

**MUSTANG CITY COUNCIL
FEBRUARY 1, 2022**

The Mustang City Council met in regular session on Tuesday, February 1, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Thursday, January 27, 2022, at 3:51 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 James Waugh, Pastor, Lakehoma Church of Christ.

Pastor Waugh led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present:	Ray
	Teeples
	Wald
	McKenzie
	Sholund
	Grider

Ward IV Seat:	Vacant
Councilmembers Absent:	None

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

- F.1 Approval of 01/04/2022 City Council Minutes.
- F.2 Approval of 01/07/2022 City Council Special Meeting Minutes.
- F.3 *Claims List for FY2022.
- F.4 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
- F.5 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.6 Approval of Resolution No. 22-025 making Changes in the Library Fund Budget by Making a Supplemental Appropriation to Increase the 2021-2022 Fiscal Year Budget by \$12,326.

- F.7 Approval of Sports Facility Agreements between the City of Mustang and the Mustang Youth Baseball and Softball Associations.
- F.8 Acceptance of Easements for Mustang Townhomes Residential Project at 950 W State Highway 152.

Mayor Grider requested to Item F-8 be pulled from the Consent Agenda.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie**, to Approve the Consent Agenda Items F-1 thru F-7.

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

- F.8 Acceptance of Easements for Mustang Townhomes Residential Project at 950 W State Highway 152.

City Attorney Miller stated the easements have two form corrections needed stating the motion, if to approve, should include the changes.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, to Approve Consent Agenda Item F-8 with changes.

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

G. INFORMATION/REPORTS

- G.1 City Manager Report

Assistant City Manager Battles did not have anything to report.

- G.2 City Council

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

Councilman Sholund stated he received phone calls and emails regarding the rezoning item on tonight's agenda.

Councilman McKenzie stated he appreciated the Heights Park renovation.

Councilman Wald stated he met the City's new EMS responders from Pafford EMS and stated the new ambulance was really nice.

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

Vice Mayor Ray urged everyone to be safe with the upcoming weather and reminded everyone of the School Board election coming soon.

Mayor Grider stated it had been a busy, but good month stating he attended the Mustang Chamber of Commerce Legislative Breakfast followed by the ACOG brunch regarding regional leadership. He stated he had an upcoming trip to Washington D.C. to meet with our congressional delegates regarding infrastructure.

G.3 Appointment of One New Member to the Mustang Planning Commission.

Community Development Director Helsel stated there was an opening for Ward 4 on the Planning Commission due to that member being appointed to City Council. She stated John Gassen, also of Ward 4, has applied to fill this position stating he is strongly involved in the community and eager to serve.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Appoint Mr. John Gassen to the Mustang Planning Commission.

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

NAY: None

H. DISCUSSION ITEMS

H.1 Consideration of Appointment of Councilmember to Represent Ward 4.

Assistant City Manager Battles stated with the resignation of Councilman Jones, the Ward 4 seat was vacant. He stated James Waugh was the only person who filed for Ward 4 and will begin serving his three year term in May stating it made more sense to go ahead and appoint him now to complete Councilman Jones' term than it would to advertise for the position. He stated Staff recommends appointing James Waugh to represent Ward 4.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Appoint James Waugh as Councilmember to serve Ward 4.

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

NAY: None

H.2 Oath of Office for Ward 4 Councilmember.

City Attorney Miller administered the Oath of Office to James Waugh as Councilmember to represent Ward 4.

At this time, the newly appointed Councilmember will take his seat.

H.3 Public Hearing and Consideration of Ordinance No. 1250, 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 PUD", Single Family Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Community Development Director Helsel stated this property is 80 acres on the west side of Morgan currently zoned Agricultural with applicant requesting to rezone to R-1 PUD for approximately 214 housing lots stating what makes it a PUD are the 12 lots on the northwest corner having a minimum lot size of 14,000 square feet with the remaining lots having a minimum lot size of 7,200 square feet.

Helsel provided exterior wall finish information as well as stating access will be taken from Morgan Road only with a crash gate on Bittercreek Terrace. She stated Planning Commission in November added a connection to N. Monocoupe Terrace to the south and a possible future connection to the R-1 zoned property to the west stating Montecoupe Terrace will have to be extended.

Helsel provided the character of the neighborhood as well as zoning and uses of property nearby stating the zoning request does conform to the Long-Range Plan. She stated Planning Commission voted 4:2 to approve the rezoning request and stated Staff recommends approval. She stated three petitions were received last Thursday stating 70% of residents within 300 feet signed the petition; therefore, Council must have a 3/5 vote to approve the rezoning or in other words, there must be a minimum of five Aye votes to approve.

Discussion was held regarding the number of times this has been brought to Council with **Helsel** stating this is the third time stating this request better meets the City's Codes and addresses concerns from the other two attempts.

Discussion was held regarding curb and gutter, traffic analysis, and current oil and gas located on property with **Helsel** stating there would be curb and gutter and stated a formal traffic analysis was not performed. As for the oil and gas located on the property, **Helsel** stated the engineer said one was abandoned and the other one orphaned.

Discussion was held regarding the minimum square feet allowed for the houses with **Helsel** stating 1,800 square feet for the 7,200 square foot lot and 2,200 square feet for the 14,000 square foot lot.

Kendall Dillon, Crafton Tull Engineering, 300 Parkwood Boulevard, Yukon, OK, addressed the Council and provided a draft drawing of the proposed lots and common areas describing the project as a residential PUD. He stated they were not asking for any variances from R-1 regulations stating the sole intent was to make it more restrictive than typically allowed in R-1. Dillon stated the minimum house size is 1,800 square feet for the 7,200 square foot lot and 2,200 square feet for the 14,000 square foot lot stating they tried to incorporate the past input from the neighborhoods. He stated they were proposing 209 lots on 80 acres stating this averaged out to 2.61 dwelling units per acre which was low density stating up and down Mustang Road, it was more like 4 dwelling units per acre. He stated they were proposing 18 acres of common area which would include a swimming pool, basketball court and playground and has written into the PUD some of the amenities. Dillon stated they will be environmentally sensitive stating the stream will be regulated by the Corp of Engineers and mentioned the revenue that will be generated through use and sales tax.

Dillon stated they met with neighbors in October and have worked hard to make the subdivision compatible with the surrounding property. He stated Homes by Taber make good quality homes and gave examples of the extras they provide. He stated they took into consideration the input they received from the surrounding area and have included a crash gate at Bittercreek Terrace and to address the traffic concern, added the connection to Monocoupe Terrace and a stub to the west for a future connection.

Councilman Sholund stated he had walked the property lines along Morgan where there is erosion due to flooding and asked if they plan to build up that area. Dillon stated they were not encroaching into any floodplains and staying out of FEMA designated areas. He discussed the common areas and detention ponds stating drainage has been taken into consideration, water was accounted for, and they would not impede flow.

Councilman Wald asked if the telecommunication towers would remain with Dillon stating yes and provided information on that. **Wald** also stated a lot of timber and trees would be stripped with Dillon replying it is hard not to remove a reasonable amount, but would save where possible and showed the areas where they should be able to retain the trees.

Other discussion included the common areas being maintained by the developer until the HOA is formed and becomes responsible for this.

Mayor Grider opened the matter for Public Hearing.

Charles Rusling, 722 N. Morgan Road, addressed the Council stating he moved here in 1971 and was on the original citizens group to develop the Long Range Plan. He stated this Plan showed development across from Canadian Estates to be ½ acre lots and stated City ordinance states PUDs should be compatible with surrounding properties and have similar lot sizes. He stated the majority of people in Canadian Estates are against this and stated he was not able to make contact with four houses on Morgan Road, therefore, they did not have the opportunity to sign the petition.

Brian Wolf, 506 N. Morgan Road, addressed the Council stating 1) Mustang's motto is a "City with a Vision" stating it also used to be a "City with a Difference" stating we are 2 x 6 miles wide; 2) the historic plan called for bigger lots stating this area is semi-rural and agricultural and people coming in from the east like to see the bigger lots and more wide open spaces, how a City with a Vision, a City with a Difference would be. He stated if they put in half the number of houses, it would probably be reasonable stating the area does not need the extras such as the pool and basketball court; (#3 was not given) 4) the definition of Mustang was already getting fuzzy stating people from Oklahoma City who live miles out think they are still in Mustang. He stated to keep the public perception of Mustang different; 5) if we do not maintain the open spaces where we can see the vision of Mustang, then we will be Oklahoma City's armpit, no difference from them, no distinction and no view of what Mustang should be.

Wendy Ripley, 330 N. Morgan Road, addressed the Council stating Mustang is 12 square miles and in 2019, the population was 21,000 people stating in comparison, Yukon is twice the size with 26,000 people asking how many people are we going to cram in to a small area. She stated there will be two entrances onto Morgan stating Canadian Estates has six and asked how long it would take to finish that second street to get the additional entrance. She stated Morgan Road is a two lane road and already has a lot of traffic and stated she was not sure if it could handle this much more traffic stating it was

already difficult on the school buses. She stated it was not feasible for the school district, the houses need to be different as they will stand out, and will be hard on traffic. She stated it is difficult to back out onto Morgan from her house as it is and wonders how much more difficult this will make it. She stated she understood the City's position, but was against this rezoning.

Mayor Grider asked how many homes were in Canadian Estates with **Helsel** stating she did not know.

Jeanna Daniel and Lee Daniel, 413 N. Morgan Road, addressed the Council stating they live next door to the new development on five acres stating they have so many concerns. She stated Mr. Dillon and *Councilman Sholund* met with them to discuss and very much appreciated it. She stated they have gone through three 100 year floods since they have lived here and water flow is a huge issue stating there is nowhere for the water to go and flooding is a big issue. Mr. Daniel stated they catch water from Canadian Estates, as well as north and south of them stating they are happy to hear the Army Corp of Engineers will be involved. Mrs. Daniel stated at the Planning Commission meeting, Commissioner Waugh stated he sympathized with the home owners in that they could lose part of their yard as well as property values going down asking if they knew how that made them feel, that it was gut wrenching. She asked Council to look at their situation stating they know the land will be developed and trying to keep an open mind, but feel the lots should be larger. She also stated there is a safety concern as there have been wrecks in this area and a child was hurt on their property asking who would be liable.

David Harper, 1520 N. Bittercreek Terrace, addressed the Council stating he was not opposed to the development, but urged and asked Council to not do away with the crash gate on Bittercreek Terrace stating people race down this road already and requested the crash gate stay in place between their subdivisions.

Randy McCarthy, 921 N. Bittercreek Terrace, addressed the Council showing a City of Mustang ward map stating Councilman Sholund's ward, Ward 6, accounts for roughly 40% of the 12 square miles and Ward 4 likewise has roughly three square miles and some change. He stated this is relevant to this discussion as it shows the density of the city is lower at one end, gets higher in middle, then lower at the other end. He stated everyone loves Mustang and wants what is best for Mustang, but if we do not put a halt to some of this and put some thought into it, Mustang is going to turn into Edmond where there is no distinction. Mr. McCarthy stated we cannot control what happens outside city limits and he understands there is pressure on Council to take care of us, but we live here for a reason and it is important. He stated Mustang is a City with a

Vision and needs to be different and needs to maintain same density. He stated the Long Range Plan states lots in this area should be between 7,200 square feet and $\frac{3}{4}$ acre stating this proposal has two or three larger lots, but the majority are 7,200 square feet stating it would make more sense and be more reasonable if there were more of the larger lots. He stated with this plan, putting that many people in this space, which is basically 62 acres that are available for lots, it will be heavy density and is not appropriate. He also stated another point of real concern is the 18 acres of common area stating the property owner will have to pay HOA dues that will be several \$100 each and all will need to be paid to maintain it. Mr. McCarthy stated this could be a liability for the City and this area as it can be difficult to receive the dues from all owners. He stated it was a fine development, but the location was not a good fit stating it would work great elsewhere, just does not work here. He stated he was asking Council to vote no.

Kristen Davis, 1350 E Angel Fire Terrace, addressed the Council stating she agreed 1,000% with what Randy McCarthy had to say.

Michael Noland, 305 N. Chisholm Trail Way, addressed the Council stating he just purchased the last undeveloped lot in Bittercreek Addition. He stated the houses in Bittercreek must be at least 2,200 square feet stating he does not know of any houses in that addition that small except for maybe one; the rest are approximately 3,000 to 5,000 square feet. He stated all the houses must look different and must be 80% brick stating the Taber Homes are 60% brick and is a big discrepancy on how they look. He stated he loves Mustang, but the city is growing and the traffic is backed up for miles stating with an addition of 209 homes, there will be an additional 200-400 vehicles in that area on two lane streets. He stated the city's road structure and infrastructure cannot handle the additional housing addition. He stated if the rezoning is approved this evening, he asked that the crash gate remain at Bittercreek Terrace.

Danielle Ainsworth, 416 N. Hunker Terrace, addressed the Council asking that Council make the zoning according to what is around it which are larger lots. She stated they are zoned R-E and they want to have that freedom to have more room and less noise and should rezone according to the surrounding homes. She stated if the City crams more houses in there, it will not be Mustang anymore and requested Council deny this rezoning and revisit it when the developer comes back with more appropriate zoning.

Christopher King, 1400 E. Eagle Nest Terrace, addressed the Council stating the city is growing and he knows the developer jumped through hoops to get to this point, but stated now is not the time to approve this rezoning and add a new residential development. He stated Mustang schools are over-crowded and still growing with more additions being built stating the schools don't stand a chance if we keep approving additions. He stated Mustang needs more commercial development and less residential development stating the city's infrastructure needs improving as well as traffic needing addressed first.

Jay Ainsworth, 416 N. Hunker Terrace, addressed the Council asking what Council's vision for Mustang was and stated Vision2020 for Mustang was written seven years ago and was told the City wanted professional young couples. He asked if it was more about revenue now by cramming a bunch of houses together stating he wants Mustang to be one notch above Oklahoma City and keep us different from them. He stated he was not knocking the developer, but has a problem with the lot size.

Kendall Dillon, Crafton Tull Engineering, 300 Parkwood Boulevard, Yukon, OK, addressed the Council again stating Hunkers Addition does not look the same as it did when it was filed, stating utilities were not there, but bring in utilities, and development will come. He stated Hunkers Addition also has some ¼ acre lots. He stated this rezoning request is more restrictive than what is to the west, half of what is to the north, and the other side of Morgan to the east. He stated there is pressure to develop this site and it will happen and it could end up being denser than what this request is. Dillon stated the lots that adjoin Bittercreek are 14,000 square foot lots and 200 foot deep stating they have no connection to Bittercreek. He stated the rezoning request meets the Long Range Comprehensive Plan, Planning Commission approval and comes with recommended Staff approval.

Discussion was held regarding the lot and house size adjoining Bittercreek Terrace with Dillon stating those lots are 14,000 square feet with homes at a minimum of 2,200 square feet. Other discussion included if there were lots larger than 7,200 square feet with Dillon answering yes; if you were to average using every lot, it would be an average of 9,700 square feet.

Discussion was held regarding HOA dues with Dillon stating an HOA would be established for maintenance of the common areas, but until one was established, the developer would be responsible for maintenance.

Mayor Grider closed the Public Hearing.

Councilman Waugh stated he was on the Planning Commission when this rezoning was being considered stating it was brought three times. He stated as Planning Commissioners, they try hard to be responsible for growth in this city and the foresight as to where the city needs to go. He stated they listen to constituents and take input and try to do what they feel is best for the city.

City Attorney Miller stated the Planning Commission asked the developer to submit proposed covenants stating the City worked with the developer and their attorney and all are in agreement of what was presented. He stated the motion, if motion to approve, should include the proposed covenants.

Discussion was held regarding when the crash gate would be installed with Dillon stating it would be installed prior to the plat being filed or any occupants moving in to the addition. Other discussion included if there would be a construction entrance through Bittercreek with Dillon stating no, there would be a single construction entrance off of Morgan Road.

Mayor Grider stated there was always a concern regarding schools with Oklahoma City building around us stating while it is not our responsibility, they are our responsibility in being good neighbors. He stated the schools do get funded through property taxes so this will help them with funding stating cities get funded through sales tax. He stated this land is zoned agriculture and could be oil and gas stating the City fought that a few years ago. He stated as to the trees, the property owner could tear them down if they wanted stating the developer is trying to maintain some of them, and they have agreed not to drive through Bittercreek addition, stating this is the best plan that's come forward by far. **Grider** stated traffic is a constant discussion trying to find ways to widen roads stating you cannot halt everything for potential increase in traffic. He stated the property owner has tried to develop this land for a decade.

Councilman Ray stated anytime there is discussion regarding development and houses being built, there are concerns about the school population stating he graduated from Mustang schools and is raising two boys in Mustang schools and he has seen the growth. He stated, however, if the City pauses and waits, Oklahoma City will still be building houses around Mustang and sending their children to Mustang schools stating he would rather see people live in Mustang and have their children in school here. He stated there was no chance for Mustang to become the armpit of Oklahoma City stating he is proud of Mustang. He stated he liked this plan and when talking with some of the residents of Bittercreek, they were mostly good with having the crash gate off

of Bittercreek Terrace as long as it remained a crash gate. He stated he could not imagine backing out onto Morgan Road, but feels it was probably an issue when Mustang was a smaller town as well.

Councilman McKenzie stated he hated to hear the word "flood" stating there was still an issue at Lighthouse Baptist Church. He stated change is inevitable, but he would rather see commercial development rather than residential stating where are residential people going to go – Oklahoma City, Yukon, maybe both. He stated Mustang is a "City with a Vision" asking where is the vision if all we do is build houses stating there was a bigger tax base with big box commercial. He recommended the item be tabled.

Grider stated one large business opened today and another would soon stating to keep in mind, commercial will come when there's residential.

Councilman Wald stated he liked the plan and structure presented by the developer and stated flood testing would be performed after rezoning which could reduce the number of houses. He also stated this area was not good for commercial property.

Councilman Sholund stated this was his ward and has a lot of emotions concerning this item coming from his constituents as well as his own thoughts. He stated Taber builds great homes and they do bring young professionals stating he lives in a Taber neighborhood. He stated he is worried about flooding, however, the preliminary plat is where that is reviewed and discussed stating it will be reviewed thoroughly. He stated he understood the traffic concerns stating with the addition of new subdivisions, the City would eventually have to widen the roads.

Dillon stated the drainage will come back to Council for approval with multiple layers of review stating they are being very cautious with this as they have to abide by City regulations as well as the US Army Corp of Engineers and FEMA. He stated a preliminary drainage study would be performed as well as an urbanized study of their own stating they will go above and beyond with this. He stated this is not a site that commercial would be located stating it does though get back in the efficiency stating Wal Mart and Lowe's will be down the road and people will go to those stores adding to your sales tax base.

Sholund stated about two years ago, Mustang was rated one of the safest cities in Oklahoma stating people want to live in Mustang and Taber Homes fulfills that need.

MOTION was made by **Councilman McKenzie**, to Disapprove at this time. The Motion Fails for Lack of a Second.

MOTION was made by **Councilman Wald**, seconded by **Councilman Teeples**, to Approve Ordinance No. 1250 with the Condition of the Maintenance of Common Areas be Approved.

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

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Declare an Emergency for Ordinance No. 1250.

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

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 Discussion of Tommy Jeffries v. City of Mustang, Case No. CJ-2021-547, District Court, Canadian County, State of Oklahoma; and, Proposed executive session as authorized by 25 Okla. Stat. § 307(B)(4).
- I.2 Discussion of Royal Homes, LLC v. City of Mustang and City Council of the City of Mustang, Case No. CJ-2022-13, District Court, Canadian County, State of Oklahoma; and, Proposed executive session as authorized by 25 Okla. Stat. § 307(B)(4).

MOTION was made by **Mayor Grider**, seconded by **Councilman Sholund** to adjourn to Executive Session.

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

TIME ADJOURNED to Executive Session: **8:40 p.m.**

Mayor Grider called the meeting back into session.

TIME RETURNED from Executive Session: **9:07 p.m.**

In reference to Item I.1 –

Informational purposes only.

In reference to Item I.2 –

Informational purposes only.

J. ADJOURNMENT

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

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

NAY: None

The meeting was adjourned at **9:07 p.m.**


Brian Grider, Mayor

Attest:


Lisa Martin, City Clerk