MUSTANG CITY COUNCIL
JANUARY 7, 2014

The Mustang City Council met in regular session on Tuesday, January 7, 2014, 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, January 3, 2014, at 1:45 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 *(Cameron Whaley, Pastor, Canadian Valley Baptist Church)*

Cameron Whaley, Pastor, led the assembly in the Pledge and Invocation. He stated the church had a stellar year where they built a new building and moved into it in February. He stated the new sanctuary seats 450 people, so is an opportunity to grow. He also stated the church has active missionaries in Guatemala as well as Indonesia and good things are happening.

C. ROLL CALL

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

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. <u>CONSENT AGENDA</u>

1. Approval of **12/17/13** City Council Minutes
*2. Claims List for **FY '14**
*3. Approval to Turn **Past Due Utility Accounts** Over to the Collection Agency.
4. Approval of **Resolution No. 14-026**, Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $1,960.
5. **Acknowledgement of transfer** of city property, Glock Mod. 22 C .40 Caliber S/N HHR 467, to Lieutenant Freddy Brown, Comm.# 305 upon his honorable retirement effective December 31, 2013, in compliance with Police Department Policy, PERSONNEL 02.03-RETIREMENT item 5, which has been the historical past practice of the department.
6. Approval of **Mustang Public School's Request** to Erect a Six (6) Foot Wrought Iron Fence in the Right-of-Way of W. Juniper Dr.
7. Approval of **Solicitation of Bids for Bleachers** for Wild Horse Park Baseball Complex.
*8. Acceptance of **Easements** for Waterline for St. Anthony's Healthplex Project.

Councilwoman Bowers requested Item F-6 be pulled for discussion.
Councilman Mount requested Items F-2 and F-7 be pulled for discussion.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor,** to approve Items F-1, F-3 thru F-5, and F-8 of the Consent Agenda.

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

ITEM F-2: Claims List for **FY '14**

Councilman Mount asked what the charges were for on page 7 from Red Prairie Design Group in the amount of $1,949.60, and on page 8 from Red Prairie Design Group in the amount of $6,570.40.

Finance Director Watts advised the charges were for the design of two projects – the Town Center Expansion and Baseball Complex.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor,** to approve Item F-2 of the consent Agenda.

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

ITEM F-6: Approval of **Mustang Public School's Request** to Erect a Six (6) Foot Wrought Iron Fence in the Right-of-Way of W. Juniper Dr.

Councilwoman Bowers asked what the purpose was of the Code that would require the school to move the fence back thirty feet from the centerline of the street and not allow anything over three feet in height and if it had anything to do with the fence height.

Community Development Director Coleman advised this portion of W. Juniper Dr. is a public street with a 60 foot right-of way and 30 feet would be the end of our public property and the beginning of their property; the street is city property. He stated it is not in the zoning codes, but improvements cannot be placed in a public street without City Council approval. He stated it did not have anything to do with fence height.

Bowers asked if mowing and maintenance would be a problem.

Coleman stated no, that Mustang Public Schools was maintaining it now. He stated some cities have a revocable permit process, but the City of Mustang does not have one in place, so in lieu of that, it is being brought before Council for approval.

MOTION was made by **Councilwoman Bowers**, seconded by **Councilman Taylor,** to approve Item F-6 of the consent Agenda.

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

ITEM F-7: Approval of **Solicitation of Bids for Bleachers** for Wild Horse Park Baseball Complex.

Councilman Mount stated he reviewed the budget and compared it with the commentary for this item. He stated the commentary shows eleven bleachers at $71,400.00; however, the budget states twelve bleachers to be purchased and at the same price and asked if we were cutting one bleacher and why the price remained the same.

Parks and Recreation Director Battles advised after further review, there was not a need for twelve bleachers and the price should be less than the $71,400.00.

Mount asked, with there being 48 patrons per bleacher, if the bleachers would be smaller.

Battles advised no, the bleachers would be A.D.A. compliant and made of aluminum stating there would be ten A.D.A. access bleachers, holding 48 people.

MOTION was made by **Councilman Mount**, seconded by **Councilman Taylor,** to approve Item F-7 of the consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated the Mustang Fire Department would be hosting Rescue 5 from the FDNY involved in 9/11 on January 25th through the 28th. He stated it had been restored and works with Fire Departments across the country to facilitate 9/11 educational programming, memorials and remembrance events. He stated more information would be available from ***Chief Hickman*** a little closer to the event.

2. <u>City Council</u>

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

Councilman Taylor invited everyone to the Masonic Lodge Country Breakfast on Saturday from 7:00 am – 10:00 am for $5.00; he stated a lot of food is provided for the money and very good.

Councilwoman Staples did not have anything to report at this time.

Councilwoman Bowers advised she had received a phone call from a resident concerned about the work sessions and the fact they would not be televised, advising not all residents are able to attend in person.

Councilman Jones stated he had received the same phone call as Councilwoman Bowers.

Councilman Mount stated he had received a number of calls with several of them being in regards to the condition of SW 89th street. He stated the City should consider doing something with that street as well as borderline streets advising they need attention due to the increased traffic. He also stated he had received a four page letter from Karen Battles regarding the work sessions and the decision to not televise them. He thought all the Councilmembers had received the same letter; however, not everyone did. He stated the Council owes her the courtesy of responding to her letter since she took the time to write her concerns. He then passed out a document listing some suggestions as to a response.

City Attorney Miller cautioned the Council on discussing this as it was not on the agenda.

Mayor Adams stated he did not receive a letter, but did receive the same phone calls stated by the other Councilmembers.

H. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** to Approve the Solicitation of Bids for Wild Horse Park Baseball and Soccer Complex Concession/Restroom Buildings.

Parks and Recreation Director Battles stated the City was requesting authorization to go out to bid for new concession and restroom buildings for the baseball and soccer complex stating the specifications will include four 30 x 30 pre-fabricated metal buildings with a brick ledge for adding an outer brick façade in the future. He stated the specifications call for the buildings and rough in plumbing; buildings will be a shell with interior work being completed by sub-contractors for the City (finish plumbing, electrical, interior framing). He stated he anticipates the interior work will include donated labor by skilled contractors in Mustang with the City providing the materials. He also stated the sidewalks are not included in the specifications as they would be completed in house.

Battles advised the estimated cost is $90,000.00 per site for a total of $180,000.00 with the Notice to Bid being published either next week or the following week. He stated he did not currently have an estimate for the materials that would be used for in house or donated labor.

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

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

2. **Discussion, Consideration and Possible Action** to Approve Change Order #1 for $10,621.20; and to Approve Final Payment to 4M Trenching Company for the Sanitary Sewer Outflow Project.

City Manager Rooney advised the final bill of $36,714.20 includes Change Order #1 in the amount of $10,061.20 for additional rip rap, headwall work, and excavation which exceeded what was anticipated.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones,** to approve Change Order #1 for $10,621.20; and to Approve Final Payment to 4M Trenching Company for the Sanitary Sewer Outflow Project.

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

3. **Public Hearing, Discussion, Consideration and Possible Action** regarding Application of Louis Krivanek to Rezone a Tract of Land lying in the Northeast Quarter (NE/4) of Section 25, Township 11 North, Range 5 West, I.M., Canadian County, Oklahoma, from A-1, General Agricultural and Oil and Gas District, to C-3, Commercial General District.

   Senior City Planning Director Helsel stated the owners of the property were Louis Krivanek and LaVerne Stejskal, and the property consisted of approximately 5.63 acres on the corner of County Line Road and SW 59th Street. She stated the applicant originally requested a change in zoning classification for this property from A-1 General Agricultural and Oil and Gas District, to C-5 Commercial Intensive District; however, during the discussion at the Planning Commission hearing, the applicant amended the application to C-3 Commercial General District. **Helsel** advised the general character of the area is single-family residential and rural estates development and that recently, the surrounding area was rezoned from A-1 to R-1. She also stated the property to the west and south is zoned R-1 and the property to the north and east is Oklahoma City city limits. She stated the long range plan calls for low density residential development in this area, so the request does not conform to the comprehensive plan.

   Helsel stated the purpose of this rezoning is to allow commercial development on this corner, and the land, if developed, would be required to comply with all regulations of the C-3 zoning district which includes the requirement of a masonry buffer between it and R-1 districts. She also stated any plat developed for this land would be brought before the Planning Commission and City Council. **Helsel** advised there had been several signatures received in protest to this application as well as two letters in protest received. She stated the Mustang Planning Commission voted 5:1 to recommend approval of this application at their December 10, 2013 meeting and that staff recommends approval at the C-3 level.

Discussion was held concerning the condition of SW 59th Street and if there were any plans by the City of Oklahoma City to make improvements, especially with the increased traffic being experienced now and even more traffic once the new school opens. The ***Mayor*** stated it is on Oklahoma City's long range plan.

Further discussion was held concerning if a lift station would have to be built with ***Helsel*** advising the preliminary plans did include it, and the area would have City of Mustang water. Other discussion included what the plans were for the NE corner which may include an assisted living center.

MOTION was made by **Mayor Adams,** seconded by **Councilman Jones,** to open the matter for Public Hearing.

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

John and Carol Baker, 6000 S. County Line Road, addressed the City Council. They advised Council that although their current property sits in the City of Oklahoma City city limits, they also have a home in the City of Mustang city limits, and have lived in Mustang since 1997 and still call Mustang their home. They stated when they purchased their property, it was zoned R-1 and feel their property will be jeopardized by rezoning to C-3 where a convenience store could be placed on the corner with the lights, noise, and increased traffic. They stated they built in a residential area and are happy with the new grade school being built; however, do not feel rezoning to C-3 is a good plan for this area and do not feel that Mr. Krivanek has their interests in mind. They stated the neighborhood would be grateful to not allow the rezoning, but if the Council does, would request a PUD be applied in order for some control instead of just a blanket C-3 which allows over 100 uses.

There being no further public discussion, **MOTION** was made by **Mayor Adams**, seconded by **Councilman Jones**, to close the Public Hearing.

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

Discussion was held concerning a PUD requirement and if it was discussed in the Planning Commission meeting and if staff would be opposed to a PUD. ***Helsel*** stated it was not discussed in the Planning Commission meeting and staff would not be opposed.

Robert Crout, 1100 Wild Rose Dr., broker for the applicant, addressed the Council stating a PUD was out of the question as it would require an idea of what was going to be developed and that is way too early at this point. He stated the applicant would like to rezone the property to commercial for future use, especially with this area changing as it has – grade school, assisted living center, etc. He also stated the City of Mustang code is very restrictive already, especially when it abuts a residential neighborhood, so many of the concerns Mr. and Mrs. Baker have would be addressed through the Code.

Community Development Director Coleman advised that Mr. Krivanek would not be the developer as he plans to sell the property, so do not know what would be built, but would like to rezone the property now to advise what would be allowed.

Discussion was held concerning rezoning the property to C-2 instead of C-3 since C-2 Commercial Neighborhood District would not allow as many commercial uses, but would still allow a convenience store, café, church, pharmacy, to name a few uses. The Council asked if Mr. Krivanek would consider rezoning to C-2 instead of C-3.

Crout replied yes.

MOTION was made by **Councilman Jones**, seconded by **Councilman Taylor,** to Rezone a Tract of Land lying in the Northeast Quarter (NE/4) of Section 25, Township 11 North, Range 5 West, I.M., Canadian County, Oklahoma, and Amend from A-1, General Agricultural and Oil and Gas District, to C-2, Commercial Neighborhood District.

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

The Emergency Clause was not voted on as it was not listed on the Agenda.

4. **Public Hearing, Discussion, Consideration and Possible Action** regarding Application of Hung Van & Thu Kim Huynh to Rezone the North Half of the North Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (N/2 N/2 SE/4 SE/4 SE/4) of Section 25, Township 11 North, Range 5 West, I.M., Canadian County, Oklahoma, and a parcel or tract of land located in the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 25, Township 11 North, Range 5 West, I.M., Canadian County, Oklahoma from I-1, Light Industrial District, to I-2, Moderate Industrial District.

   Senior City Planning Director Helsel stated the applicants for this rezoning application were Hung Van and Thu Kim Huynh, owners of the property at 221 N. County Line Road just north of Fireworks City and consists of approximately 5 acres. She stated this property was recently considered for a Conditional Use Permit for an Auto Body and Paint Shop and it was discussed at this time that for a business to receive a license to operate at this location, two fire hydrants would be required. She stated the City Council granted an extension of time for the property owner to install the second hydrant and stated the Mustang Municipal Code would also require a fence at least 8 feet in height wherever the I-2 property abuts a residentially zoned property, which would be on the north and west property lines of this property. **Helsel** advised that on March 23, 2004, this property was down-zoned to I-1 and that the applicant has applied to the City of Oklahoma City to install hydrants.

   Helsel stated the general character of the area is rural estates development and the long range plan calls for low density residential development in this area, so the request does not conform to the comprehensive plan. She advised the property to the west and north is zoned R-E and the property to the south is Fireworks City and to the east is Oklahoma City city limits. **Helsel** stated the Mustang Planning Commission voted 5:1 to recommend denial of this application at their December 10, 2013 meeting and staff does not recommend approval at the I-2 level and would recommend a second application for a Conditional Use Permit after the fire hydrants are installed.

MOTION was made by **Mayor Adams,** seconded by **Councilman Taylor,** to open the matter for Public Hearing.

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

Mr. Hung Van Huynh, 221 N. County Line Rd., addressed the Council stating when he requested a Special Use Permit, the Council denied it; therefore, he was asking to rezone the property to I-2 since it is not as limited to the type of businesses as I-1. He stated he was approved for the fire hydrants by the City of Oklahoma City and waiting on bids.

Jeff Michael, 5446 Poplar Grove, McEwen, TN, addressed the Council advising he was interested in purchasing the property. He stated he travels around the country due to the nature of his job and liked this area and felt it would be a good place to put in a business. He stated he did not need it to be zoned I-3, but did not want I-1. He stated he has three companies and he would be interested in putting in a tool bin company, which makes tabbing machines, in this location. He stated at I-1, Mr. Huynh will lose a fortune and will not be able to rent or sell the property and that most of the businesses around him are actually I-2 and felt that I-2 with the fire hydrants and fencing requirements should be approved.

There being no further public discussion, **MOTION** was made by **Mayor Adams**, seconded by **Councilman Taylor**, to close the Public Hearing.

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

Discussion was held regarding the neighboring businesses and the zoning for the property of those businesses, such as Industrial Gasket zoned I-1, 40 acres south of Industrial Gasket zoned I-3, and Callahan Seals zoned I-2, as well as some property a mile up the road being zoned C-5.

Discussion was also held regarding the requirements placed earlier on the property of installing two fire hydrants, fencing, and meeting the building codes, then Mr. Huynh obtaining the occupancy permit and Special Use Permit. Questions came up regarding the type of businesses allowed in an I-2 District. ***Helsel*** advised I-2 zoning allowed for the following type of businesses (not a complete list) – animal hospital, auction barn, sheetmetal shop, construction equipment repair, manufacturing beverages, farm equipment sales and service, and fencing manufacturing.

MOTION was made by **Councilman Jones**, seconded by **Councilwoman Bowers,** to Approve the Application of Hung Van & Thu Kim Huynh to Rezone the North Half of the North Half of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter (N/2 N/2 SE/4 SE/4 SE/4) of Section 25, Township 11 North, Range 5 West, I.M., Canadian County, Oklahoma, and a parcel or tract of land located in the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 25, Township 11 North, Range 5 West, I.M., Canadian County, Oklahoma from I-1, Light Industrial District, to I-2, Moderate Industrial District.

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

The Emergency Clause was not voted on as it was not listed on the Agenda.

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

DISCUSSION, CONSIDERATION AND POSSIBLE ACTION regarding the trial court's decision rendered in the 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, including whether or not to appeal the trial court's decision; and, possible EXECUTIVE SESSION as authorized by 25 Okla. Stat. §307(B)(4).

MOTION was made by **Mayor Adams,** seconded by **Councilwoman Bowers** to adjourn to executive session.

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

TIME ADJOURNED to Executive Session: **8:45 p.m.**

Mayor Adams called the meeting back in session at **9:00 p.m.**

In reference to Item J-1 –

MOTION was made by **Mayor Adams,** seconded by **Councilman Taylor** to table this item for one month, to the February 4, 2014 meeting.

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

K. ADJOURNMENT

MOTION was made by **Mayor Adams**, seconded **Councilman Taylor** to adjourn.

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

The meeting was adjourned at **9:00 p.m.**

____
Jay Adams, Mayor

Attest:

____
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JANUARY 7, 2014

The Mustang Improvement Authority met in regular session on Tuesday, January 7, 2014, 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, January 3, 2014, at 1:45 p.m. An Amended Agenda was posted on Friday, January 3, 2014, at 4:35 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 9:00 p.m.

B. ROLL CALL

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

Trustees Absent: **Hagan**

C. NEW BUSINESS

None.

D. <u>CONSENT AGENDA</u>

1. Approval of **12/17/13** MIA Minutes.
*2. Claims List for **FY '14**
*3. Approval to Turn **Past Due Utility Accounts** Over to the Collection Agency.
*4. Acceptance of **Easements** for Waterline for St. Anthony's Healthplex Project.

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

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

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** to Approve Change Order #1 for $10,621.20; and to Approve Final Payment to 4M Trenching Company for the Sanitary Sewer Outflow Project.

MOTION was made by **Chairman Adams** and seconded by **Trustee Taylor** to Approve Change Order #1 for $10,621.20; and to Approve Final Payment to 4M Trenching Company for the Sanitary Sewer Outflow Project.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **9:02 p.m.**

____
Jay Adams, Chairman

Attest:

____
Lisa Martin, Secretary