

**MUSTANG CITY COUNCIL
JANUARY 4, 2022**

The Mustang City Council met in regular session on Tuesday, January 4, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Thursday, December 30, 2021, at 4:42 p.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 Jon Baker, Pastor, Canadian Valley Baptist Church.

Pastor Baker led the assembly in the Pledge and Invocation. He stated the Church was located on 15th Street west of Mustang Road and he became the pastor in April. He stated the church was formed from two churches who met there about four years ago and provided church hours.

C. ROLL CALL

Councilmembers Present:	Ray
	Teeples
	Wald
	Sholund
	Grider

Councilmembers Absent:	Jones
	McKenzie

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 12/07/2021 City Council Minutes.
- F.2 *Claims List for FY 2022.
- F.3 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
- F.4 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.5 *Acceptance of Bonds for Water and Sewer Lines and Appurtenances for Mustang Farms Addition, Phase 2.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Consent Agenda Items F-1 thru F-5.

AYE: Ray, Teeples, Wald, 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.

Mayor Grider stated the City Manager report is provided online each month stating it is a great resource and provides information on City projects and activities.

G.2 City Council

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

Vice Mayor Ray did not have anything to report at this time.

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

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

Councilman Sholund stated he received calls from the neighborhoods regarding the rezoning items later on the agenda. He also thanked the Fire and Police Departments for their quick response and for quickly extinguishing the fire at Prairie Hills subdivision.

Mayor Grider also praised the Fire Department as well as the high school coaches, teachers and staff for saving a high school boy's life who had a heart attack while at school stating had the coaches and staff not known CPR, the outcome could have been much worse.

H. DISCUSSION ITEMS

H.1 *Consideration of Resignation of Councilor Jones.

City Manager Rooney stated Councilor Jones verbally submitted his resignation in the December 7, 2021 City Council meeting and followed it up with a written letter of resignation dated December 21, 2021. He stated the Council needs to formally accept the resignation.

Vice Mayor Ray stated he appreciated Councilor Jones' several years of service stating the town is blessed to have had him on Council.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Accept the Resignation of Councilor Jones.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

H.2 *Consideration of Contract and Bonds for Project labeled Fire Station Lift Station.

Assistant City Manager Battles stated the bids were accepted and awarded in the December 7, 2021 meeting stating this item was to approve the contract and bonds. He stated the amount of the contract is \$139,242.54.

MOTION was made by **Councilman Sholund**, seconded by **Vice Mayor Ray**, to Approve the Contract and Bonds with M&T Septic Backhoe for Project labeled Fire Station Lift Station and Authorize and Direct the Mayor to Execute the Contract and Approve the Bonds.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.3 *Consideration of Contract and Bonds for Project Labeled E. Mitchell Terrace Drainage Improvements.

Assistant City Manager Battles stated the bids were accepted and awarded in the December 7, 2021 meeting stating this item was to approve the contract and bonds. He stated the amount of the contract is \$278,280.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Contract and Bonds with Young Contracting, LLC for Project labeled E. Mitchell Terrace Drainage Improvements and Authorize and Direct the Mayor to Execute the Contract and Approve the Bonds.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.4 Consideration of Acceptance of Proposal in response to City of Mustang's Request for Proposals for Ambulance Service.

Fire Chief Carruth stated as discussed in the October Work Session, the City has been unhappy with the current ambulance service provider. He stated a Request for Proposal for Ambulance Service was posted November 18, 2021 stating one proposal was received. He stated Staff reviewed the proposal and recommends acceptance.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Accept the Proposal in response to the City of Mustang's Request for Proposals for Ambulance Service.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.5 Consideration of Award of Proposal for Ambulance Service to Pafford EMS of Oklahoma, Inc.

Fire Chief Carruth stated Pafford EMS of Oklahoma, Inc. was the only company to submit a proposal stating they meet all requirements and Staff recommends award to them.

Councilman Wald asked if Pafford serviced Yukon and El Reno with **Carruth** stating yes. **Councilman Teeples** asked if there would be an increase in citizens' monthly water bill to make up the difference with **Carruth** stating no, the amount paid by citizens would not change.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, to Award the Ambulance Service to Pafford EMS of Oklahoma, Inc. in the subsidy amount of \$190,000 and other consideration included in its proposal.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.6 *Consideration of Ambulance Service Agreement between the City of Mustang, Mustang Improvement Authority, and Pafford EMS of Oklahoma, Inc.

Chief Carruth stated the Agreement with Pafford EMS of Oklahoma, Inc. is a five year agreement stating the subsidy paid by the City will increase \$48,963.80 stating the subsidy paid by the citizens of Mustang will remain neutral along with the EMS Membership fee remaining neutral. **Carruth** stated there will be a dedicated EMS provider in the City of Mustang 24 hours per day, 7 days per week.

Chief Carruth introduced Mr. Clay Hobbs, COO for Pafford EMS of Oklahoma, Inc. Mr. Hobbs introduced Staff present and thanked the City for the opportunity to be the EMS provider and provided background information stating an ambulance would be dedicated to the City and housed in Mustang.

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

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.7 Consideration of Ordinance No. 1244, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 34 of the Mustang Code of Ordinances by (1) Repealing Article III, Sections 34-100 through 34-116, in Their Entirety, (2) Enacting new Article III, Sections 34-100 through 34-113, Designating Pafford EMS of Oklahoma, Inc. as the Sole Source Ambulance Provider for the City of Mustang, Defining Terms, Providing for a Medical Director, Centralized Call Processing, Reporting Standards, Insurance Requirement, Response Time Requirements, Violations and Other Standards Relating to the Provision of Ambulance Services; Providing for Repealer and Severability; and Declaring an Emergency.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Table Ordinance No. 1244 to the 10:00 am, Friday, January 7, 2022 City Council Special Meeting.

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

- H.8 Consideration of Ordinance No. 1245, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 34, Article IV, (1) Section 34-200 to Change and Add Definitions; (2) Section 34-202(b) to Change Reference to Ambulance Service Provider; (3) Section 34-204 to Change Reference to Ambulance Service Provider; and (4) Section 34-205 to Change Reference to Ambulance Service Provider; Providing for Repealer and Severability; and Declaring an Emergency.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Table Ordinance No. 1245 to the 10:00 am, Friday, January 7, 2022 City Council Special Meeting.

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

- H.9 Consideration of Ordinance No. 1246, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 18, Article II, by (1) Amending Section 18-33A to Adopt Certain Appendices to the 2015 International Residential Code for One and Two-Family Dwellings, and (2) Amending Section 18-33B to Change the Introductory Language and to Amend Certain Provisions of the 2015 International Residential Code for One and Two-Family Dwellings; Providing for Repealer and Severability; and Declaring an Emergency.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Table Ordinance No. 1246 to the 10:00 am, Friday, January 7, 2022 City Council Special Meeting.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.10 Consideration of Final Plat Application FP-10-7-21-3-35, Wild Horse Canyon Commercial, 2nd Plat, Grubbs Consulting, 122 Block S. Sara Road.

Community Development Director Helsel stated this is the final plat application for the final phase of Wild Horse Canyon Commercial Addition. She stated Planning Commission voted unanimously to recommend approval at their November meeting and stated City Staff also recommends approval.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Approve the Final Plat Application.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

- H.11 Consideration of Preliminary Plat Application PP-10-8-21-2-29, Clear Springs Senior Independent Living, Grubbs Consulting, 300 Block N Clear Springs Road.

Community Development Director Helsel stated this application is based on the approved PUD Development Plan and Master Design Statement for the Senior Independent Living Center. She stated the applicant and City Staff met this afternoon regarding certain items stating the application has been amended to reflect those comments by City Staff. **Helsel** stated public water and sewer will be available to the property and provided information regarding the surrounding area. She stated the Planning Commission voted unanimously to recommend approval at their November meeting and stated City Staff also recommends approval.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Preliminary Plat Application subject to corrections recommended by Staff and agreed upon this afternoon.

AYE: Ray, Teeples, Sholund, Grider
NAY: None
ABSTAIN: Wald

- H.12 Consideration of Final Plat Application FP-10-8-21-2-29, Clear Springs Senior Independent Living, Grubbs Consulting, 300 Block N Clear Springs Road.

Community Development Director Helsel stated this is the final plat application for the Senior Independent Living Center discussed in H.11.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Teeples**, to Approve the Final Plat Application subject to corrections recommended by Staff and agreed upon this afternoon.

AYE: Ray, Teeples, Sholund, Grider
NAY: None
ABSTAIN: Wald

- H.13 Public Hearing and Consideration of Ordinance No. 1248, 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 "A-1" General Agricultural and Oil and Gas District to "R-1" Single Family District, and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-10-8-21-2-27, Royal Homes, LLC, 300 E Plantation Terrace, A-1, General Agricultural and Oil and Gas District to R-1, Single Family District Royal Park.)

Community Development Director Helsel stated this item is to rezone a parcel of land having approximately 20 acres south of the Plantation Addition stating it was brought to Council last year requesting R-E with 22 lots utilizing Lea Terrace for access. She stated the access has been revised to E Plantation Terrace utilizing some of Curtis Park in exchange for land from the applicant. **Helsel** provided surrounding zoning and character of the neighborhood and stated the Long Range Plan calls for Medium Density Residential Development stating R-1 conforms to the Long Range Plan.

Helsel stated the Planning Commission voted 3-3 so this item comes to Council without formal recommendation from the Planning Commission. She stated some concerns included additional traffic on Plantation Terrace as well as Savannah Terrace stating the City has requested ODOT for a traffic signal at Mustang Road and Plantation Terrace with ODOT stating they needed further study of the traffic in this area before stating if they will approve or not approve the request.

Councilman Sholund asked if there would still be just one entrance with **Helsel** stating yes.

Mayor Grider opened the matter for Public Hearing.

Mr. David Box, 522 Colcord Dr, on behalf of the applicant stated this was a unique application as this parcel of land is land-locked. He stated the applicant tried to rezone to R-E using Lea Terrace to connect to the area stating it was approved by Planning Commission then denied by City Council. He stated the applicant is now requesting R-1 zoning utilizing Plantation Terrace for access and not Lea Terrace stating Plantation Terrace is a collector street designed to carry more traffic. He also stated an emergency crash gate could be placed on Lea Terrace if needed. Mr. Box stated the application meets the Comprehensive Plan and matches zoning to the north stating applicant is entitled to develop his property. He stated this item was for rezoning, not a preliminary plat, stating that would also have to go through Planning Commission and City Council.

Councilman Sholund asked with the rezoning request changing from R-E to R-1, how many houses would be planned with Mr. Box stating previously, 22 lots under R-E stating he did not know with R-1 and stated the applicant would meet City ordinances, density and lot size.

Councilman Teeples stated at 7200 square feet per lot, how many lots could be established with Mr. Box stating possibly 70, but did not know for sure at this time.

Discussion was held regarding the number of additional cars that would utilize Plantation Terrace morning and evening and discussion regarding the access to the land. A construction entrance was also discussed with it being stated last time, a separate temporary construction entrance was discussed which would keep construction traffic off of Lea Terrace. Mr. Box stated with this application, all traffic, including construction traffic, would go through Plantation Terrace.

Vice Mayor Ray stated there were concerns with the size of Lea Terrace and the additional traffic caused by the addition of houses but also traffic from cars that would cut through the addition to go to Walmart. He stated Plantation Terrace would make more sense stating Lea Terrace could not maintain the traffic.

Other discussion included the reason for changing the zoning in their first request of R-E to this request of R-1. **Mr. Mark Grubbs**, Consulting Engineer on behalf of the applicant stated the additional lots would be needed to offset the cost of the additional infrastructure due to the change of access to Plantation Terrace. He stated if the R-E zoning had been approved utilizing Lea Terrace for access, it would have been fewer lots and there would have been a separate entrance for construction stating with this application, all traffic would utilize Plantation Terrace.

Vickie Bailey, 1205 N Savannah Terrace, addressed the Council stating she was not in favor of this rezoning. She stated she has concerns regarding infrastructure being inefficient, the swapping of park land which could affect the number of fields available to children for ball practice as well as inherit upkeep of the land, and the donated land not being equitable to what is currently there. She also stated the Rodeo Club could lose part of their area and access. She stated she was concerned for the safety of Mustang citizens stating it is not safe to cross Mustang Road or turn left onto Mustang Road and was concerned by the lack of foresight to slow down traffic. Ms. Bailey stated cars cut through and speed down Savannah Terrace to 59th Street all the time and will only be worse with an additional 70 lots. She stated she has environmental concerns stating any construction in the area or heavy rains cause flooding and run offs into their ponds with plastic, wood, trash infiltrating the infrastructure stating if it was inefficient for 20 lots, how would they be able to construct 70.

Mayor Grider stated the comment regarding foresight on Mustang Road was not true stating the City applied over five years ago for a traffic signal in that spot stating ODOT has yet to approve it. He requested people reach out to ODOT to try and get the light approved.

Ms. Bailey stated she agreed, it was the foresight of the State that was lacking.

Marshall Helsel, 312 E Raleigh Terrace, addressed the Council and thanked them for listening to their concerns. He stated the applicant brought this to Council last year with a proposed 22 houses and was denied stating now they are proposing three to four times as many homes which makes it four times worse than what was already denied. Mr. Helsel provided a diagram of Plantation Terrace and Savannah Terrace areas stating different additions use Plantation Terrace and with it being so difficult to turn on to Mustang Road, many vehicles bypass it by going through Savannah Lakes addition as well as additional traffic on Sunday due to the approximately 700 vehicles attending First Baptist Church who also cut through the addition. He stated one reason ODOT may say there is not enough traffic for a traffic signal at Plantation Terrace and Mustang Road is due to traffic bypassing this intersection due to the difficulty of accessing Mustang Road, so they cut through Savannah Lakes making the count lower for ODOT's survey. He also was concerned for safety as there are five bus stops up and down Savannah Terrace stating even in the summer, the children utilize Savannah Terrace to go to the pool. Mr. Helsel stated 1600 vehicles already access Savannah Terrace stating stop signs have been installed as well as two speed tables to be installed this year to try and help slow down traffic stating if this land is developed as currently requested, traffic from that addition will also cut through Savannah Lakes as it is too difficult to turn on to Mustang Road from Plantation Terrace. He stated if there was a tragedy, it could possibly be a liability on the City as this is a known issue. He asked Council to show mercy on this addition and to the safety of their children and vote no on this rezoning request.

Bill Hockey, 1313 N. Savannah Terrace, addressed the Council stating there was already a car flow of about 1200-1300 cars in that area and now Oklahoma City has added an apartment complex on the north side of 59th Street right across from Savannah Terrace. He stated it was very dangerous turning on to 59th Street from Savannah Terrace and adding more vehicles will compound the problem. He stated the streets in the addition are beyond capacity with vehicles utilizing them two or three times per day running 45 miles per hour stating there are large cracks and recessed areas. He also stated he was worried for the safety of the children in the addition. Mr. Hockey stated Mustang was being overpopulated and the infrastructure was being damaged and property values were falling. He stated Vice Mayor Ray did not want them on Lea Terrace and they do not want them on Savannah Terrace and if the streets are not wide enough, then repair the streets.

Brad Roady, 312 Twelve Oak Terrace, addressed the Council stating he agrees with those who have spoken before him and asked the Council to vote no on this rezoning. He stated he was not against development, but stated this request has a negative impact from the previous zoning request stating the collector road (Plantation Terrace) already has a whole host of things it is being used for now and would be dangerous to add this much more traffic. Mr. Roady stated the four way intersection with Savannah Terrace is non-lighted and gridlocked and not able to take on more traffic and asked the City to get creative, spread out current traffic load, and renegotiate a better solution. He also did not want Curtis Park being utilized as an access since there are a lot of teams that use this Park and kids playing there and asked if the property behind the Post Office might could be utilized instead. He stated the initial plan using Lea Terrace was much better and for the road to be widened to accommodate that.

Jodie Wall, 320 E Raleigh Terrace, addressed the Council stating she agreed with what everyone was saying with there being too much traffic now and asked how to reach ODOT to let them know they are interested in a light at Plantation Terrace and Mustang Road.

Mayor Grider requested she reach out to *Community Development Director Helsel* or *City Manager Rooney* who could provide a contact.

Jim Golden, 405 E. Mobile Terrace, addressed the Council stating he echoed what others have said and requested Council vote no. He stated he has a nine year old daughter and traffic runs down the street at 45-50 miles per hour, two to three times per day. He stated there are multiple bus stops and traffic is putting their safety at risk.

Lou Ella Hockey, 1313 N Savannah Terrace, addressed the Council stating there are ponds that back up to the property and beautiful when clean, but stated whenever there is construction and rain, dirt, debris, etc flood into the pond turning it red stating it takes weeks to clear up again. She stated they have contacted DEQ in the past due to being an environmental hazard and ruining their ponds and has heard it would take \$100,000 to clean. She stated she was not sure where their drain goes – most likely into their pond, but construction makes it ten times worse. Ms. Hockey stated the road they are considering using is not a flat road and will run down to their Addition. She stated she was also concerned for the safety of the children and said her on safety just going to the mailbox. She also stated her understanding was if traffic goes down Lea Terrace, there were actually three exits available.

Brenda Smith, 1104 N Savannah Terrace, addressed the Council stating she understood the concern of traffic cutting through Lea Terrace to go to Walmart stating when the bridge was out at Mustang Road and 59th Street, traffic cut through Savannah Terrace and was terrible. She stated with Sara Road being widened, traffic should flow faster and if build up infrastructure, repair those little roads, add speed tables, maybe the traffic would not be as bad at Lea Terrace where originally planned and would not cut through as much. She stated Sara Road was more equipped to handle that. She stated she was also worried about the safety of the children at the bus stops stating they are there waiting on the bus when it is still dark.

Dawn Smith, 1075 Savannah Terrace, addressed the Council stating she lives four houses down from Plantation Terrace stating it is difficult to back out of the driveway. She stated vehicles on Plantation Terrace and Savannah Terrace do not slow down or stop at stop signs and had an incident last year where a vehicle went around a stopped school bus even getting on to the sidewalk. She stated it was too dangerous to ride bicycles in the streets or walk in the streets. Ms. Smith stated the infrastructure is not prepared to handle the extra houses or traffic and does not believe there will be enough park land after the swap for all the teams that currently practice there. She urged Council to vote no and stated it would be a disadvantage to the neighborhood.

Bill Hockey, 1313 N Savannah Terrace, addressed the Council again stating his understanding was the park was dedicated and given to the City to be used as a park and is significant for the two additions. He stated the kids use this park and not right to take it away and give to the developer. He also stated it was difficult to turn on to Mustang Road off Plantation Terrace due to the Laurel Springs sign placed there.

Betsy Howell, 415 E Suera Terrace, addressed the Council stating she thought the use of Lea Terrace was a dead subject stating the road is not wide enough for current traffic and definitely not for construction. She stated the City would need to improve that road first as it is not wide enough for two cars to meet plus people walking on the roads as well stating it was not safe. Ms. Howell also stated there was a flooding factor stating Pine Canyon's retention pond dumps out on their land and they also now have a 35 year FEMA alert regarding flooding stating this was new which affects their property's worth. She stated the developer should meet with both neighborhoods and see what could be resolved.

Donna Skidmore, 2113 SW 67th Street, Oklahoma City, on behalf of her parents, John and Bobby Chaney, 707 E Lea Terrace, addressed the Council stating streets in the Lea Terrace area are not large enough for two vehicles to pass and there are no sidewalks and no drainage along the streets stating they knew that when they purchased the property. She stated with two entrances for this proposed addition, people from Savannah Lakes and Plantation Additions will go through Lea Terrace to get through to Walmart. Ms. Skidmore stated if use Lea Terrace, there will be improvements needed involving paving, drainage, purchase of more right of way for drainage and culverts stating that is not a small amount to upgrade and with Sara Road widening, there will be twice as much traffic on it making it more difficult than it is now to access Sara. She stated Pine Canyon has 76 homes and has a single access so not different from what is being requested by the developer now. She stated she understands the concerns of people from Savannah Lakes, but stated they do have sidewalks, concrete streets with curb and gutter stating Lea Terrace has asphalt streets and no sidewalks. She stated she is not saying either one is better and stated everyone needs to take into consideration everything when purchasing their house and be accountable for what they purchased, buyer beware.

Jose Vallejo, 525 E Lea Terrace, addressed the Council stating people from Savannah Lakes Addition had made some good points, but stated comparing it to Lea Terrace was like comparing Lake Texoma to the pond at Wild Horse Park. He stated a neighbor had a party where he had to call the Police because you could not travel on the road due to vehicles being parked on the sides and Lea Terrace being so narrow. He stated if there was an emergency, how would an emergency vehicle get through and if Lea Terrace is utilized as access for this development, traffic would be even worse.

Mr. David Box addressed the Council stating people from Lea Terrace request the developer use Plantation Terrace and people from Savannah Lakes Addition request Lea Terrace be used. He stated the property owner wants to develop his property stating one or the other must be used for access. He stated the rezoning meets the Comprehensive Plan and Staff recommends approval stating the request is compatible for City of Mustang for this property.

Mayor Grider closed the Public Hearing.

Vice Mayor Ray stated he understands the views of both neighborhoods stating everyone is concerned with traffic and safety of their children. He stated the developer has the right to develop the land, but houses come with cars which brings traffic and feels current traffic should be resolved before considering everything else. He stated he parked at the Plantation Terrace area at noon and had lunch in his car and watched traffic stating vehicles did not stop much at the stop sign.

Ray stated although he was not opposed to the developer in wanting to develop the land, he is opposed tonight to the rezoning until current traffic issues are resolved first. He stated ODOT is requesting more counts in that area and will hopefully approve a traffic light and that along with the speed tables, would help provide relief. He stated he would like to see the stop light and speed tables first, then add the houses and cars.

Mayor Grider stated the City submitted a request to ODOT for a traffic light at that intersection five years ago and even told the State that the City would pay for it even though it would not be our responsibility to do so.

Ray stated having a traffic light would also provide access to Wild Horse Park for the two additions to utilize which could help with the loss of a portion of Curtis Park stating however, that cannot be done without the light and access to the park. He encouraged residents in Savannah Lakes to contact ODOT to approve the light in order to help with the current traffic first stating there is power in numbers.

Councilman Sholund stated the developer cannot wait for five more years for a traffic light stating he has a right to develop the property. He stated he would prefer the developer come back with R-E, not R-1.

Grider stated Council denied the earlier request for R-E due to utilizing Lea Terrace for access to the land with concerns of drainage and the streets stating 40 additional cars would be easier to swallow though than 140 additional cars.

City Attorney Miller stated for clarification, the road shown in red on the developer's diagram going to the addition does not exist at this time.

MOTION was made by **Councilman Teeples**, seconded by **Vice Mayor Ray**, to Deny Ordinance No. 1248.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

Mayor Grider called for a break at 8:35 pm.

Mayor Grider reconvened the meeting at 8:39 pm.

- H.14 Public Hearing and Consideration of Ordinance No. 1247, 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-5" Commercial Intensive District to "R-2", Two Family District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-9-9-21-2-30, McLendon Contracting, 220 N Chisholm Trail Way, C-5, Commercial Intensive District to R-2, Two-Family District.)

Community Development Director Helsel stated this parcel of land is north of Chisholm Trail Way stating the applicant's plan is to plat the land into five or six lots and place a duplex on each lot. She stated the applicant originally intended to have seven lots; however, with consideration of drainage and infrastructure, it was changed to five or six lots. She provided information regarding surrounding zoning, Character of the Neighborhood and stated the Long Range Plan calls for Office/Medical Development in this area stating the request does not conform to the plan.

Helsel stated the Planning Commission voted unanimously to deny this request stating their main point of contention was commercially zoned areas should not be rezoned to residential. She stated Planning Commission felt commercial zoning should be preserved to support the residential boom in the City. She stated Staff recommends approval of the rezoning as this site has been vacant for many years and stated the zoning would provide a buffer between the Intensive Commercial zoning to the south, and the Single Family Zoning to the north stating Paradise Square, a Multi-Family PUD, is located to the west stating it was equivalent to R-2 zoning.

Councilman Sholund asked why Staff was recommending approval with **Helsel** stating this piece of land does not have C-5 appeal as it does not have frontage on State Highway 152 and has been vacant for so long stating it has not been used for medical use since the Healthplex was built and Staff felt this could be used for this consideration.

City Manager Rooney stated the property was originally zoned C-5 and a lot split was granted. He stated the property where the medical building is located did not require rezoning for a medical use stating the rest of the land was never rezoned either.

Mayor Grider asked if anyone showed up to the Planning Commission to oppose the rezoning with **Helsel** stating no. She stated she received a few phone calls more out of curiosity stating no one opposed it.

Mayor Grider opened the matter for Public Hearing.

Kendall Dillon, Crafton Tull Engineering, 300 Parkwood Boulevard, Yukon, OK, addressed the Council stating this 1.4 acre parcel of land is developed on all four sides – two sides are zoned R-1, to the west is a Multi Family PUD and to the south is C-5. He stated this would be a significant downzoning stating C-5 is very intense and actually not compatible to some of the surrounding area. Mr. Dillon stated this land has been vacant for many years as it is a location commercial would not go and has no market value at C-5 and is more compatible as residential with surrounding property.

Mayor Grider closed the Public Hearing.

Discussion was held regarding Planning Commission's reasons for denying the request with other discussion including the property being vacant for many years, matches surrounding area, not attractive for commercial use and C-5 making the property available for a use that neighbors may not want.

Grider asked if C-5 zoning was open to anything with it being stated C-5 included uses such as impoundment yards, liquor stores, bars, pawn shops, body shops, and medical marijuana to name a few stating the land did not need to be zoned C-5 for medical use.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, to Approve Ordinance No. 1247.

AYE: Wald, Sholund, Grider

NAY: Ray, Teeple

Motion did not pass.

- H.15 Public Hearing and Consideration of Ordinance No. 1249, 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 "I-1" Light Industrial District to "C-3" Commercial General District, and, Declaring Repealer;, Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-11-10-21-1-32, DJD Realty, LLC, 1620 W State Highway 152, I-1, Light Industrial District to C-3, Commercial General District.)

Community Development Director Helsel stated this 2.73 acre parcel is currently undeveloped and lies to the east of Security Solutions stating the plan is to build a Dollar General Store to serve the west side of Mustang with grocery and other item choices. She stated it would be a larger store than the typical Dollar General offering more produce and dairy. She stated this is a use that has been requested by residents living on the west side of town. **Helsel** stated no exceptions or variances have been requested and applicant is aware of the drainage requirements stating Planning Commission voted unanimously to approve the request and Staff also recommends approval.

Mayor Grider opened the matter for Public Hearing.

Mr. John Silver, 3620 NW 28th Street, Oklahoma City, OK, on behalf of the applicant DJD Realty, addressed the Council stating DJD Realty is the owner and developer of the property with Dollar General being their tenant. He stated this would be a new prototype store which Dollar General plans to make the norm. He stated the permit process is working its way through the system with no variances being requested and stated they have built Dollar General stores in Oklahoma for 11 years.

Grider asked about access with Mr. Silver stating one entry onto Highway 152.

Councilman Wald asked what the average size of the store would be and if there were any around the area of comparable size with Mr. Silver stating the building size for the last 10 years has been 9,100 square feet stating now, the principal prototype would be 10,640 feet and stated there was one like it east of 10th Street and Morgan Road.

Grider asked if the other Dollar General stores would remain open with Mr. Silver stating this is a new store, not a relocation, but whether or not the other stores would remain open, he did not know as that was out of his purview.

Mr. Bill Dillard, Owner, Security Solutions, stated Security Solutions has no plan to go anywhere stating the additional land was not needed. He provided information regarding their relationship with Canadian Valley Technical Center in El Reno and their engineering program with high tech fields such as this.

Mayor Grider closed the Public Hearing.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Approve Ordinance No. 1249.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

Due to lack of Councilmembers present, the Emergency Clause was not acted upon.

I. MATTERS FOR EXECUTIVE SESSION:

None.

J. ADJOURNMENT

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to adjourn.

AYE: Ray, Teeples, Wald, Sholund, Grider

NAY: None

The meeting was adjourned at **9:02 p.m.**



Brian Grider, Mayor

Attest:



Lisa Martin, City Clerk

