MUSTANG CITY COUNCIL
OCTOBER 15, 2013

The Mustang City Council met in regular session on Tuesday, October 15, 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, October 11, 2013, at 3:05 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 Armstrong, Pastor Mustang Church of the Nazarene)*

Terry Armstrong, Pastor, led the assembly in the Pledge and Invocation. He updated the Council regarding upcoming events such as the Annual Fall Festival to be held October 25th and Celebrate the Light! to be held December 13-15th. He also provided a diagram showing the building expansion plans.

C. ROLL CALL

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

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Jamie Laleff of 746 W. Forester, Mustang, OK, addressed the Council regarding the speeding and heavy traffic in her neighborhood as discussed at the last City Council meeting. She stated her son was hit by a speeding motorist who was on her way to the high school at 7:30 a.m. one morning and stated due to his brain injuries, will be disabled for the rest of his life. She stated as the city and school district grows, so does the traffic and asked the Council to do something regarding the speeding such as speed bumps, more police presence, etc.; stating stop signs alone do nothing.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

Mayor Adams stated Consent Agenda Item **F-5** is to be removed from the agenda per the request of City staff.

F. <u>CONSENT AGENDA</u>

1. Approval of **10/01/13** City Council Minutes
*2. Claims List for **FY '14**
3. Approval to Turn **Past Due Library Accounts** Over to Collection Agency.
4. Approval of **Resolution No. 14-019** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $4,997.00.
5. Approval of **Resolution No. 14-020** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $400.
6. Approval of **Right-of-Way Agreement** with Oklahoma Natural Gas for property located at the Mustang Fire Station, 465 W. State Highway 152 (a/k/a A Part of the SW/4, SW/4, SE/4, Sec. 28, T14N, R05W, I.M.).
7. Approval to **Deny Tort Claim** dated August 19, 2013, in the amount of $422.00.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Items F-1 through F-4 and Items F-6 through F-7 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney introduced ***Fire Chief Hickman*** who presented Life Saving Awards to the following Firefighters for their actions in saving the life of Mr. John Melton.

- Captain Craig Carruth
- Lt. Allen Sylvester
- Cpl. Chris Edwards
- Cpl. Eric Halter
- Cpl. Josh Moore
- Mr. Chris Jenkins, EMSA paramedic

Mr. Melton presented the awards.

Rooney also introduced ***Finance Director Watts*** who gave a first quarter financials update. Financial reports included as part of the agenda packet.

2. City Council

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

Councilman Taylor:

- Requested Councilmembers to think about what can be done in the high traffic residential areas to encourage responsibility, control speeding, texting and driving, etc.
- Stated he was excited to see the Saint Anthony Healthplex dirtwork begin.
- Stated the Retail Marketing and Analysis Committee has had a couple of good meetings on the RFP and is excited to see the final outcome.

Councilwoman Staples asked if there was a way to evaluate streets like Forester and if there are any other ways to route the traffic.

Mayor Adams advised it be brought to the Traffic Commission.

Councilwoman Bowers stated she had some residents ask why the street lights were still out on Hwy 152 between Czech Hall Rd. and Hwy 92; however, since then, she has seen where the street lights were working again.

Councilman Jones stated he had seen an article in the Daily Oklahoman listing Mustang as one of the cities who had been awarded a grant for stormshelters and asked ***Community Development Director Coleman*** if this was true or were we still just taking applications.

> **Coleman** advised the City was still just taking applications to be used for the grant application; the grant application had not been submitted to the State yet. He stated it was not too late to submit an application.

Jones also stated there was tall grass and weeds around West Badger Way and he had spoken with ***Senior City Planner Helsel*** who was working on it. He stated he appreciated her actions on this.

Councilwoman Hagan stated she had not received any calls. She advised the speeding around Forester was a real problem as Ms. Laleff was stating and something needs to be done. She stated police presence doesn't seem to scare them.

Councilman Mount stated he had nothing to report at this time.

Mayor Adams:
- Stated speeding was a problem in residential areas near the schools such as Forester and Silver Dr. and the Council needs to review options to try and help curtail it such as moveable speed bumps, stop signs, and LED speed limit signs, to name a few.
- Stated some residents have gotten the wrong idea regarding the stormshelter applications. He stated the applications are being collected in order to show FEMA there is interest by the citizens in order to be awarded the grant. He advised he had spoken with ***Community Development Director Coleman*** and new marketing ideas were going to be tried such as utilizing the Blackboard Connect system, messages or supplemental information included with the water bills, and newspaper ads.
- Requested the City Manager and City Attorney review whether the City can do anything regarding texting and driving even though nothing has been done at the State level.

H. DISCUSSION ITEMS

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

Parks and Recreation Director Battles advised the bid responses were too high due to the required specifications as provided by the architect, Red Prairie Design Group. He stated City staff would remedy the problem by writing specifications themselves, then provide them to the architect for inclusion in the bid packet. He stated although it is an inconvenience, it does not set the City back timewise.

Discussion was held concerning the project being bid three times and now requiring a fourth time due to the architect provided specifications.

Taylor stated he was furious this was being rebid for a fourth time and asked the City Manager to relay his frustration to the architect.

Mayor Adams also asked the City Manager to take charge and oversee the project insuring the bid package is what was originally discussed, nothing extra.

Councilwoman Bowers asked what it cost to re-bid.

Battles advised nothing but the publication costs.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to Reject the Bids for the Wild Horse Park Baseball and Soccer Complex Concession/Restroom buildings.

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

2. **Discussion, Consideration and Possible Action** Regarding Approval of Final Plat Application FP-1-25-13-1-27, Premium Land, LLC, Savannah Lakes Addition, Phase 5.

Senior City Planner Helsel advised this was a Final Plat application for Savannah Lakes, Phase 5, made by Premium Land, LLC. She stated the plat contains 32 lots and covers approximately 8.48 acres with the Final Plat being in substantial conformity to the Preliminary Plat for the addition. She stated it conforms to the Comprehensive Plan and the area is surrounded by low density residential development. She stated the Planning Commission approved an extension of time as the preliminary plat was filed more than five years ago and stated the Planning Commission approved a variance on lots 3, 4 and 5, block 14 to allow a 40-foot street right-of-way abutment, instead of 45 as required by code.

Helsel stated the plat meets all zoning requirements and has been approved by the fire department and city engineer and there would be no drainage easements dedicated to the City of Mustang. She stated the Planning Commission voted 7:0 to recommend approval of this Final Plat with an extension of time at their October 8, 2013 meeting.

Councilman Taylor asked if the comments made by the Planning Commission regarding changes to the final plat had been addressed.

Helsel stated the changes were made and this was the corrected plat.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to Approve Final Plat Application FP-1-25-13-1-27, Premium Land, LLC, Savannah Lakes Addition, Phase 5.

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

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to Amend the prior motion to include an extension of time:

Approve Final Plat Application FP-1-25-13-1-27, Premium Land, LLC, Savannah Lakes Addition, Phase 5, with an extension of time.

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

Councilman Taylor questioned the developer regarding Common Area A.

Kendall Dillon with Crafton Tull advised even though the final plat met requirements, the developer still gave up one lot in order to provide an additional detention facility.

3. **Discussion, Consideration and Possible Action** Regarding Approval of Final Plat Application FP-8-5-13-1-31, Anderson Properties, LLC, Spitler Lake Estates, Phase 2.

Senior City Planner Helsel advised this was a Final Plat application for Spitler Lake Estates, Phase 2, made by Anderson Properties, LLC. She stated the plat contains 58 lots and covers approximately 22 acres with the Final Plat being in substantial conformity to the Preliminary Plat for the addition. She stated it conforms to the Comprehensive Plan and the area is surrounded by low density residential development with one I-1 property (Caddo Electrical Cooperative). She stated the Planning Commission approved an extension of time as the preliminary plat was filed more than five years ago.

Helsel stated the plat meets all zoning requirements and has been approved by the fire department and city engineer, there would be no drainage easements dedicated to the City of Mustang, and all common areas will be maintained by the property owners of the subdivision. She stated the Planning Commission voted 7:0 to recommend approval of this Final Plat with an extension of time at their October 8, 2013 meeting.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to Approve Final Plat Application FP-8-5-13-1-31, Anderson Properties, LLC, Spitler Lake Estates, Phase 2 with an extension of time.

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

4. **Discussion, Consideration and Possible Action** Regarding Approval of Conditional Use Permit Application CUP-8-23-13-1-25, Automar Used Cars and Service, Automobile Painting, Body Work in I-1, Light Industrial District.

Senior City Planner Helsel stated this item was tabled at the October 1, 2013 City Council meeting. She stated the applicant, Automar Used Cars, would like to apply for a Conditional Use Permit (CUP) for a use under review in I-1 districts, Automobile Painting and Body Work. She advised the property at 221 N. County Line Road is approximately 5 acres and zoned I-1 and is currently on a septic system and a 2" public water line. She also stated there is no fence on the north and west sides of the property as required by code between industrial and residential properties and there is no fire hydrant that serves this property. **Helsel** stated a site visit of the property was conducted by City staff since the last City Council meeting and was advised the Fire Department would not give approval without the installation of two fire hydrants by the property owner.

Helsel stated the Mustang Planning Commission voted 4:1 to recommend approval of this application at their September 24, 2013 meeting. She stated staff recommends approval with conditions such as a fire suppression system, being fire hydrants or other protection methods, must be put in place as well as a site plan and building plan being required showing all health and safety equipment inside the building. She stated staff would also recommend requiring fencing of any area of outside storage. **Helsel** advised the conditional use permit would be reviewed yearly and the permit can be revoked at any time if applicant violates conditions, or the use is no longer compatible with surrounding land uses.

Mayor Adams asked the property owner, Mr. Hung Van Huynh, if he followed staff's recommendation to withdraw his application and meet with the Fire Chief to see what was needed to get his property in compliance with City Codes.

Mr. Huynh stated no, he had not had time.

City Manager Rooney stated when staff met with him on the property, specific directions were provided advising he could submit a letter to withdraw his application, meet with Fire Chief Hickman to find out what was needed to get the property into compliance with City Codes, then re-apply once conditions were met or a plan to meet the conditions was presented to Council.

Adams stated he could either withdraw his application and follow the City Manager's instructions, or the City Council could deny his application and he would have to start over.

Rooney advised he had to the end of the week to withdraw his application.

MOTION was made by **Mayor Adams,** seconded by **Councilwoman Bowers,** to table the Conditional Use Permit Application CUP-8-23-13-1-25 allowing Mr. Huynh to withdraw his application.

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

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

1. **Discussion, Consideration and Possible Action** to include Approval, of a proposed Settlement Agreement Resolving a Lawsuit styled 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** of a Lawsuit styled 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, Staples, Bowers, Jones, Hagan, Mount, Adams
NAY: None

TIME ADJOURNED to Executive Session: **8:05 p.m.**

Mayor Adams called the meeting back in session at **8:20 p.m.**

In reference to Item J-1 –

No action was taken, proceed as discussed.

In reference to Item J-2 –

No action was taken, informational purposes only.

K. ADJOURNMENT

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

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

The meeting was adjourned at **8:20 p.m.**

____
Jay Adams, Mayor

Attest:

____
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
OCTOBER 15, 2013

The Mustang Improvement Authority met in regular session on Tuesday, October 15, 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, October 11, 2013, at 3:05 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Adams called the meeting to order at 8:20 p.m.

B. ROLL CALL

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

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **10/01/13** MIA Minutes.

*2. Claims List for **FY '14**

MOTION was made by **Trustee Jones**, seconded by **Trustee Bowers** to approve Items D-1 through D-2 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

None.

G. ADJOURNMENT

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

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

Meeting was adjourned at **8:22 p.m.**

Jay Adams, Chairman

Attest:

Lisa Martin, Secretary