

**MUSTANG CITY COUNCIL
MARCH 1, 2022**

The Mustang City Council met in regular session on Tuesday, March 1, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, February 25, 2022, at 10:15 a.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION Dave Bryan, Pastor, Chisholm Heights Baptist Church.

Pastor Bryan led the assembly in the Pledge and Invocation. He stated prior to Covid, the Church had started working on a planning and visioning project stating the City Manager also spoke to them. He stated this project has been completed. He stated the Church is having Action Ministry Day in April where the teens will reach out to residents outside the congregation to help with any kind of need they may have, such as lawn care, to let them know they are not alone and are loved.

C. ROLL CALL

Councilmembers Present:	Ray
	Teeples
	Wald
	Waugh
	McKenzie
	Sholund
	Grider

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

- F.1 Approval of 02/01/2022 City Council Minutes.
- F.2 Approval of 02/22/2022 City Council Special Meeting Minutes.
- F.3 Approval of 02/22/2022 City Council Work Session Minutes.
- F.4 *Claims List for FY 2022.
- F.5 *Approval to Turn Past Due Utility Accounts over to Collection Agency.

MUSTANG CITY COUNCIL

MARCH 1, 2022

PAGE 2

- F.6 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.7 *Acceptance of Streets Maintenance Bond for Mustang Farms Addition, Phase 2.
- F.8 *Approval of Release of Paving and Drainage Performance Bond for Mustang Farms, Phase 2.
- F.9 *Acceptance of Easement for Water Lines in Wild Horse Canyon Commercial Addition, Phase 2.

Vice Mayor Ray requested Items F7 and F8 be pulled.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Approve the Consent Agenda Items F.1 thru F.6 and F.9.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

City Attorney Miller requested Items F.7 and F.8, if approved, be approved conditioned upon the LLC executing the bond.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Consent Agenda Items F.7 and F.8 conditioned upon the LLC executing the bond.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney did not have anything to report in addition to the City Manager's Report available on the City's website.

Police Chief Groseclose led the promotion of Officer Seth Roecker to Sergeant. Sergeant Roecker was pinned by his wife Devon.

G.2 City Council

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

Vice Mayor Ray stated he visited with some of the local small businesses stating thanks go out to them.

Councilman Teeples did not have anything to report at this time.

Councilman Wald stated he had received a couple of calls regarding the rezoning item on tonight's agenda.

Councilman Waugh stated he had received calls regarding the rezoning on tonight's agenda and attended a meeting on it as well.

Councilman McKenzie stated he had talked to the City Manager and Assistant City Manager on a couple of items.

Councilman Sholund did not have anything to report at this time.

Mayor Grider stated he also had people reach out regarding the rezoning item. He stated he would be going to Washington DC in a couple of weeks and meet with our representatives about large items. He also thanked everyone for attending the Work Session and Special Meeting.

G.3 Presentation of Appreciation to Former Ward IV Councilman Terry Jones

Mayor Grider presented a plaque to outgoing Councilman Jones for over 10 years of service to the City as a City Councilman.

G.4 New Born Award Recognition

Fire Chief Carruth presented Corporal Bryon Smith and Corporal Larry Storck the New Born Award for delivering and assisting the birth of a baby boy on November 29, 2021. Corporals Smith and Storck received the award from mother and baby.

G.5 Life Saving Award Recognition

Fire Chief Carruth presented members of the Mustang Fire Department (listed below) the Life Saving Award for saving the life of a 17 year old student in cardiac arrest at the High School. **Carruth** also recognized and presented the Life Saving Award to the Mustang coaching staff who had already began CPR prior to the Fire Department's arrival. The student, Conner Doyle presented the medals.

- Captain Allen Sylvester
- Lieutenant Dave Small
- Lieutenant Chris Edwards

- Corporal Larry Storck
- Corporal Levi Setliff
- Firefighter Jake Montgomery
- Firefighter Clayton Harland
- Mustang High School Coach Aron Miller

H. DISCUSSION ITEMS

- H.1 Consideration of Amendment to Lease Purchase Agreement for Equipment, Lease #10150647 for Lease of Police Units.

Police Chief Groseclose stated this Amendment clarifies that the City would hold the titles to the vehicles during the term of the lease.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Approve the Amendment.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.2 Consideration of Amendment to Lease Purchase Agreement for Equipment, Lease #10017796 for Lease of Police Units.

Police Chief Groseclose stated this Amendment clarifies that the City would hold the titles to the vehicles during the term of the lease.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Amendment.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.3 Consideration of Ordinance No. 1251, (A) an Ordinance of the City of Mustang, Oklahoma, Declaring Certain Police Vehicles Surplus, Authorizing the Sale of such Vehicles to Other Public Agencies and Authorizing and Directing the City Manager to Execute Documents to Complete the Transfers, and Providing for Severability; and (B) an Agreement for Sale of Surplus Police Vehicles to Logan County, Oklahoma.

Police Chief Groseclose stated this ordinance and agreement was to declare surplus three vehicles no longer in use by the City and to sell the vehicles to the Logan County Sheriff's office for \$12,500 each.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Approve Ordinance 1251 and the Form of Agreement.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.4 Public Hearing and Consideration of Ordinance No. 1254, an Ordinance of the City of Mustang, Oklahoma Amending the Zoning Ordinance of The City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "C-3" Commercial General District to "R-4 PUD", Multiple Family Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Community Development Director Helsel stated the applicant, DHD Corp submitted a PUD Rezoning Application requesting a change in zoning for the area consisting of 9.68 acres between W. Rendezvous Way and W Lodge Way currently zoned C-3 Commercial General District. She stated the applicant's plan is to build up to 85 single-story apartments on one lot stating amenities include a dog park and pavilion.

Helsel provided the character of neighborhood, zoning and uses of property nearby and stated it did not conform to the Long-Range Plan as that area calls for regional retail development. She stated public water and sanitary sewer is available to serve the property and access would be taken from W Lodge Way and W Rendezvous Way.

Helsel stated Staff does not recommend approval of the application stating the request is not consistent with the comprehensive plan. She stated the Planning Commission voted unanimously to deny the application and many citizens in the area were opposed to the rezoning.

Helsel stated the applicant had requested a continuance to this meeting as this would have normally been placed on the January City Council meeting stating it had been four months since first heard at Planning Commission. She stated the applicant requested another continuance on Friday, February 25th stating Staff recommends Council consider that request carefully as the application has been continued many times and citizens should have an opportunity to speak.

Mayor Grider Opened the Public Hearing.

Chris Cooper, on behalf of the applicant, addressed the Council stating the reason for requesting the continuance was to hold a second community outreach meeting to try and address the concerns of surrounding neighbors stating one had already been held.

Mayor Grider asked if this was the first meeting with the neighbors with **Cooper** stating this was the first meeting held, but was not sure if there had been conversations held with individuals prior to the meeting. **Grider** stated there had been plenty of time for neighborhood meetings and if they wanted to request another continuance, they should have informed the neighbors as they are here this evening to discuss the rezoning.

Cooper asked if this was a new Staff recommendation as Staff had recommended approval in the past. **Helsel** stated yes.

Frank O'Hara, 522 N Songbird Way, addressed the Council stating first of all, he wanted to commend the Firefighters for their assistance on January 24 regarding a 911 call for his wife stating they did a wonderful job. He stated he was opposed to the rezoning stating the area should remain commercial and try to bring in retail stating otherwise, people will just go to Yukon to shop. He stated with 85 units, there would be an increase in traffic and crime and did not see anything good with jamming in more people plus the issues it will cause the schools.

Doug Eckert, 1935 W Badger Way, addressed the Council requesting Council deny this rezoning request stating commercial development was needed on this side of Mustang stating it was the same amount of time to drive to Yukon as it was for them to drive to Wal Mart in Mustang and many people on the west side of Mustang do go to Yukon due to lack of retail in this area. He stated more commercial property is also being built just outside of Mustang and more options are needed in Mustang. He thanked the developer for their interest in Mustang, but asked Council not to change commercial availability.

Donna Gleeson, 1625 W Wellington Way, addressed the Council stating she did not understand why this was being heard tonight when in January, it had been denied. She stated she was opposed to the rezoning stating Mustang needs more commercial to bring more money into Mustang. She stated she did not know about the neighborhood meeting with the developer asking if they told the neighborhoods. She stated traffic on Highway 152 was a nightmare in the morning with school traffic and new additions being built stating traffic is already a problem and this would just compound it. She stated she does not see Police vehicles in this area stating they could write a book of tickets for all the violations here. She stated this side of Mustang did not need more housing,

but needed a strip mall with businesses so they did not have to drive to Yukon or the east side of Mustang stating it would bring more income into Mustang.

Grider stated, for clarification, that Council had not heard the rezoning request before stating it was Planning Commission that denied it in January.

John Browne, 520 N Songbird Way, addressed the Council stating he was opposed to the rezoning request stating with rentals not being owned by the person living in them, they usually have no skin in the game and chances are, it could get trashy. He stated he talked with the gentleman who owns the property and feels he told him untrue things. Browne stated once the apartments are built, they will probably be turned over to a real estate agency to take care of and feels it will not be in a good way. He stated everyone knows something will be built there, but if not commercial, then let it be houses where the homes are owned stating current rental units do not look good requesting something else be done with the land besides rental units.

John Park, 603 N Bobcat Way, addressed the Council stating he was opposed to the rezoning stating the property should stay commercial. He stated there were already enough residents and stated Oklahoma City just keeps building residential developments north of 59th Street stating they do not care about the impact of issues such as traffic. He stated he attended the neighborhood meeting and kind of agreed, at the time, to about half of the number of units and the entrance/exit being changed to Highway 92. He stated the apartment complex would be a gated community so the developer stating the neighborhoods could use the dog park is not true. He stated it needed to stay commercial and bring money into Mustang.

Ron Triplett, 712 N Pheasant Way, addressed the Council stating he agreed with Planning Commission's decision to vote it down. He stated Mustang is running out of commercial property and would be better for Mustang to have businesses there than rental property. He stated he lives in Hunter's Hill and did not know about the meeting until it was done and over with and that the developer should get the news out quicker to everyone.

Charles Wayne Simms, 712 N Whitetail Way, addressed the Council stating he lives on the street behind this property and has been there for 15-16 years. He stated he was concerned about the density of R-1 as well as having traffic concerns since traffic on Highway 92 is already bad and stated he also has infrastructure concerns. He stated these units would have a window five feet from his back fence. Simms stated he would like to see commercial rather than a heavy density project. He stated there is lack of commercial on this side of

Mustang with 7-11 being about it stating a new assisted living center was also being developed nearby soon.

Louise Browne, 520 N Songbird Way, addressed the Council stating she lives across the street and asked Council to deny the request stating it would not help Mustang, that more commercial is needed.

Art Hasse, 1513 W Whippoorwill Way, addressed the Council stating this would be a disadvantage to Mustang stating Mustang Public Schools were bursting at the seams and this would cause more buses and schools. He also stated crime could increase and stated traffic would increase even worse than what it is on Highway 92 and would take some re-engineering to direct traffic.

Cooper stated neighborhoods were notified in accordance with state statutes within 300 feet. He stated those there left in agreement that there would be another meeting stating letters had gone out to confirm the date – March 22nd. He stated C-3 zoning can generate traffic too as it has more intense users stating he understands the need for more commercial, but this property has been vacant for many years and Staff recommended approval in November.

City Manager Rooney stated the neighborhood meeting was February 17th and the developer did not notify the City until February 25th that they wanted a continuance.

Grider stated the item could have been pulled from the agenda if notified sooner and also stated some neighbors are outside the 300 foot radius.

Cooper stated on February 17th, they did not know they would be holding another meeting which caused a delay in notifying the City.

Mayor Grider Closed the Public Hearing.

Vice Mayor Ray asked how many people were present at the meeting.

Councilman Waugh stated he was at the meeting and there were 11 or 12 people or possibly less. He stated the developer urged citizens to come to the City Council meeting and did not mention another neighborhood meeting. He stated he was disappointed that neither the developer nor the owner were present this evening.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Sholund**, to Disapprove Ordinance No. 1254.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.5 Initial reading and Setting of a Public Hearing on Ordinance No. 1252, an Ordinance of the City of Mustang, Oklahoma, Confirming the Vacation and Closing of Dedicated Easements and a Common Access Driveway Lying within Property Previously Platted as Lots 2 and 3 of Winchester Commercial Addition, an Addition to the City of Mustang, Oklahoma, and as more particularly described in said Ordinance.

City Attorney Miller stated City Council previously vacated Lots 2 and 3 and the owner, in order to satisfy title requirements, has requested the easements that had been previously dedicated in Lots 2 and 3 also be vacated. **Miller** read the ordinance out loud.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, that Ordinance No. 1252 be Set for Public Hearing on April 5, 2022, City Council Agenda for further consideration.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.6 Initial reading and Setting of a Public Hearing on Ordinance No. 1253, an Ordinance of the City of Mustang, Oklahoma, Vacating Certain Easements Dedicated to the City of Mustang and Located in the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section 27, Township 11 North, Ranger 5 West, I.M., Canadian County, Oklahoma, within a Parcel known as Laurel Springs Development, as more particularly described in such Ordinance.

City Attorney Miller stated a 2008 ordinance vacating the easements was conditional upon then Peachtree Development filing a final plat that would include the dedication of new easements for the proposed new construction. He stated that final plat and development never came to fruition and the old easements remain intact. He stated the City is working with the owner of Laurel Springs, the new developer, to complete the process of dedicating new easements and vacating the unused old easements. **Miller** read the ordinance out loud.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh**, that Ordinance No. 1253 be Set for Public Hearing on April 5, 2022, City Council Agenda for further consideration.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

H.7 Consideration of Nomination of Trustee to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

City Manager Rooney stated the City of Mustang is a member of OMAG stating there are two openings on the OMAG Board of Trustees and recommends nominating *Assistant City Manager Battles* to fill one of those seats.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Nominate Justin Battles as Trustee for the Oklahoma Municipal Assurance Group.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

I. MATTERS FOR EXECUTIVE SESSION:

None.

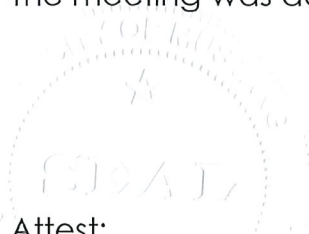
J. ADJOURNMENT

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to adjourn.

AYE: Ray, Teeples, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

The meeting was adjourned at **8:15 p.m.**

Attest:



Lisa Martin, City Clerk



Brian Grider, Mayor