MUSTANG CITY COUNCIL
OCTOBER 1, 2013

The Mustang City Council met in regular session on Tuesday, October 1, 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, September 27, 2013, at 3:35 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 *(Terry Armstrong, Pastor Mustang Church of the Nazarene)*

Terry Armstrong, Pastor, led the assembly in the Pledge and Invocation. He updated the Council regarding activities and projects at the church such as Muscles4Missions and increasing their current facilities, where district leadership will also house.

C. ROLL CALL

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

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 **09/17/13** City Council Minutes
*2. Claims List for **FY '14**
3. Approval to Turn **Past Due Library Accounts** Over to Collection Agency.
4. Approval of **Resolution No. 14-010** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $119,327.
*5. Approval of **Resolution No. 14-011** making Changes in the Mustang Improvement Authority Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $13,298.
6. Approval of **Resolution No. 14-012** making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $29,133.
7. Approval of **Resolution No. 14-013** making Changes in the GO Bond Baseball Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $2,746.
8. Approval of **Resolution No. 14-014** making Changes in the GO Bond Town Center Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $17,079.
9. Approval of **Resolution No. 14-015** making Changes in the Limited Purpose Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $225,765.
*10. Approval of **Resolution No. 14-016** making Changes in the Mustang Improvement Authority Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $13,375.
11. Approval of **Resolution No. 14-017** making Changes in the Street Improvement Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $367,000.
12. Approval of **Resolution No. 14-018** Amending Resolution No. 13-040; Adding the New Banquet Area to the Rental Fees and Thereof; Declaring Repealer; Establishing Severability; and Declaring an Effective Date.
*13. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130148**, to Modify Lift Station A and Lift Station B.

Councilman Taylor requested Items F-2, F-9 and F-13 be pulled for discussion.

MOTION was made by **Mayor Adams**, seconded by **Councilman Taylor** to approve Item F-1, Items F-3 through F-8 and Items F-10 through F-12 of the Consent Agenda.

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

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

Councilman Taylor asked what the charge was for stormwater training.

City Manager Rooney advised this charge was pulled from the list due to the class being canceled. He stated it was a two day class recommended by the Oklahoma Department of Environmental Quality (ODEQ) for anyone working in stormwater quality in any community and to educate Inspector Harness so he could pass the certification exam.

Taylor asked what repairs were needed for the brush pumper.

Rooney advised initially, repairs to the brush pumper were to fix the power steering pump; then, when that was being looked at, it was discovered the turbo was blowing oil and needed replacement. He stated an itemized print out of all the repairs can be made available if wanted.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve Item F-2 of the Consent Agenda.

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

ITEM F-9: Approval of **Resolution No. 14-015** making Changes in the Limited Purpose Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $225,765.

Councilman Taylor asked if the Council could re-appropriate the $6,000 from the fountain for Elliot Park to replenish the abatement budget.

City Manager Rooney stated his advice would be no, the Council should not, as the fountain for Elliot Park is a much needed item to address both algae and odor complaints coming from residents near and around that body of water. He stated staff will be addressing the shortfall in the abatement budget with a supplemental appropriation, most likely in December and January; between now and then, the City can move funds from other line items in the department to address the abatement needs which is currently being done.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve Item F-9 of the Consent Agenda.

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

ITEM F-13: Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130148**, to Modify Lift Station A and Lift Station B.

Councilman Taylor asked if there was a projected date when this would be completed.

City Manager Rooney advised it probably will not be completed in this current year as it has not gone out for bid yet, only permits have been received.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples** to approve Item F-13 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney advised he would be out of the office beginning Wednesday afternoon through Monday, October 7. He stated Justin Battles would be the Acting City Manager.

Rooney introduced Mr. Jack Ferrell of the Oklahoma Electric Cooperative (OEC), a consumer owned and non-profit company, who presented a capital credit check in the amount of $15,000.00 to ***Finance Director Watts*** for pay back to members and owners when a profit is made. He stated the check was for the 2003 through 2007 time period.

2. <u>City Council</u>

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

Councilman Taylor:

- Stated he was excited about everything going on at the Mustang Church of the Nazarene with them being in Ward 1.
- Asked ***City Manager Rooney*** the status of the utility line hanging down at the intersection of Sara Road and Highway 152.

  City Manager Rooney advised Cox did move it some; however, anything additional will require shoring up the line and he would try to get a date from Cox Communications.
- Asked ***City Manager Rooney*** the status of the utility line hanging down in front of Braum's.

  Rooney advised this is a Cox line as well and a request has been turned into them.
- Thanked the ***City Manager*** for the Abandoned Property list and asked citizens to be responsible for their property.
- Advised he had received calls regarding speeding vehicles around the Forester and Silver / Czech Hall area and requested a speed trailer be placed there.

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

Councilman Jones stated everyone should drive through the Lakehoma addition as it has beautiful fall foliage during this time.

Councilwoman Hagan stated she had a few questions, but the City Manager's report answered everything.

Councilman Mount stated he would like to echo what he said in the last meeting that it is nice to be able to refer calls to the City Manager, but even better when he receives a call from the same citizen thanking him for what the City did. He wanted to pass it along to the City Manager and state that he is pleased he is a get it done type of guy.

Mayor Adams:

- Stated he had also received calls regarding speeding in the Forester, Silver area. He requested the next Traffic Commission meeting take a look at collector routes and the possibility of adding stop signs.
  Taylor stated before he left the Traffic Commission, ***Police Chief Foley*** and ***Community Director Coleman*** were looking into speed control programs of similar municipalities.
- Stated there was also discussion with the Traffic Commission two to three years ago regarding portable humps with reflectors. He stated Tulsa County was using them and having successful results.
- Advised that Becky Julian, Mustang Chamber of Commerce Executive Director, had put in her termination notice and the Chamber was going through a search process similar to what the City did when recruiting a City Manager.

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1094**, of the City of Mustang, Oklahoma, Amending the Municipal Code by Amending Chapter 106, Section 106-172(B) Pertaining to Time Limits for Approval of Final Plats to Provide for Extension of Time to File Final Plat for Subdivisions that are Completed in Phases, and Ratifying Prior Plat Approvals; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Senior City Planner Helsel advised the Ordinance change would allow the Planning Commission to grant an extension of time for approval of final plats since currently, the Code only allows five years for filing of a final plat after the preliminary plat is approved. She stated the Planning Commission has granted extensions in the past under a grey area in the Code and this Ordinance would make the practice clear and defined. **Helsel** stated staff recommends approval and the Planning Commission voted 5:0 to recommend approval of this Ordinance at their September 24, 2013, meeting.

Helsel also stated the amendment to Section B clarifies the Planning Commission has authority to grant an extension, but does not state they must grant the extension and it also allows for the City Council to approve or deny the extension. She stated the emergency clause was needed because of two plats at next week's Planning Commission meeting needing an extension.

City Manager Rooney advised this change request was initiated by Community Development, reviewed by the City Attorney, and then forwarded to the Planning Commission for approval before coming to the City Council for approval.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to Approve **Ordinance No. 1094**.

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

MOTION was made by **Mayor Adams** and seconded by **Councilman Jones** to approve the Emergency Clause for **Ordinance No. 1094**.

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

The emergency clause **passed** with a vote of 6:0.

2. **Discussion, Consideration and Possible Action** Regarding Approval of Conditional Use Permit Application CUP-8-23-13-1-25, Automar Used Cars and Service, Automobile Painting, Body Work in I-1, Light Industrial District.

Senior City Planner Helsel stated the applicant, Automar Used Cars, would like to apply for a Conditional Use Permit (CUP) for a use under review in I-1 districts, Automobile Painting and Body Work. She advised the property at 221 N. County Line Road is approximately 5 acres and zoned I-1 and is currently on a septic system and a 2" public water line. She also stated there is no fence on the north and west sides of the property as required by code between industrial and residential properties and there is no fire hydrant that serves this property. **Helsel** stated the use of this property with its previous tenant, Okie Services, was described as: Painting Equipment, Heavy Equipment, Commercial/Residential, and the property was used in a similar use since at least 2000. She further stated this is a light industrial area surrounded by low density housing with property to the north and west being zoned R-E, to the south is Fireworks City and to the east is Oklahoma City. She advised the long-range plan calls for low-density housing on this property.

Helsel stated the Mustang Planning Commission voted 4:1 to recommend approval of this application at their September 24, 2013 meeting and stated staff recommends approval with conditions such as number of cars permitted to be stored outside and fencing requirements. She advised the CUP would be reviewed yearly and the permit can be revoked at any time if applicant violates conditions, or the use is no longer compatible with surrounding land uses.

Discussion was held concerning the location of the property being next to R-E districts and lack of fencing as well as next to Fireworks City and lack of fire hydrants, especially with flammable chemicals being used. **Helsel** advised that property owners within 300 feet of the property were contacted and she did not receive any comments or protests and stated Council can place conditions on the CUP.

Fire Chief Hickman stated they would inspect the property as a new occupancy and the property would have to meet all the fire and building codes in order to pass the inspection. He advised not meeting fire hydrant requirements would be a violation of City Ordinance.

The property owner, Mr. Hung Van Huynh, and the business owner, Mr. Omar Brito of 5408 S. Lee Ave., Oklahoma City, Oklahoma, were in attendance to answer questions. Several questions were asked of the applicants concerning the type of business, number of vehicles, towing, working hours, and environmental requirements.

Mr. Brito advised vehicles would not be sold on the property or be impounded, that it would be a body shop service to prepare cars for his car lot in Oklahoma City. He stated the vehicles would be transported to this location by towing services, the vehicles would be insured as well as have plates, and stated 18 wheelers would never be used. He advised his normal work day is approximately 10 – 12 hours per day. He stated he met the Oklahoma Department of Environmental Quality (ODEQ) requirements regarding the paint and chemicals used and the services provided and that his business is actually safer than the previous business. He advised his paint is industrial paint, the paint is filtered and the paint and filters are never thrown away, it is packed up and carried away appropriately.

Mr. Huynh advised the previous business, Okie Services, was a sandblasting and painting service for big machinery. He stated he purchased the land seven years ago and the property has been used for automotive and truck repair and body work, and also equipment repair and storage since he bought it. He stated when the previous tenant moved out, he found an interested tenant wanting to do something similar and was not expecting it to be a problem.

Councilman Taylor stated two conditions that would have to be imposed in order for him to approve the CUP:

- Privacy fence on north, west and south sides of property; and
- Business hours to be between 7:00 am and 7:00 pm

Councilwoman Staples agreed with ***Taylor*** but added the following conditions:

- Install a fire suppressant system;
- Limit the number of cars outside; and
- Must meet City Fire Code, ODEQ and Environmental Protection Agency (EPA) requirements

City Manager Rooney advised if the reason for limiting the number of cars outside was because of visual impact, then the fencing requirement could address that. **Staples** agreed and removed that condition.

Discussion was held concerning the amount of fencing to be required. **Taylor** requested the privacy fence on the west and north sides as well as on the south side to the end of the Fireworks City lot to cover the property from view from Fireworks City. **Councilman Jones** was concerned with the cost to the property and business owners and recommended the fence on the south side only go as far west as the western boundary. **Mayor Adams** stated the west end was a flood zone and would be tough to install a fence and also stated if this was a new building, the Council would be prohibited by City Code to require a privacy fence up to the commercial property and felt that it shouldn't be required here either. **Community Development Director Coleman** recommended requiring a site proof fence (not stockade due to fire hazard) surround any vehicles under repair or equipment used in towing instead of stating exactly where the fence is to be placed since this would resolve the visual impact problem.

Further discussion was held concerning the Fire Code, ODEQ and EPA requirements. **Adams** stated even if the Council approves the CUP with conditions, it would be a dead issue if it does not meet all their requirements and pass inspections.

MOTION was made by **Mayor Adams,** seconded by **Councilman Jones,** to approve the Conditional Use Permit Application CUP-8-23-13-1-25 with the following conditions:

1. Hours of operation must be between 7:00 am – 7:00 pm;
2. Must meet existing City of Mustang Fire Codes;
3. Must meet ODEQ Requirements for the operation;
4. Must have effective site screening on the property for all equipment to be repaired, equipment waiting to be repaired, or equipment used in the operation of the business.

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

Staples advised she voted no because it did not meet the long range plan and due to the fire code issues.

Taylor stated he voted no because the fencing requirement did not include a screen fence on the south side that abuts Fireworks City.

City Attorney Miller encouraged the Council to have an affirmative vote up or down approving or disapproving the application.

Taylor recommended the item be tabled to the next City Council meeting in order for ***Councilwoman Bowers*** to provide her input.

Further discussion was held concerning the fencing. It was determined the photograph used in the agenda packet from Google Earth was taken three to four years ago and the equipment and storage buildings in the photograph were no longer there. **Mr. Huynh** stated Fireworks City requested the temporary storage with the previous tenant. **Adams** also stated the Council has the authority to revoke the permit if anything is parked outside the fence. **Helsel** reminded Council that I-1 requires screening between residential property and I-1, but does not require screening between commercial property and I-1.

Councilman Mount stated the big issue was the 2" water line and fire hydrant problems and this should be resolved before Council approves a CUP. **Rooney** advised as a business owner, they are not going to invest to extend a water line not knowing if the CUP will be approved.

MOTION was made by **Councilman Jones,** seconded by **Councilwoman Hagan,** to table the Conditional Use Permit Application CUP-8-23-13-1-25 to the next meeting.

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

J. CITY ATTORNEY'S REPORT

Discussion, Consideration and Possible Action Regarding Howard R. Haralson and Cheri Haralson vs. City of Mustang, et al., Case No. CV-2013-107, District Court, Canadian County, State of 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, Staples, Jones, Hagan, Mount, Adams
NAY: None

TIME ADJOURNED to Executive Session: **9:03 p.m.**

Mayor Adams called the meeting back in session at **9:12 p.m.**

In reference to Item J-1 –

No action was taken, informational purposes only.

K. ADJOURNMENT

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

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

The meeting was adjourned at **9:12 p.m.**

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Jay Adams, Mayor

Attest:

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Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
OCTOBER 1, 2013

The Mustang Improvement Authority met in regular session on Tuesday, October 1, 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, September 27, 2013, at 3:35 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 9:12 p.m.

B. ROLL CALL

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

Trustees Absent: **Bowers**

C. NEW BUSINESS

None.

D. <u>CONSENT AGENDA</u>

1. Approval of **09/17/13** MIA Minutes.
*2. Claims List for **FY '14**
*3. Approval of **Resolution No. 14-011** making Changes in the Mustang Improvement Authority Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $13,298.
*4. Approval of **Resolution No. 14-016** making Changes in the Mustang Improvement Authority Fund Budget by Making a Supplemental Appropriation to Increase the 2013-2014 Fiscal Year Budget by $13,375.
*5. Acknowledgement of Receipt of Oklahoma Department of Environmental Quality **Permit No. SL000009130148**, to Modify Lift Station A and Lift Station B.

MOTION was made by **Chairman Adams**, seconded by **Trustee Jones** to approve Items D-1 through D-5 of the Consent Agenda.

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

Meeting was adjourned at **9:13 p.m.**

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Jay Adams, Chairman

Attest:

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Lisa Martin, Secretary