

**AGENDA
SPECIAL MEETING**

A. CALL TO ORDER

B. ROLL CALL

C. DISCUSSION ITEMS

1. **Discussion** regarding Cox Franchise Agreement.
2. **Discussion** regarding Competitive Bid Limit.
3. **Discussion** regarding Beautification Meters.
4. **Discussion** regarding Parking on Front Lawn in Rural Estate Districts.

D. EXECUTIVE SESSION

1. **Discussion** of a potential economic development opportunity, including the transfer of property and/or the creation of a proposal to entice a business to locate in the City of Mustang; and, **Proposed Executive Session as authorized by 25 Okla. Stat. §307(C)(10).**

E. UPDATE ON MANAGEMENT RELATED ISSUES

F. ADJOURNMENT

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: TIMOTHY ROONEY
CITY MANAGER**

RE: COX FRANCHISE AGREEMENT

DATE: July 7, 2015

BACKGROUND:

Mr. Miller has been working on finalizing the Cox Franchise Agreement over the last several months. He will be presenting this item and then highlights of the proposed new agreement on Monday evening.

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: TIMOTHY ROONEY
CITY MANAGER**

RE: COMPETITIVE BID LIMITS

DATE: July 7, 2015

BACKGROUND:

This item was placed on the agenda at the request of Councilor Grider.

Currently the City of Mustang requires competitive bidding to occur for all projects/items with a potential end cost exceeding \$25,000 (Public Competitive Bidding Act). The same holds true for the Mustang Improvement Authority. While individual cities and towns can have limits stricter than those allowed by the State of Oklahoma, both of these limits were identical to that of the State of Oklahoma limits.

The State Legislature made some changes in both 2013 and 2014. In 2013, they increased the amount to \$50,000 for the Public Competitive Bidding Act (City) but the limits remain at \$25,000 for a Public Trust (Mustang Improvement Authority).

Additional changes were made by the State Legislature in 2014. The governing body of a public agency may, upon approval of two-thirds (2/3) majority of all of the members of the governing body, delegate to the chief administrative officer of a public agency the authority to declare an emergency whereby the provisions of the Public Competitive Bidding Act of 1974 with reference to notice and bids shall not apply to contracts less than \$75,000.

The portions of the Public Competitive Bidding Act that relate to the above described limits are attached for your information and review.

ATTACHMENTS:

1. Section 103 – Competitive Bidding Required – Public Competitive Bidding Act
2. Section 130 – Emergencies – Public Competitive Bidding Act

Section 103 - Competitive Bidding Required

Cite as: 61 O.S. § 103 (OSCN 2015), Public Competitive Bidding Act of 1974

A. Unless otherwise provided by law, all public construction contracts exceeding Fifty Thousand Dollars (\$50,000.00) shall be let and awarded to the lowest responsible bidder, by open competitive bidding after solicitation for sealed bids, in accordance with the provisions of the Public Competitive Bidding Act of 1974. No work shall be commenced until a written contract is executed and all required bonds and insurance have been provided by the contractor to the awarding public agency.

B. Except as provided in subsection D of this section, other construction contracts for the purpose of making any public improvements or constructing any public building or making repairs to the same for Fifty Thousand Dollars (\$50,000.00) or less shall be let and awarded to the lowest responsible bidder by receipt of written bids or awarded on the basis of competitive quotes to the lowest responsible qualified contractor. Work may be commenced in accordance with the purchasing policies of the public agency.

C. Except as provided in subsection D of this section, other construction contracts for less than Five Thousand Dollars (\$5,000.00) may be negotiated with a qualified contractor. Work may be commenced in accordance with the purchasing policies of the public agency.

D. The provisions of this subsection shall apply to public construction for minor maintenance or minor repair work to public school district property. Other construction contracts for less than Twenty-five Thousand Dollars (\$25,000.00) may be negotiated with a qualified contractor. Construction contracts equal to or greater than Twenty-five Thousand Dollars (\$25,000.00) but less than Fifty Thousand Dollars (\$50,000.00) shall be let and awarded to the lowest responsible bidder by receipt of written bids. No work shall be commenced on any construction contract until a written contract is executed and proof of insurance has been provided by the contractor to the awarding public agency.

E. The Construction and Properties Division of the Office of Management and Enterprise Services may award contracts using best value competitive proposals. As used in this subsection, "best value" means an optional contract award system which can evaluate and rank submitted competitive performance proposals to identify the proposal with the greatest value to the state. The Office of Management and Enterprise Services, pursuant to the Administrative Procedures Act, shall promulgate rules necessary to implement the provisions of this subsection.

F. 1. A public agency shall not let or award a public construction contract exceeding Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A public agency shall not let or award a public construction contract exceeding Five Thousand Dollars (\$5,000.00) up to Fifty Thousand Dollars (\$50,000.00) to any contractor affiliated with a purchasing cooperative unless the purchasing cooperative and the contractor have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of competitive bidding.

2. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding Fifty Thousand Dollars (\$50,000.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including but not limited to open competitive bidding after solicitation for sealed bids. A purchasing cooperative and its affiliated contractors shall not be allowed to bid on any public construction contract exceeding Two Thousand Five Hundred Dollars (\$2,500.00) unless the purchasing cooperative and its affiliated contractors have complied with all of the provisions of the Public Competitive Bidding Act of 1974, including submission of a written bid upon notice of open competitive bidding.

Title 61. Public Buildings and Public Works
Public Competitive Bidding Act of 1974
Section 130 - Emergencies

A. The provisions of the Public Competitive Bidding Act of 1974 with reference to notice and bids shall not apply to an emergency if:

1. The governing body of a public agency declares by a two-thirds (2/3) majority vote of all of the members of the governing body that an emergency exists;
2. The Transportation Commission and the Oklahoma Tourism and Recreation Commission, by majority vote of all the members of each Commission, declare that an emergency exists; or
3. The chief administrative officer of a public agency without a governing body declares that an emergency exists.

B. The governing body of a public agency may, upon approval of two-thirds (2/3) majority of all of the members of the governing body, delegate to the chief administrative officer of a public agency the authority to declare an emergency whereby the provisions of the Public Competitive Bidding Act of 1974 with reference to notice and bids shall not apply to contracts less than Seventy-five Thousand Dollars (\$75,000.00) in amount; provided, such authority of the Department of Transportation and the Oklahoma Turnpike Authority shall not extend to any contract exceeding Seven Hundred Fifty Thousand Dollars (\$750,000.00) in amount.

C. Upon approval of a two-thirds (2/3) majority vote, the Oklahoma Conservation Commission may delegate to the Executive Director the authority to declare an emergency and set a monetary limit for the declaration. The provisions of this subsection may only be used for the purpose of responding to an emergency involving the reclamation of abandoned coal mines or the repair of damaged upstream floodwater retarding structures.

D. An emergency declared by the Board of Corrections pursuant to subsection C of Section 65 of this title shall exempt the Department of Corrections from the limits which would otherwise be imposed pursuant to subsection B of this section for the contracting and construction of new or expanded correctional facilities.

E. The chief administrative officer of a public agency with a governing body shall notify the governing body within ten (10) days of the declaration of an emergency if the governing body did not approve the emergency. The notification shall contain a statement of the reasons for the action, and shall be recorded in the official minutes of the governing body.

F. Emergency as used in this section shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition whereby the public health or safety is endangered.

G. The chief administrative officer of a public agency shall report an emergency within ten (10) days of the emergency declaration and include the official minutes of the governing body of the public agency, if applicable, to the State Construction Administrator of the Construction and Properties Division of the Office of Management and Enterprise Services who shall compile an annual report detailing all emergencies declared pursuant to this section during the previous calendar year. The report shall be submitted to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives.

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: TIMOTHY ROONEY
CITY MANAGER**

RE: BEAUTIFICATION METERS

DATE: July 7, 2015

BACKGROUND:

The City of Mustang currently has a policy allowing for subdivisions to have what is called a "beautification meter". Staff believes the intent of this policy was to allow each subdivision to have an area near or adjacent to its entrance that would have attractive landscaping that, as a result of one beautification meter, would also be irrigated.

Over the years, previous administrations allowed for a very liberal interpretation of the beautification meter policy, resulting in much more than one beautification meter being installed in many subdivisions throughout Mustang. Beautification meters were not only installed at subdivision entrances, but also on islands within street rights-of-ways, common areas, etc., far outreaching what staff believes to be the original intent of the policy.

Information regarding the number of beautification meters within the City of Mustang, the number of beautification meters in specific subdivisions, as well as the amount of unbilled water being utilized by these meters will be presented to the City Council on Monday evening.

It is staff's goal to revisit the intent of this policy with the City Council and revise it accordingly at a future meeting of the City Council based upon that discussion.

**TO: THE HONORABLE MAYOR AND COUNCIL
CITY OF MUSTANG**

**FROM: MELISSA HELSEL
COMMUNITY DEVELOPMENT DIRECTOR**

**RE: PARKING ON FRONT LAWN IN RURAL ESTATES
DISTRICTS**

DATE: JULY 13, 2015 WORK SESSION

BACKGROUND:

This item was placed on the agenda at the request of city staff.

Currently the City of Mustang requires that any automobile parked in the front yard in the R-1, R-2, R-3 and R-4 districts be parked on a permitted driveway. The code currently does not include R-E districts.

This has caused confusion in neighborhoods where both R-1 and R-E zoning districts exist. Staff also believes that this change will improve the appearance of Rural Estates neighborhoods in the city. Code Enforcement has run into many cases where vehicles are parking in the front yard in R-E districts and has received numerous complaints.

Staff feels it is appropriate to include Rural Estates districts in this regulation. When changes were made to the ordinance to restrict parking on lawns in R-1 districts, it improved the appearance of neighborhoods greatly.

At this time, no other changes are proposed for parking in side and rear yards. We may discuss further changes to the automobile parking ordinances at a future date.

ATTACHMENTS:

1. Existing Municipal Code Section 122-844(3)
2. Proposed New Section 122-844 (3)

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF MUSTANG, OKLAHOMA, AMENDING CHAPTER 122, SECTION 122-844(3) RELATING TO STORAGE AND PARKING OF AUTOMOBILES IN RESIDENTIAL DISTRICTS BY AMENDING THE EXISTING LANGUAGE TO INCLUDE THE R-E ZONING DISTRICT WITHIN ITS COVERAGE; DECLARING A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MUSTANG, OKLAHOMA;

Section 1. Section 122-844(3) of the Municipal Code of the City of Mustang, Oklahoma, is hereby amended by amending the existing language so that section shall read as follows:

Sec. 122-844. Storage and parking of automobiles, trailers and commercial vehicles in residential areas.

Automobiles, commercial vehicles and trailers of all types, including utility, hauling, travel, camping and boat trailers and camper shell, shall not be parked or stored within any residential area except in accordance with the following provisions:

- (1) [No changes to this subsection.]
- (2) [No changes to this subsection.]
- (3) Automobiles. Automobiles parked in the front yard in the R-E, R-1, R-2, R-3 and R-4 districts must be on a permitted driveway. This provision shall not be construed as allowing the storage of derelict or junked vehicles otherwise than as provided in chapter 114, section 114-554.
- (4) [No changes to this subsection.]
- (5) [No changes to this subsection.]

Section 2. EFFECTIVE DATE.

This ordinance shall become effective as to properties within the R-E zoning district beginning ninety (90) days after the date of its enactment.

Section 3. REPEALER

All former ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. EMERGENCY

It being immediately necessary for the preservation of the public health, peace and safety of the City of Mustang and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the Emergency Clause voted upon separately and passed and approved this _____ day of July, 2015.

MAYOR

ATTEST:

CITY CLERK

APPROVED as to form this _____ day of July, 2015.

City Attorney

stored in any area with the incorporated limits, except in a mobile home park authorized under the ordinances of the city. A mobile home shall be parked or stored only in a mobile home park or mobile home subdivision which is in conformity with the ordinances of the city.

- c. RV's, camper shells, camping or travel trailers, utility, hauling or boat trailers shall not require permits as required for semi-tractors.

- (3) *Automobiles.* Automobiles parked in the front yard in the R-1, R-2, R-3 and R-4 districts must be on a permitted driveway. This provision shall not be construed as allowing the storage of derelict or junked vehicles otherwise than as provided in chapter 114, section 114-554.
- (4) For purposes of this section, a "hard surface" shall mean concrete, asphalt or similar product. Brick type pavers or natural stone must be approved by the director.
- (5) *Penalties.* In addition to any other penalties or remedies which may be available to the city, violation of this section or any provision thereof will subject the owner or lessor of the automobile, semi-tractor, camper shell or camping or travel trailer, or utility, hauling or boat or boat trailer and/or the owner or occupant of the real property to the penalties provided in section 1-8.

(Code 1977, § 17.40.140; Ord. No. 779, § 1, 5-15-2001; Ord. No. 1015, § 2, 11-18-2008; Ord. No. 1020, § 2, 5-5-2009)

Sec. 122-845. Day care centers.

Day care homes and centers shall conform to the regulations contained in the Oklahoma Child Care Facilities Licensing Act (10 O.S. § 401 et seq.).

(Code 1977, § 17.40.150)

Sec. 122-846. Swimming pools.

Private swimming pools may be constructed as an accessory use, subject to the following conditions:

- (1) All swimming pools having a water depth of two feet or greater (above ground and below ground) are required to have a construction permit.
- (2) All aboveground pools setting at least three feet above ground level shall be enclosed by a four-foot-high wood fence, chainlink fence, wrought iron or ornamental steel fence with slats no more than four inches apart, or similar fencing as approved by the community development director or his designee. This fencing shall be erected in addition to any existing railing around the pool. It is recommended that the fencing completely enclose the rear yard area, however, it shall be required to completely enclose the pool area.
- (3) All aboveground pools with more than three feet of water and in-ground pools with a water depth of at least two feet into the ground shall be enclosed by a six-foot-high wood fence, chainlink fence, wrought iron or ornamental steel fence with slats no more than four inches apart, or similar fencing as approved by the community development director or his designee. This fencing shall be erected in addition to any existing railing around the pool. It is recommended that the fencing completely enclose the rear yard area, however, it shall be required to completely enclose the pool area.
- (4) All gates to the fenced enclosed area around the pool shall be self-closing with a spring hinge or closing device to allow the gates to close automatically.
- (5) All swimming pools utilizing any electrical facilities shall obtain an electrical permit, and all electrical work shall be done by a licensed electrician or the owner/occupant.