in and out of it. He stated he was also concerned with the fact that the school bus stop is at that entrance and kids will be there since the school buses are not able to drive into the addition due to not having a large enough turnaround. He asked Council to remember their commitment to the citizens of Mustang when taking office and to stand by their commitment. He stated they know Mustang has to grow, but when he moved there, he also knew it was a landlocked community with no other road coming in. He said the developer had built this other addition with plans for two other areas and he has landlocked himself by his own doing. He said they bought in Quail Lakes Estates knowing it was land locked and wouldn't take anyone else in the addition and would handle it on their own. He asked that the Council reflect on their commitments to the citizens of Mustang and make the developer find a way to negotiate with the other additions instead of cutting another road through theirs. He stated the developer bought the land and he platted it, and Quail Lakes Estates should not have to pay for his mistakes.

**Carrie Elwell, 1309 Polly Way**, advised she is very concerned about the drainage problems in Quail Lakes Estates which Council is already aware of due to the law suit. She said after the huge storm, everything washed out including her yard to the point that her kids can't play in the backyard. She stated she understood someone was paid to come out and look at it and they were told it was OK, but she said they were told it was OK before and it wasn't; now we're in a lawsuit. She stated every time it rains, more of her backyard falls into that hole and if seventeen more homes are added and more drainage comes into the subdivision, then more of her land will go away until her house goes under. She said FEMA won't help until her house is destroyed, then they will help. She asked the Council to please take the drainage into consideration, especially with all the storms. She also stated there was no pond right now. She said when she bought the home, they all had a beautiful pond to look at and now it is just weeds. She stated being a first time home buyer with four children, she bought it just for the water, but now don't have that because the dam broke.

**Ann Wayda, 1431 Grandview Way**, advised she had lived in Quail Lakes Estates for 12 years and is the HOA President. She stated on behalf of the residents, 99% of them object to this new subdivision and to having the access to it through them. She stated when residents purchased in Quail Lakes Estates, they thought they were purchasing in a nice country rural area, but with the addition of seventeen new homes, they will have at least 34 more vehicles driving through as well as children trying to get to the school bus stop which is at the Quail Lakes Estates entrance since the bus can't go through the addition – that's how small the roads are. She stated she also objects to the way it is platted because her house will be facing the backyards of the new homes that are built. She stated their peaceful country won't be that with all the traffic coming in constantly.

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

None.

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

1. Approval of **07/02/13** City Council Minutes
*2. Claims List for **FY '13**
*3. Claims List for **FY '14**
4. Approval to Turn **Past Due Library Accounts** Over to Collection Agency.
5. Approval of **Proclamation** Declaring the Month of July as Parks and Recreation Month.
6. Acceptance of **Oklahoma Homeland Security Grant** #260.304 – Thermal Imaging Device.
7. Approval to Renew Agreement with the **Canadian County Sheriff's Office** to Hold Excess Prisoners.
8. Approval to Renew the Interlocal Governmental Agreement with **Canadian County Sheriff's Office** to Deputize Local Law Enforcement Officers.

**Councilman Taylor** asked that Item F-6 be pulled for discussion.

**MOTION** was made by **Councilwoman Bowers**, seconded by **Councilman Taylor** to approve Items F-1 through F-5 and Items F-7 through F-8 of the Consent Agenda.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

**Taylor** asked what a thermal imager was.

**Police Chief Foley** advised this was a win-win for the City of Mustang. He stated the Fire Department currently has three of these used for fire related purposes, whereas Law Enforcement would use it for looking for missing persons, tracking footprints, and use in hostage situations where they could look for heat signatures and see where people are in the house. He stated Homeland Security is providing the money and the City just has to accept it and, since it is at the end of the grant term, would provide one progress report. He stated it would also be made available to the County Emergency Response team.

**Taylor** asked if it would ever be used for surveillance.

**Foley** advised yes, depending on the situation such as during a hostage situation or when pursuing a suspect.

**Taylor** asked the ***City Attorney*** what authorization would be needed from the Court to operate this type of device or if there is any authorization.

**City Attorney Miller** stated he didn't know of any authorization for operation of the device, but whether or not a warrant would be required would be dependent upon the circumstances of the case.

**Taylor** asked if there are any previous court proceedings or case law regarding the thermal imagers and constitutionality of illegal search and seizure.

**Miller** stated the United States has ruled on imaging devices and believed it was upheld, but it is dependent on the circumstances.

**Councilwoman Bowers** stated the grant states it follows Schedule I and Schedules 1-3 and 6; however, those Schedules are not in the packet. She asked if he was familiar with them.

**Foley** stated what he received from the Oklahoma Office of Homeland Security is what was in the packet and this was their standard packet.

**Bowers** asked why it wasn't presented to Council earlier.

**Foley** stated he didn't receive it until after June 27, 2013, and if it is not accepted tonight, they will not be able to get it.

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

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

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

**1. <u>City Manager</u>**

**Interim City Manager Battles** reported:

- The ground-breaking for the Saint Anthony Health Complex has been rescheduled to August 13, 2013, at 9:00 or 9:30 A.M.;
- He spoke with a FEMA representative today and they are almost done with the City's project worksheet. **Battles** stated all but two days should be reimbursed at 97% with those two days being reimbursed at 92%;
- He contacted Cox Communication regarding the line hanging over the light at Hwy 152 and Sara and still waiting for a response from them;
- The baseball fields and banquet hall work is still on-going; however, has slowed due to the rain. He stated the library is flooded at the moment, but there is no book damage and AC Owens is working on it as we speak;
- He sent Silver Star Construction to Hwy 152 and Sara Rd to check out some issues with the lights and traffic movement. He stated it was possible some power surges had burnt some fuses on some of the cameras - there had been thirteen power outages since they were last programmed which was right after May 31$^{st}$. He stated he spoke with the contractor though, and they are not finished with the synchronization with Sara Road;
- He appreciated the citizens for their efforts to clean up what they could after shooting fireworks July 4$^{th}$.
- There will be a pre-bid meeting for the ODEQ Consent Order 12-151 to replace the Sanitary Sewer Outfall Pipe on Thursday, July 18, 2013, with bids opening July 25, 2013;
- He will be out of the office from July 25, 2013, through August 1, 2013, and ***Community Development Director Robert Coleman*** will be the Acting Interim City Manager.

**2. <u>City Council</u>**

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

**Councilman Taylor** stated he was excited about the ground breaking for the Saint Anthony Health Complex. He said he had received several more calls regarding the cable hanging down on the light at Hwy 152 and Sara and he has also received calls regarding the same issue at Hwy 152 and Czech Hall and asked the City Manager to stay on top of this. He also stated the July 4th celebration was incredible and the best he had seen and there was a picture taken of the fireworks by one of our Police Officers that was incredible.

**Police Chief Foley** advised the picture had been taken by Officer Dylan Wilson and that he was the Chamber of Commerce's Officer of the Year this year.

**Councilwoman Staples** said she had only received one call and she directed them to Councilwoman Bowers.

**Councilwoman Bowers** stated she had received several phone calls. She stated one was about an event in regards to fireworks that could have been catastrophic where a lady was on her porch watching fireworks and went inside to take a phone call. She said while the lady was inside, there was a mishap where fireworks landed on her porch and caught her porch on fire and had she still been there, could have been badly hurt. **Bowers** stated there's the possibility of more dangers and problems in regards to fireworks with the growing population and would like to have it on the agenda next year for discussion prior to July 4th. She thanked Lt. Davis for allowing her to ride along with him on the swing shift on July 5th – most of their calls were due to people still popping fireworks and having to tell them the time period was over and that most of the people were from out of town.

**Councilman Jones** stated he heard wonderful responses from people regarding the fireworks and was thankful for the rain.

**Councilman Mount** stated it had been quiet in his Ward. He stated he had received a couple of calls regarding Item H-1 regarding the Library Board, but would discuss it at that time.

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

**Councilman Taylor** nominated Cammie Myers for the Leisure Board. He stated she had a Bachelors Degree from the University of Oklahoma in Environmental Science and has a real passion for our parks and would do a great job on this Board.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve the appointment of Ms. Cammie Myers to the Leisure Board, for the term July 1, 2013 through June 30, 2016.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

## H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1089**, Amending Chapter 66, Article II, of the Mustang Municipal Code by Amending Section 66-31(a) to Provide that Library Board Members Must be Residents of the Mustang School District; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

**City Attorney Miller** advised there could not be an Emergency clause on this Ordinance.

**Library Director Desiree Webber** advised State law changed last year which gives municipalities the ability to appoint board members who live outside of the municipality's boundaries. She stated there were library customers who are interested in serving on the Library Board, but do not live within the City's two miles by six miles boundaries. **Webber** stated these individuals may have a Mustang mailing address or live within the Mustang School District boundaries and affiliate themselves with the City of Mustang, but do not meet the current criteria of living in the City of Mustang. She stated the Mustang Library Board voted unanimously May 30, 2013, to recommend that applications to the Library Board be also accepted from candidates who live in the Mustang School District in addition to those living within the City's limits

**Councilman Taylor** stated he has heard high praise for our Library, not just from citizens inside Mustang, but from those outside of Mustang too.

**Councilman Mount** stated he had received two calls from citizens who felt the Ordinance should not be changed because the board members need to have a vested interest here and be residents of Mustang.

**Councilwoman Bowers** asked if Mustang city limits could grow larger.

**Interim City Manager Battles** stated it had been talked about in the past and tried to talk with the City of Oklahoma City regarding annexing, but is extremely difficult and currently we are land locked by Oklahoma City.

**Councilwoman Staples** stated some of the money we receive is based on the number of patrons to the Library and don't want to do anything to hinder that.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve **Ordinance No. 1089**, Amending Chapter 66, Article II, of the Mustang Municipal Code.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

2. **Discussion, Consideration and Possible Action** Regarding Initial Reading and Setting of Public Hearing for Ordinance 1090 Regarding Vacation of Public Easement, NE/4 Section 29, Cury Development, LP.

**Senior City Planner Melissa Helsel** stated the City of Mustang was granted an easement in November of 2003 for a lift station at the southwest corner of N. Czech Hall Road and W. SW59th Street. She stated the lift station was later removed when it was determined that it wasn't needed, but the easement remains. She stated the developer who granted the easement is ready to finish out Magnolia Trace and wants to put a fence in that area and asks if the City would be willing to vacate that easement. She advised the sewer lines in this area are in the street right-of way, not in this easement and the City has the right by Ordinance to re-open it if necessary. **Helsel** stated the City of Mustang believes it necessary and expedient to vacate the easement and letters will be sent out to property owners within a 300-foot radius and to all franchisees in the City of Mustang. She stated staff recommends that the Public Hearing regarding this issue be scheduled for the September 3, 2013 City Council agenda to allow time for notification to be made.

**Councilman Taylor** asked is the developer is aware that the City can re-open the easement if necessary. He also asked if the developer builds the fence, and the City needs the easement, can this be rectified.

**Helsel** stated yes, the developer is aware the City can re-open the easement if necessary and as far as she knows, the easement is not in the area to be developed and the fencing should not be a problem.

**City Attorney Miller** gave the initial reading of the Ordinance.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to Set the Public Hearing for Ordinance 1090 Regarding Vacation of Public Easement, NE/4 Section 29, Cury Development, LP, for September 3, 2013.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

3. **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 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 this preliminary plat, 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.

**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 were denied where sewer lines were not developed, but have been put in since then. She stated this time their plat is based straight on the R-E Zoning with no exceptions being requested.

**Vice Mayor Jones** asked what the difference was between a Preliminary Plat and Final Plat.

**Helsel** advised the preliminary plat usually looks at the entire addition whereas the final plat is often just a section of what the preliminary plat identified. She stated the preliminary plat shows where the developer intends to put the water lines and sewer lines, fire hydrants, streets, basic circulation pattern, and give some preliminary drainage calculations. She advised the final plat submitted will have a full set of water plans that show the plan and profiles of all the water lines as well as the sewer plans and much more detail of drainage calculations. **Helsel** stated the City's drainage Ordinance does not allow any more intensity of runoff post development than it does pre-development, therefore, they have to design it where drainage after it is developed is not running off at any faster rate with any more water than it was before it was developed.

**Jones** asked if there will be a public hearing on the final plat.

**Helsel** answered yes; there would be a public hearing on the final plat. She stated she wasn't sure if the developer will final plat the whole subdivision at once or if they will do two separate final plats, but the final plat will be in more detail.

**Councilman Mount** stated he recalled the Council looking at this in March with a little different plat and zoning changes. He stated since then, additional work had been done where the lot sizes were more conforming which he liked; however, he was disturbed that the agenda packet he received didn't have enough information to make any kind of study or give it very much thought. He stated the plat did not get in the packet on Friday.

**City Clerk Lisa Martin** stated it did not get included in the agenda packet on Friday.

**Mount** stated he does want to see Mustang grow; however, there is not enough information to make any kind of decision based on the information provided. He stated he had made a checklist of items he had not seen that he would like to see and that there are 21 items listed on this Ordinance. He stated there is litigation pending with Quail Lakes Estates right now and the Council just listened to one lady discuss her problem with erosion and there isn't enough information to make a decision on this.

**Councilwoman Bowers** asked about the HOAs with Quail Lakes Estates and Wellington Gardens and the streets.

**Helsel** stated the streets in Quail Lakes Estates are public whereas the streets in Wellington Gardens are private.

**Mark Grubbs, 1819 S. Morgan Rd., representing the applicant**, spoke to the Council regarding the preliminary plat. He stated the developer would be happy to speak to the Quail Lakes Estates HOA; however, he wouldn't want his residents to be a part of Quail Lakes Estates with there being current litigation.

**Grubbs** stated Hyde Park is zoned R-E and conforms to R-E zoning. He said the developer asked for a PUD before, but there was much concern and opposition to that and he listened to it. He stated a lot of the opposition said they would be fine with it being developed as a rural estates addition, so that's what he's doing. He stated the plat was laid out to not have a street built straight through Quail Lakes Estates which he thought they would not want. He stated there are public streets to the north and to the south and can access these. He stated the developer tried to address a lot of the concerns and split it where traffic goes north and south.

**Grubbs** stated in regards to drainage, their calculations are submitted to the City, where they approve or deny them; the City will not approve them if the Ordinance is not met. He stated they have to prove they are not increasing the run off during the final plat stage and must meet all the drainage rules, and stated they would meet the Ordinance and rules. He stated the preliminary plat was approved by the City Engineer. He advised they will still have to come back to the Planning Commission and this Council to get the final plat approved. He stated the final plat subdivides the property and once approved, is filed with the County. He stated the preliminary plat is not as detailed as the final plat where they design the entire infrastructure and submit back to city staff, City Engineer proving they meet the drainage Ordinance and all other ordinances and subdivision regulations.

**Councilwoman Bowers** stated if the preliminary plat is approved tonight, it would give the developer no incentive to talk to the HOA.

**Grubbs** stated the developer will still speak to them. He stated he has a vested interest to talk to them since building cannot begin until the final plat is approved.

**Mount** stated the City has certain rules, laws and ordinances we live by and prior to tonight didn't have the plat or other relevant information to review. He stated it was only reasonable the Council be allowed ample time to sit down and look at what is furnished, such as the preliminary plat, in order to satisfy themselves that the ordinances have been properly dealt with.

**Interim City Manager Battles** advised that anything brought to City Council meets all the requirements. He stated the whole checklist could be provided in the future, but could add an extra 150 pages to the packet. He stated the City has professionals on staff that review and make certain all requirements are met. He asked ***Mr. Grubbs*** if he finds it is harder now with the preliminary plat since the City is requiring more on our drainage than they had in the past.

**Grubbs** stated yes, and that the City of Mustang requires more than most municipalities that he deals with.

**MOTION** was made by **Councilwoman Bowers** to table the approval of the Preliminary Plat to the next Council meeting. There was no second.

**Councilman Taylor** stated he's sensitive to the two common areas and asked if it is reasonable to think that in Common Areas B and A, that those retention ponds will have water coming in from other subdivisions.

**Grubbs** stated the pond in Common Area B certainly could, but there was a full drainage study done in Wellington Gardens and approved when that final plat was done. Common Area A has a small drainage area and will mainly be Hyde Park's drainage basin.

**Taylor** stated our engineers advise runoff will not be increased to Quail Lakes Estates from Hyde Park, but asked if it is possible that drainage could come into Common Area B from other divisions.

**Grubbs** said nothing was being changed in Common Area B and what's currently coming in there will stay there. He stated the only reason the outlet structure would be changed is if it can't be proved that the runoff isn't increasing. He stated if the runoff is increasing, they would have to change it.

**Taylor** explained his reasons for his concern regarding the common areas which stems from issues his subdivision is having. He stated he is concerned the seventeen properties on West and North Hyde Park Way would feel the burden of taking care of that common area when drainage could possibly be coming from other areas.

**Grubbs** stated common area B already had a 40' drainage easement and had already been addressed where they wouldn't feel the burden of the drainage.

**Taylor** asked if the developer had considered annexing North Hyde Park Way and West Hyde Park Way in Quail Lakes Estates.

**Grubbs** stated it wasn't platted together in the preliminary plat; therefore, it has its own preliminary plat and will be final platted as Hyde Park. He stated residents of Hyde Park will feel they are a part of Quail Lakes Estates as well. He stated the people that buy into Hyde Park though, do not want to be pulled into the lawsuit with Quail Lakes Estates so will remain as their own subdivision.

**Taylor** asked when he comes back with the final plat, could the covenants also be presented with it.

**Grubbs** said it wasn't typical, but could; however, the covenants are not something this Council would approve.

**Taylor** asked about the extra problems that will be created for the school buses coming in and out with it already being tough.

**Grubbs** stated this would now provide a place for them to turn around. He stated the cul de sac was 42 feet, 60 foot row and 42 foot paving for a total 84 feet wide. He also asked the Council to not post-pone the approval any further. He stated they were ready to move forward with development, and delaying this will put them further behind. He stated the preliminary plat has been submitted to staff and staff has approved it as well as the Planning Commission and he asked that Council trust their staff and approve the preliminary plat.

**Taylor** stated he does remember when this came before Council in March and there was quite a lot of feedback stating if this was zoned R-E, a lot more people would be OK with it. The developer was asked to take another look again and has done a lot to come back with it zoned R-E.

**MOTION** was made by **Councilman Taylor**, seconded by **Vice Mayor Jones** to Approve the Preliminary Plat for Hyde Park Addition.

**AYE: Taylor, Staples, Jones**
**NAY: Bowers, Mount**

**MOTION** was made by **Councilman Taylor**, seconded by **Vice Mayor Jones** to recess for five minutes.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

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

**Vice Mayor Jones** called the meeting back into session at 8:35 p.m.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to Reconsider the previous vote taken on Item H-3 due to Council not hearing the motion made earlier by ***Councilwoman Bowers*** to table this item to the next Council meeting.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

**MOTION** was made by **Councilwoman Bowers**, seconded by **Councilman Mount** to Table the Preliminary Plat for Hyde Park Addition to the next Council meeting.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

4. **Discussion, Consideration and Possible Action** Regarding Approval of Solicitation of Bids for Fencing and Sidewalks for Wild Horse Park Baseball Complex.

**Interim City Manager Battles** stated in January, 2012, a bond was passed to construct a six field baseball complex in Wild Horse Park. He stated EST, Inc. has completed fencing and sidewalk specifications for the baseball fields and staff is requesting permission to solicit bids for fencing and sidewalks for the new baseball complex.

**Councilman Mount** asked if there was an engineer or architect estimate.

**Battles** stated there was a rough estimate that was in the bond for which the City is obligated. He stated ***Councilman Mount*** makes a good point concerning the estimates. He said about a year ago, Council quit receiving the engineer's estimate, but the City will begin providing that estimate again.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to Approve the Solicitation of Bids for Fencing and Sidewalks for Wild Horse Park Baseball Complex.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

5. **Discussion, Consideration and Possible Action** Regarding Rejection of Bids for the Wild Horse Park Baseball & Soccer Complex Concession/Restroom Buildings.

**Interim City Manager Battles** stated this is the second time we brought this back and we're more than disappointed. He stated some of the information sent out by the architect was not approved by the City and should not have been sent out with the bid. Battles stated only one bid was received for $693,000.00. He stated he has met with Red Prairie Design Group and other local contractors to discuss what the City is attempting to do so are requesting the one bid be rejected.

**Councilman Taylor** stated he was disappointed Red Prairie was not here tonight. He said this is unacceptable and isn't the first item brought before Council to be rejected. He stated this Council chose Red Prairie and expects them to create the bid specifications per the City's desires and wishes and not add in or leave out at their discretion. He stated he hopes Council does not have to reject bids again for this reason.

**Councilwoman Staples** asked if Red Prairie could be fired.

**Battles** stated the State requires anything over $40,000 for a municipal building have an architectural rendering and one of the reasons Red Prairie was chosen was due to the Town Center relationship with them.

**MOTION** was made by **Councilman Mount**, seconded by **Councilwoman Bowers** to Reject Bids for the Wild Horse Park Baseball and Soccer Complex Concession/ Restroom Buildings.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

6. **Discussion, Consideration and Possible Action** Regarding Approval of Solicitation of Bids for Wild Horse Park Baseball & Soccer Complex Concession/Restroom Buildings.

**Interim City Manager Battles** stated this was to request to re-bid the construction of the project titled Wild Horse Park Baseball & Soccer Complex Concession/Restroom Buildings. He stated the previous bid process rendered one bid which staff is not comfortable moving forward with. He stated we do not have the final set of plans, but do want to get it moving forward and would like to have the facilities in the fall.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Bowers** to Approve the Solicitation of Bids for Wild Horse Park Baseball & Soccer Complex Concession/Restroom Buildings.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

7. **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 ***Councilman Taylor*** requested this be placed on the agenda to discuss the possibility of issuing a moratorium on collecting permit fees for storm shelter permits.

**Councilman Taylor** stated there had been a lot of discussion regarding storm shelters and encouraging residents to install a storm shelter. He stated the ***Mayor*** had proposed mandating storm shelters be installed with new construction and discussed a lottery incentive for existing homes. He stated he had concerns with the lottery incentive due to budget and fairness.

**Taylor** stated after thinking about it, he thought one way to encourage storm shelter installation was to issue a moratorium on the storm shelter fee for existing homes or new construction. He stated the current fee is $54.50 where $50.50 goes to the City and $4.00 goes to the Oklahoma Uniform Building Code Commission (OUBCC). He stated a moratorium would be a fair incentive and realizes it wouldn't be a lot of money, but the least we could do to help the citizens. He stated he spoke with ***Interim City Manager Battles*** who advised the City may lose approximately $6,500.00. **Taylor** stated this would be better than offering $50,000.00 for 25 people. He stated he would recommend a moratorium for one year and asked Council to think about it and see if they could come up with a plan to find the $6,500.00 the City would lose.

**Battles** advised the City is still obligated to pay the $4.00 to the OUBCC. He stated the budget is very tight and the $6,500.00 would have to come out of the reserves and inspections would still have to be completed.

**MOTION** was made by **Councilman Taylor**, seconded by **Councilwoman Bowers** to Table the Approval to Amend § 42-18(a)(2)g of the Code of Ordinances concerning Storm Shelter Permit Fees to the next meeting and work with the City Manager and City Staff to come up with a plan regarding the revenue.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**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 Cottonwood Development, LLC v. City of Mustang, et al., Case No. CV-2013-76, District Court, Canadian County, State of Oklahoma; and **Executive Session as authorized by 25 O.S., Section 307(B)(4)**.

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

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

TIME ADJOURNED to Executive Session: 8:57 p.m.

**Vice Mayor Jones** called the meeting back in session at 9:10 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 **Councilwoman Bowers**, seconded **Councilman Taylor** to adjourn.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

The meeting was adjourned at **9:10 p.m.**

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**Mayor**

**Attest:**

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**Lisa Martin, City Clerk**

**MUSTANG IMPROVEMENT AUTHORITY**
**JULY 16, 2013**

The Mustang Improvement Authority met in regular session on Tuesday, July 16, 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, July 12, 2013, at 3:30 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

## A. CALL TO ORDER

**Vice-Chairman Jones** called the meeting to order at 9:10 p.m.

## B. ROLL CALL

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

**Trustees Absent:** **Hagan**
**Adams**

## C. NEW BUSINESS

There was no new business.

## D. CONSENT AGENDA

1. Approval of **07/02/13** MIA Minutes.
*2. Claims List for **FY '13**
*3. Claims List for **FY '14**

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

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

**E. INFORMATION/REPORTS**

**1. Trustee Manager**

None.

**2. Trustees**

**F. DISCUSSION ITEMS**

None.

**F. ADJOURNMENT**

**MOTION** was made by **Vice-Chairman Jones** and seconded by **Trustee Taylor** to adjourn.

**AYE: Taylor, Staples, Bowers, Mount, Jones**
**NAY: None**

Meeting was adjourned at **9:13 p.m.**

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**Jay Adams, Chairman**

**Attest:**

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**Lisa Martin, Secretary**