

**MUSTANG CITY COUNCIL
SEPTEMBER 3, 2013**

The Mustang City Council met in regular session on Tuesday, September 3, 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, August 30, 2013, at 4:20 p.m. An Amended Agenda was posted on Friday, August 30, 2013, at 4:25 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 (*Ken Isom, Pastor, Mustang Assembly of God Church*)

Ken Isom, Pastor, led the assembly in the Pledge and Invocation. He stated a lot of good things were happening at the church such as their prison ministry, inner city ministry, as well as WizKids and the City Rescue Mission.

C. ROLL CALL

Councilmembers Present:	Taylor Staples Bowers Jones Hagan Mount Adams
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Councilmembers Absent:	None
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **08/20/13** City Council Minutes
- *2. Claims List for **FY '13**
- *3. Claims List for **FY '14**
4. Approval of **Proclamation** to Declare September 17, 2013 through September 23, 2013 as "**Constitution Week**".
5. Approval of **Resolution No. 14-006** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by \$39,537.
6. Approval of **Resolution No. 14-007** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by \$10,150.
7. Approval to Renew Contract with **Mustang Chamber of Commerce** for FY 2013/2014.
8. **Acknowledgement of transfer** of city property, Glock Mod. 23 C .40 Caliber S/N HHR 461, to Sergeant Mike Adams, Comm.# 325 upon his honorable retirement effective September 4, 2013, in compliance with Police Department Policy, PERSONNEL 02.03-RETIREMENT item 5, which has been the historical past practice of the department.
- *9. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. WL000009130362**, to Construct Water Lines for Magnolia Trace Addition, Phase 5.

Mayor Adams requested Item F-4 be pulled for discussion.

Councilman Taylor requested Item F-3 be pulled for discussion.

MOTION was made by **Councilman Mount**, seconded by **Councilwoman Hagan** to approve Items F-1 through F-2 and Items F-5 through F-9 of the Consent Agenda.

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

NAY: None

ITEM F-4: Approval of **Proclamation** to Declare September 17, 2013 through September 23, 2013 as "**Constitution Week**".

Mayor Adams stated this item is to declare September 17, 2013 through September 23, 2013, as "Constitution Week" in the City of Mustang.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-4 of the Consent Agenda.

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

Mayor Adams then invited the Daughters of the American Revolution (DAR) in attendance to join him up front as he read the Proclamation.

A representative from the DAR gave a summary of the DAR and thanked the Council for the Proclamation.

ITEM F-3: Claims List for FY '14

Councilman Taylor requested the City Manager re-visit the agreement with Mustang Public Schools regarding summer camp bus transportation instead of contracting with Western Heights Public Schools.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve Item F-3 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney advised a written City Manager report is included with the agenda packets. He stated the report will be posted on the website as well as provided to any interested citizens.

2. City Council

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

Councilman Taylor stated he was excited for Western Days this weekend and provided information regarding the Masonic Lodge breakfast on Saturday.

Councilwoman Staples thanked the **City Manager** for the written report, advising it was very informative.

Councilwoman Bowers also felt the written report was very informative. She stated she would miss Western Days as she is going on a mission trip to India at that time.

Councilman Jones stated he was looking forward to Western Days and stated Chisholm Trails Homeowners Association will be holding a celebration on Sunday.

Councilwoman Hagan stated she enjoyed the **City Manager's** report and asked about the Armory Road project as she did not see this mentioned in the report.

City Manager Rooney advised the Armory Road project was mentioned under the K&M Warehouse Tire item. He stated work is to begin on September 23.

Councilman Mount stated he was glad to see the **City Manager's** report. He stated after changing telephone providers, he was still having phone problems; he had received 84 phone calls, but was not able to respond to all of them.

Mayor Adams stated he was excited for Western Days, but requested everyone keep an open mind to the changes this year; a lot of hard work had been put into it by good people and to enjoy it. He also stated he had received three phone calls regarding the house at the intersection of Edna Terrace and Diane Terrace and asked Code Enforcement to look into it.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1090**, Amending Chapter 90 of the Code of Ordinances of the City of Mustang, Oklahoma, by adding Section 90-4, Vacating an Easement Dedicated to the City of Mustang and Located in the NE/4 of Section 29, Township 11 North, Range 5 West, Canadian County, Oklahoma, as more particularly Described Below; Declaring Repealer; and Providing for Severability.

Senior City Planner Helsel advised this item is an Ordinance to vacate an existing Easement at Czech Hall Road and SW 59th Street. She stated the initial reading of the Ordinance took place at the July 16, 2013, City Council meeting and afterwards, staff sent out notification to all property owners within a 300-foot radius of any point of the property, and to all franchise holders within the City of Mustang, and received no comments or concerns about vacating the Easement. **Helsel** advised this Easement was granted to the City of Mustang in November, 2003, for a lift station that has since been removed and the applicant would like to install decorative fencing and has asked to vacate the Easement. She stated the infrastructure is in the street right of way and Section 102-1 reserves the City's right to reopen this Easement if necessary. She stated staff recommends approval.

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

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

Being no public discussion, **MOTION** was made by **Mayor Adams**, seconded by **Councilwoman Staples**, to close the Public Hearing.

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

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones**, to approve **Ordinance No. 1090**.

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

2. **Public Hearing, Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1092**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "A-1" General Agricultural and Oil and Gas District to "R-1" Single-Family District; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Senior City Planner Helsel advised this was a rezoning application for property located in the Northeast Quarter of Section 25, at the southwest corner of SW 59th Street and N. County Line Road. She stated the applicant is Pinion Construction and Louis Krivanek and LaVerne Stejskal own the property. She stated Pinion Construction requests a change in zoning classification for this property from A-1, General Agricultural and Oil and Gas District, to R-1, Single Family Residential District for the purpose of allowing the applicant to develop a residential subdivision on the property; SW 59th Street had recently been resurfaced between County Line Road and Morgan Road and a new Elementary School is being constructed to the north of this area. She stated notices were sent out and staff did not receive any public comments regarding the proposed rezoning. **Helsel** advised the plat has not yet been submitted and the land, if developed, would be required to comply with all regulations of the R-1 zoning district with any plat developed for this land being brought before the Planning Commission and City Council. She stated the long-range plan calls for low density residential development in this area, so the request does conform to the comprehensive plan and stated the Mustang Planning Commission voted 6:0 to recommend approval of this application at their January 8, 2013 meeting.

Mayor Adams asked if there was a lift station at SW 59th Street and County Line Road owned by the City.

Helsel stated there is a booster station and the City owns that property, but is not included in this application.

Councilman Taylor asked **Helsel** to summarize the differences between R-1 and R-E.

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Helsel advised R-E requires a minimum lot size of ¼ acre with many R-E developments not having public sewer or water. She stated some areas zoned R-E may also have large animals. **Helsel** advised areas zoned R -1 must have City sanitary sewer and water and the minimum lot size is 7200 sq ft. She stated R-1 must meet certain types of road standards which is typically concrete with curb and gutter and requires sidewalks; whereas the R-E road standard is often asphalt without the curb and gutter and sidewalk requirements.

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

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

NAY: None

Julie Landes with Landes Engineering, representing the applicant, approached the bench to answer any questions the Council or public may have.

Councilman Taylor asked why the property was being zoned R-1 instead of R-E.

Landes advised R-1 makes for a nicer looking subdivision with the curb and gutter, road, sidewalks, and city sewer and water requirements.

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

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

NAY: None

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones**, to approve **Ordinance No. 1092**.

AYE: Staples, Bowers, Jones, Hagan, Mount, Adams

NAY: Taylor

MOTION was made by **Mayor Adams** and seconded by **Councilman Jones** to approve the Emergency Clause for **Ordinance No. 1092**.

AYE: Bowers, Jones, Hagan, Mount, Adams

NAY: Taylor, Staples

The emergency clause **failed** with a vote of 5:2.

3. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1093** to Modify Section 10-85 of the Mustang Code of Ordinances to allow the Distribution of Candy and Other Items along a Parade Route, by Adopting One of the Following Proposed Ordinances:

- (A) An Ordinance of the City of Mustang, Oklahoma, Amending Chapter 10, Article III, Section 10-85(b) of the Ordinances of the City of Mustang, Oklahoma, to Remove the Prohibition Against Handing Out Candy and Other Items Along a Parade Route; Providing for Repealer and Severability; and Declaring an Emergency; or

An Ordinance of the City of Mustang, Oklahoma, Amending Chapter 10, Article III, of the Ordinances of the City of Mustang, Oklahoma, by Repealing Section 10-85(b) in its Entirety and Renumbering Section 10-85(a); Providing for Repealer and Severability; and Declaring an Emergency.

Mayor Adams advised the reason for two Ordinances was due to the motion last week to bring an amended Ordinance back to Council repealing the section of the Ordinance relating to prohibiting handing out candy. He stated **City Manager Rooney** brought to his attention the Council may want to amend that section of the Ordinance and not repeal it due to safety reasons since it also prohibits throwing candy and other items from the float. He stated by approving option A, it amends the Ordinance to allow handing out candy, but still prohibits throwing candy from the float.

Councilwoman Hagan advised the concern in creating this Ordinance in 1977 was due to the danger of children running into the street and getting ran over.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor**, to approve **Ordinance No. 1093** to Modify Section 10-85 of the Mustang Code of Ordinances to allow the Distribution of Candy and Other Items along a Parade Route, by Adopting Option A - An Ordinance of the City of Mustang, Oklahoma, Amending Chapter 10, Article III, Section 10-85(b) of the Ordinances of the City of Mustang, Oklahoma, to Remove the Prohibition Against Handing Out Candy and Other Items Along a Parade Route; Providing for Repealer and Severability; and Declaring an Emergency.

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

NAY: Hagan

MOTION was made by **Mayor Adams** and seconded by **Councilman Taylor** to approve the Emergency Clause for **Ordinance No. 1093**.

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

NAY: Hagan

4. **Discussion, Consideration and Possible Action** Regarding Chapter 14 of the City of Mustang Code of Ordinances concerning Animals.

Councilwoman Staples stated she requested this item be placed on the agenda for discussion of the City tag requirement for animals and its process. She stated she had a request from a citizen asking the purpose of this process.

Police Chief Foley stated Animal Control had been assigned to the Police Department in the last thirteen months and agreed to review the processes and procedures.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones**, to table Item H-4 for ninety (90) days for the City Manager and Police Chief, and associated staff, to develop new procedures and bring to City Council for review.

Councilman Taylor requested further discussion stating his concern regarding whether or not the City had the resources to enforce this Ordinance and if not, should it be in the books at all, since all Ordinances should be enforced.

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

NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** Regarding Approval of the Agreement between the City of Mustang and The Fraternal Order of Police, Lodge 163, for Fiscal Year 2013-14, as well as the non-binding wage re-opener in January, 2014. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(1).**
2. Approval of the Non-binding Wage Re-opener in January, 2014, with the **International Association of Fire Fighters, Local 4383**, as an addendum to the 2013-14 Contract. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(1).**

3. **Discussion, Consideration and Possible Action** Regarding 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, Bowers, Staples, Hagan, Jones, Mount, Adams
NAY: None

TIME ADJOURNED to Executive Session: **7:52 p.m.**

Mayor Adams called the meeting back in session at **8:12 p.m.**

In reference to Item J-1 –

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve the Agreement between the City of Mustang and The Fraternal Order of Police, Lodge 163, for Fiscal Year 2013-14, as well as the non-binding wage re-opener in January, 2014.

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

In reference to Item J-2 –

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve the Non-binding Wage Re-opener in January, 2014, with the **International Association of Fire Fighters, Local 4383**, as an addendum to the 2013-14 Contract.

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

In reference to Item J-3 –

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 **8:13 p.m.**

Jay Adams, Mayor

Attest:

Lisa Martin, City Clerk

**MUSTANG IMPROVEMENT AUTHORITY
SEPTEMBER 3, 2013**

The Mustang Improvement Authority met in regular session on Tuesday, September 3, 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, August 30, 2013, at 4:20 p.m. An Amended Agenda was posted on Friday, August 30, 2013, at 4:25 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 8:13 p.m.

B. ROLL CALL

Trustees Present: Taylor
Staples
Bowers
Hagan
Jones
Mount
Adams

Trustees Absent: None

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **08/20/13** MIA Minutes.
- *2. Claims List for **FY '13**
- *3. Claims List for **FY '14**
- *4. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. WL000009130362**, to Construct Water Lines for Magnolia Trace Addition, Phase 5.

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

AYE: Taylor, Bowers, Staples, 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 Jones** to adjourn.

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

NAY: None

Meeting was adjourned at **8:14 p.m.**

Jay Adams, Chairman

Attest:

Lisa Martin, Secretary