

**MUSTANG CITY COUNCIL
MARCH 7, 2023**

The Mustang City Council met in regular session on Tuesday, March 7, 2023, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, March 3, 2023, at 10:22 a.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 Dave Bryan, Sr. Pastor, Chisholm Heights Baptist Church.

Pastor Bryan led the assembly in the Pledge and Invocation. **Bryan** stated he was proud to be a part of Mustang with the way the churches, businesses, schools and local government all work together stating that kind of peace and productivity does not happen by accident and the City plays a major role in that. He thanked Council for their dedication, wisdom and commitment.

C. ROLL CALL

Councilmembers Present:	Ray
	Leete
	Wald
	Waugh
	McKenzie
	Sholund
	Grider

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

- F.1 Approval of 02/07/2023 City Council Minutes.
- F.2 *Claims List for FY 2023.
- F.3 Approval to Turn Past Due Library Accounts over to Collection Agency.

- F.4 Approval of Resolution No. 23-025 making Changes in the Distributor Oklahoma Settlement Fund Budget by Making a Supplemental Appropriation to Increase the 2022-2023 Fiscal Year Budget by \$50,000.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Consent Agenda Items F.1 thru F.4.

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

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney stated the City Manager's Report was posted on the website today and distributed to Council this evening stating he was out of state and unable to provide it with the packet.

Mayor Grider stated he sees quite a bit of conversations online of people reading the report and thanked *Rooney* for doing this.

G.3 City Council

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

Vice Mayor Ray stated he visited with Sara Homestead residents mostly in regards to the Sara Road and SW 59th construction listening to concerns and answering questions. He stated they appreciated being approved for a stop sign as well as appreciated the City and happy that the intersection is open.

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

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

Councilman Waugh stated he wanted to recognize one of our citizens for the work they did regarding a Discussion agenda item stating he would thank him when we come to that item.

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

Councilman Sholund stated he received a couple of phone calls regarding some future items as well as a call regarding County Line Road stating he referred them to Oklahoma City.

Mayor Grider stated he received a few calls earlier in February regarding an item that did not end up on the March agenda. He thanked Vice Mayor Ray for stepping in last month for him while he was on a mission trip stating it was a great trip. He stated he had the opportunity to attend the Daddy/Daughter dance at the Community Center stating it is always impressive and continues to grow and is another feature of Mustang that continually reminds him of how great this community is and thanked Staff for their hard work. **Grider** stated the Chocolate Festival at the Library is another one of those features of Mustang stating it was an incredible event raising over \$10,000 for the Library and thanked Staff for their hard work and dedication. He stated he was nominated last year to be part of the 2023 Honorary Commander class at Tinker Air Force Base stating he is paired with a command on the base with the goal of giving us a deeper understanding of Tinker and its missions. He also stated he would be serving as the Chairman of the ACOG Board starting in May and invited Council to attend any of the meetings.

H. DISCUSSION ITEMS

- H.1 Consideration of Ordinance No. 1280, (A) an Ordinance of the City of Mustang, Oklahoma, Declaring Certain Police Vehicles Surplus, Authorizing the Sale of such Vehicles to Other Public Agencies and Authorizing and Directing the City Manager to Execute Documents to Complete the Transfers, and Providing for Severability; and (B) an Agreement for Sale of Surplus Police Vehicles to Rush Springs, Oklahoma.

Police Chief Groseclose stated this Ordinance and Agreement would allow the Police Department to sell two 2015 Dodge Chargers to the City of Rush Springs in the total amount of \$27,000.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie** to Approve Ordinance No. 1280.

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

- H.2 Consideration of Ordinance No. 1281, (A) an Ordinance of the City of Mustang, Oklahoma, Declaring Certain Police Vehicles Surplus, Authorizing the Sale of such Vehicles to Other Public Agencies and Authorizing and Directing the City Manager to Execute Documents to Complete the Transfers, and Providing for Severability; and (B) an Agreement for Sale of Surplus Police Vehicles to Logan County, Oklahoma.

Police Chief Groseclose stated this Ordinance and Agreement would allow the Police Department to sell three 2015 Chevrolet Tahoes and two 2016 Ford Explorers to the Logan County Sheriff's Office in the total amount of \$82,500.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Leete** to Approve Ordinance No. 1281.

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

- H.3 Public Hearing and Consideration of Ordinance No. 1282, 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 Mixed Use Planned Unit Development to an Amended Mixed Use Planned Unit Development, Declaring Repealer, and Providing for Severability.

Sr. City Planner Conner stated this PUD was approved in 2003 stating a request to amend the existing Planned Unit Development (PUD) was unanimously approved by Planning Commission at their February 14, 2023 meeting with modifications stating those modifications have already been incorporated into the document by the developer. **Conner** provided information regarding the modifications.

Conner stated the developers approached Staff on March 1st requesting to make changes involving Tract 3, which under the 2003 PUD is zoned for R-2 (duplexes) or C-2 (Commercial). He stated the revision approved by Planning Commission on February 14th requested Tract 3 be changed to only R-2 (duplexes) zoning designation; however, after early engineering designs and comparison to City specifications, the developer does not believe the number of lots available for duplexes will be as profitable as the C-2 (commercial) zoning could be and are now asking Tract 3 retain the R-2 or C-2 zoning designation as assigned from the 2003 approved version of the PUD. **Conner** stated the owner has sold portions of the property which is part of the reason for the requested changes.

Conner provided a summarization of the requested PUD with notes on deviations from the 2003 version. He stated the request to remain a C-2 or R-2 zoning designation was not heard by the Planning Commission, but has been reviewed by Staff stating Staff concludes that the City Council could entertain a change in the request to the PUD because of the negotiation process inherently involved with PUD decisions.

Discussion was held regarding whether the City Council determine now what the designation will be for Tract 3 or would that be done later with **Conner** stating the developer would like the option of either designation and would choose one at time of platting and would be brought back to Planning Commission.

Other discussion included examples of C-2 uses as well as discussion regarding State Highway 152 frontage.

Mayor Grider opened the matter for Public Hearing.

Lance Mills, P.E., Cedar Creek Consulting, INC, 11700 S. County Line Road addressed the Council and provided additional information regarding the requested changes.

Discussion was held regarding Tract 5 as residential zoning as a common area or the option of it being sold to the adjacent commercial property to the West as commercial zoning.

Mayor Grider closed the Public Hearing.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie** to Approve Ordinance No. 1282.

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

NAY: None

- H.4 Consideration of Ordinance No. 1283, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 14 by: (1) Amending Article I, Section 14-1 to Amend and Add Certain Definitions; (2) Repealing Article V, Division 3, Sections 14-191 through 14-197, in their Entirety and Enacting a New Article V, Division 3, Sections 14-191 through 14-198 to Rename Division 3, State the Purpose of Licensing, Provide for Licensing of Animal Establishments and Animal Shelters, Provide Exceptions, Impose Licensing Conditions, Provide the License Term, and Provide for Fees; (3) Repealing Article V, Division 4, Sections 14-221 through 14-226 in their Entirety and Enacting New Division 4, Sections 14-221 through 14-234, to Rename Division 4, Require Submission of Plans and specifications, Setting Submission Standards, Providing Exceptions, Establishing Requirements for Physical Facilities, Providing Sanitation, Food, Hydration, Separation, Vaccination, Diseased Animal Handling and Enclosure Requirements, Providing Location and Commercial Breeder Requirements, and Providing for License Revocation; (4) Amending Chapter 42, Section 42-14, to Provide for Fees; (5) Amending Chapter 122, Section 122-212, to Add Animal Shelter in the Table of Permitted Uses; (6) Amending Chapter 122, Section 122-472 to Add Animal Shelter and Kennel in the Table of Permitted Uses; (7) Amending Chapter 122, Section 122-641, to Add Kennel and Animal Shelter in the Table of Permitted Uses; Providing for Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated *Councilman Waugh* raised concerns regarding the City not having ordinances providing for licensing and operational requirements for kennels and requested ordinances be provided to Council for consideration. He stated this topic was discussed in the January Work Session stating the ordinance includes, but not limited to, various changes relating to operating matters, definitions, uses of kennels, and animal shelters. He stated various City departments provided input including the Mustang Animal Welfare Center and thanked everyone for their help. **Miller** stated a kennel or animal shelter is only permitted in specific zoning districts with some requiring a Special Use Permit.

Councilman Waugh thanked Mr. Karl Dowell who brought this matter to his attention stating he did a lot of work as well to help with the ordinance.

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie** to Approve Ordinance No. 1283.

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

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh** to Declare an Emergency.

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

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 Consideration of Royal Homes, LLC v. City of Mustang and the City Council for the City of Mustang, Case No. CV-2022-13, District Court, Canadian County, Oklahoma, including possible approval of retention agreement with outside counsel; and, Proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).
- I.2 Consideration of DHD Corp. v. City of Mustang and the City Council for the City of Mustang, Case No. CV-2022-79, District Court, Canadian County, Oklahoma, including possible approval of retention agreement with outside counsel; 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, Leete, Wald, Waugh, McKenzie, Sholund, Grider
NAY: None

TIME ADJOURNED to Executive Session: **7:34 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED from Executive Session: **7:56 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Approve the Revised Retention Agreement between the City of Mustang and SpencerFane to Assist in the Lawsuits filed by DHD Corp. and Royal Homes, LLC.

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

In reference to Item I.2 –

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, that the City Attorney proceed to Defend the City's Interest in the DHD Corp. matter as discussed.

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

NAY: None

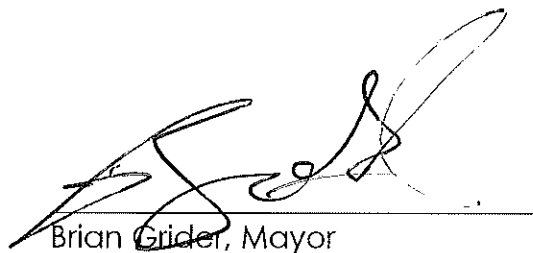
J. ADJOURNMENT

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

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

NAY: None

The meeting was adjourned at **7:57 p.m.**



Brian Grider, Mayor



Attest:

Lisa Martin, City Clerk