

**MUSTANG CITY COUNCIL
SEPTEMBER 15, 2015**

The Mustang City Council met in regular session on Tuesday, September 15, 2015, 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, September 11, 2015, at 3:00 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION (Ken McGee, Pastor, The Bridge Assembly of God)

Pastor McGee led the assembly in the Pledge and Invocation. He stated he was thankful to be a part of this community and to be given the privilege to offer prayer stating it was a great blessing.

C. ROLL CALL

Councilmembers Present:	Riley
	Staples
	Grider
	Jones
	Hagan
	Schweinberg

Councilmembers Absent:	Adams
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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 **09/01/15** City Council Minutes.
2. Approval of **09/08/15** City Council Minutes.
- *3. Claims List for **FY'15**
- *4. Claims List for **FY'16**

5. Approval of **Resolution No. 16-014** Making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$1,000.
6. Approval of **Oklahoma Highway Safety Grant** AL-15-03-03-01 for Targeting Impaired Driving to Reduce Alcohol Related Crashes.
- *7. Acknowledgement of **Receipt of DEQ Permit** No. SL000009150385 to construct Sanitary Sewer Lines and Appurtenances for Hunter's Springs Addition, Phase I.

MOTION was made by **Councilman Grider**, seconded by **Councilman Riley**, to approve Items F-1 thru F-7 of the Consent Agenda.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg
NAY: None

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated he did not have anything in addition to the City Manager Report advising the report was posted on the City's website at www.cityofmustang.org and available to the public.

2. City Council

- a. Approval of **Proclamation** Declaring September 17th through September 23rd as "**Constitution Week**".

Vice Mayor Schweinberg invited representatives of the Daughters of the American Revolution (DAR) to the front where he read the Proclamation and then presented it to them.

MOTION was made by **Councilman Riley**, seconded by **Councilman Jones**, to approve the **Proclamation** Declaring September 17th through September 23rd as "**Constitution Week**".

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg
NAY: None

- b. Appointment of Jan Flippin to the Mustang Leisure Services Board for Ward 5.

Councilwoman Hagan recommended the Council accept Jan Flippin to the Leisure Services Board for Ward 5. She stated Ms. Flippin would be a great benefit to the Board and is willing to serve, mentioning that she lives in Ward 4, but willing to serve as a representative for Ward 5.

MOTION was made by **Councilwoman Hagan**, seconded by **Vice Mayor Schweinberg**, to Appoint Jan Flippin to the Mustang Leisure Services Board for Ward 5.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg

NAY: None

- c. Appointment of Bob Wilson to the Mustang Leisure Services Board for Ward 6.

Vice Mayor Schweinberg stated Bob Wilson is also a resident of Ward 4, but willing to serve on the Leisure Services Board as a representative of Ward 6 stating it was a credit to the City when people are willing to step up and volunteer.

MOTION was made by **Vice Mayor Schweinberg**, seconded by **Councilman Grider**, to Appoint Bob Wilson to the Mustang Leisure Services Board for Ward 6.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg

NAY: None

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

Councilman Riley stated he had a great time at the Western Days parade on Saturday and was great to see everyone come together as a community.

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

Councilman Grider provided the following information:

- Thursday night at BJ's Restaurant in Oklahoma City, the Friends of the Mustang Animal Shelter was having a fund raiser;
- Saturday at 10:00 am, the Parks Foundation would be meeting at Town Center;
- Welcomed Jan and Bob to the Mustang Leisure Services Board stating they would be huge assets.

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

Vice Mayor Schweinberg thanked the other Councilmembers for helping pass out candy and greet people at the parade stating Western Days had an excellent turn out.

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding Approval or Denial of Variance to Drainage Ordinance for Cedar Springs Industrial Park II.

Community Development Director Helsel stated this property is a proposed commercial subdivision located near the National Guard Armory. She stated the City's Engineer, Don Vick, has revised and reviewed the plans several times stating the plans, as submitted, do not meet the requirements of the City of Mustang's Drainage Ordinance.

Helsel stated the developer provided a letter from the project engineer, Stephen Landes, requesting a variance and was included in the Council packets along with a response from City Engineer Vick. She stated the plans do not address approximately 16 acres of drainage that enter this project at the SE Corner of the plat stating instead of utilizing an underground facility, the project engineer proposed a flume. **Helsel** stated City drainage ordinance does not allow more than five acres of drainage to be carried in a flume. She also stated City Engineer Vick does not believe the weir design at the entry to this flume is adequate.

Helsel stated the most recently submitted plans are incomplete and that the variances requested are not in the best interest of the City stating Staff recommends denial of the variance.

Stephen T. Landes, The LandRun Group, LLC, Project Engineer, addressed the Council and stated he did not completely understand why the plans were not compliant stating there were about 13 acres of land behind the property that is offsite and comes to the back corner with the problem being it drops off to a flat area and sheets out and they need to get water from there to the drainage and detention ponds. He stated it was not a requirement to retain that water, but to pass it through as it is not part of the development property, but stated they had looked at two or three different ways to address it:

- Underground storm sewer system which would require 600 or 700 feet of pipe 30 inches in diameter or larger stating the cost would make the project unviable;
- Flume and weir, where a weir is created to concentrate the water to the corner and run down the property line, then widens out at the cul de sac and carries down to the street inlets and off into the detention pond. He stated 4 pipes were created beneath the road to carry the water and hydraulically, everything works.

Landes stated the property has a little bit of unusual characteristics in the sense that it only has seven or eight little lots, but has a huge detention pond stating they did not design it this way, but rather when Cedar Springs I was developed, it was designed to bypass all of its stormwater to an offsite detention area. He stated they are still doing this and felt it functioned quite nicely and is cost effective.

Landes stated this was the second time he had appeared before Council on this property stating the first issue had to do with a variance in regards to the water line stating the developer, Todd Martin, backed off the project for a while until alternatives were developed.

Landes stated there was a comment regarding channel designs not being submitted; however, he stated there had actually been three channel designs submitted. He stated the channel or flume conveys water and the three designs they looked at were:

- Two foot trickle channel in the bottom;
- Four foot bottom;
- 16 foot bottom

Landes stated the water stays within the channel with the maximum depth on each side being 14-16 inches stating if widening that little trickle channel off the corner is really the issue, then he would be willing to talk and make some adjustments.

Donald Vick, JGVE Engineering, City Engineer, stated the original plans had been reviewed by another engineering firm for the City and they had not addressed this 16 acres coming in from the corner of the property. He stated when the plans were resubmitted to him, he figured out a way to solve one issue with the public water supply system by looping the six inch line, then he started trying to address the other issue regarding the storm-water draining in from the corner across this property stating 16 acres of drainage is a considerable amount of drainage. He stated the project engineer and developer did not want to put in an underground pipe, but instead, wanted to put in a flume so advised him he could go before City Council and request a variance.

Vick stated the flume would have to be able to carry and convey that amount of water which comes out to be a 16 foot wide concrete flume with six inch curbs on both sides, basically a small alley. He stated ordinance also requires it to have a weir opening, like a funnel, to funnel the water into it since the water is coming down the hill in small amounts. He stated the weir opening is about 51 feet wide stating the project engineer came back and proposed three openings: Two – 4s and One – 5 which is 13 feet which are less than the width of the flume that was proposed.

Vick stated they also proposed an earthen channel with a small two foot wide or three foot wide concrete trickle channel on bottom of it so basically it is an earthen ditch between two lots coming out into a public street. He stated the City has ditches running between lot lines going under streets and to detention ponds, but he has not seen where the City has had a ditch running between lots coming out onto a street.

Councilwoman Staples asked if this would leave the ditch for the neighbors to maintain once the developer was finished and gone.

Vick stated it would be in about a 20 foot wide drainage easement and would be the City's responsibility.

Staples asked if underground was the best way to handle this situation and if that was code?

Vick stated it was the best way to address it, but that the City's code is a little loose and needs defined, but basically has always been the City's policy.

Todd Martin, 1240 W SW59th Street, Developer, addressed the Council stating first of all, this is not a City street, it's a private street that he will own and does not plan on dedicating it to the City therefore, the City will not have to maintain it. He stated it would be built to a solid concrete with rolled curbing and he was looking at totally enclosing the property having one entrance with an electric gate for security.

Martin stated another problem he has is that he has spent an extensive amount of money trying to get this development off the ground stating the City Manager and a lot of the people in town said this was needed for the community and to bring more businesses to Mustang, but he has not seen any cooperation from that.

Martin stated thirdly, he hired his engineer to engineer this and the job of the City Engineer is to see if he did his job or not, but the City Engineer is wanting him to engineer it his way stating there were many different ways to pour concrete and build a building and both can be correct and meet code. He stated he feels he is put in between a pair of engineers that are having a difference of opinion regarding how this can be done stating his engineer is a registered, professional engineer in the State of Oklahoma and so is the City's. He stated he does not hire the City to tell him if he needs to rock, gravel or pave something stating the City Engineer's job is to say if it meets code.

Martin stated after having a private meeting with the City Manager, City Engineer, Project Engineer and all, the City Engineer keeps giving direction on what he would like to see being done versus what actually meets the code and what his engineer can sign off and be responsible for. He stated he just wanted to make this right and move on with this project.

Martin stated he videoed all the rain that has fallen here throughout one of the rainiest year in the last 100 years stating it could not even fill up the detention pond that is currently there by a third, then all the water that runs into the street runs down into the next piece of property he has that also has a detention pond and it could not fill it up and overflow it. He stated it was kind of hard for someone in his position to be told they have to dig a deeper, bigger, wider hole to catch all this water when there hasn't been a problem with the hole/detention area that is already there.

Martin stated lastly, when he bought this property, the City had already approved a facility to be built there that had more hard surface, more roof area, more areas that impacted drainage than what he is offering to do. He stated he was looking at six to nine 4,000 to 8,000 square foot buildings where the one that was approved was a 50,000 square foot building with many acres proposed blacktop and concrete which had no absorption and threw off tons of runoff and was accepted by the City and the codes have not changed since that time period. He stated he was having a problem understanding why he is being forced to do all these additional things.

Martin stated he does not know where to proceed from here stating he wants to continue trying to get this project off the ground, but if it becomes cost prohibitive, he will not build these facilities in Mustang and will not bring those additional six to nine businesses to the City which will hire employees here and will let it continue to be City property. He stated he would like guidance to get through these two little issues stating the mathematics and what his engineer has come up with works, it is just not understood by the City Engineer. He stated it was doing the same thing a different way and would like this to be looked at where he could continue on with this project.

City Manager Rooney stated he would like to address Mr. Martin's comment regarding the gravel stating this discussion occurred in the meeting he referenced and the City answered that question in the meeting allowing it to be done and provided direction to the City Engineer. He stated that was no longer an issue and to bring it up serves no purpose as the City addressed his concern.

Rooney stated depending on what the Council decides to do tonight, if denied, he would be happy to submit the item to a third party engineer to review both recommendations and come back with a recommendation. He stated he thinks we will find that the City Engineer's recommendations are sound.

MOTION was made by **Councilwoman Hagan**, seconded by **Councilwoman Staples**, to Deny the Variance to Drainage Ordinance for Cedar Springs Industrial Park II based on Staff recommendation.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg
NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** regarding Phillips, Coventon, Quillian & Banner, PLLC v. City of Mustang, Oklahoma ex rel. Mustang Police Department and Chuck Foley, Chief of Police, Case No. CV-2015-129, District Court, Canadian County, Oklahoma; and, Proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).
2. **Discussion, Consideration and Possible Action** regarding John E. Gatliff II and Joetta D. Gatliff vs City of Mustang, Oklahoma, et al., Case No. CJ-2015-217, District Court, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).

MOTION was made by **Vice Mayor Schweinberg**, seconded by **Councilman Jones** to adjourn to executive session.

AYE: Riley, Staples, Grider, Hagan, Jones, Schweinberg
NAY: None

TIME ADJOURNED to Executive Session: **7:29 p.m.**

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Riley** to call the meeting back in session.

AYE: Riley, Staples, Grider, Hagan, Jones, Schweinberg
NAY: None

Meeting was called back in session at **7:39 p.m.**

In reference to Item J-1 –

No motion taken, information purposes only.

In reference to Item J-2 –

No motion taken, information purposes only.

K. ADJOURNMENT

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

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg

NAY: None

The meeting was adjourned at **7:39 p.m.**

Attest:


Lisa Martin, City Clerk


Jay Adams, Mayor

**MUSTANG IMPROVEMENT AUTHORITY
SEPTEMBER 15, 2015**

The Mustang Improvement Authority met in regular session on Tuesday, September 15, 2015, 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, September 11, 2015, at 3:00 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Vice Chairman Schweinberg called the meeting to order at **7:39 p.m.**

B. ROLL CALL

Trustees Present: Riley
Staples
Grider
Jones
Hagan
Schweinberg

Trustees Absent: Adams

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **09/01/15** MIA Minutes
- *2. Claims List for **FY '15**
- *3. Claims List for **FY '16**
- *4. Acknowledgement of **Receipt of DEQ Permit** No. SL000009150385 to construct Sanitary Sewer Lines and Appurtenances for Hunter's Springs Addition, Phase I.

MOTION was made by **Trustee Grider**, seconded by **Trustee Staples**, to approve Items D-1 thru D-4 of the Consent Agenda.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg

NAY: None

E. INFORMATION/REPORTS

1. **Trustee Manager**
None.
2. **Trustees**
None.

F. DISCUSSION ITEMS

None.

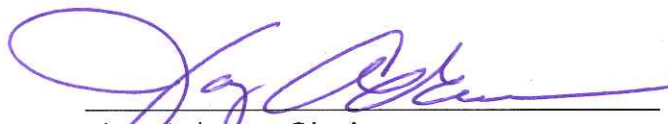
G. ADJOURNMENT

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

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg

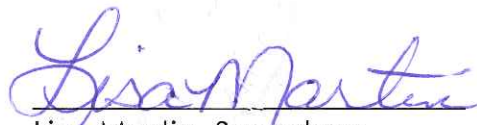
NAY: None

Meeting was adjourned at **7:40 p.m.**



Jay Adams, Chairman

Attest:



Lisa Martin, Secretary