MUSTANG CITY COUNCIL
MAY 5, 2015

The Mustang City Council met in regular session on Tuesday, May 5, 2015, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, May 1, 2015, at 2:00 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A Reception honoring Councilmembers was held at 6:30 P.M.

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).

Pastor Armstrong led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present: **Taylor**
Staples
Bowers
Jones
Hagan
Schweinberg
Adams

Councilmembers Absent: **None**

D. CONSENT AGENDA

1. Approval of **04/21/15** City Council Minutes

MOTION was made by **Councilman Taylor**, seconded by **Councilman Schweinberg**, to approve Item D-1 of the Consent Agenda.

AYE: **Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams**
NAY: **None**

E. PRESENTATION AND RECOGNITION

1. Approval and Presentation of Proclamation Declaring May 8, 2015, as "Mustang Broncos Men's Basketball Day"

   Mayor Adams introduced Coach Terry Long and read the Proclamation declaring May 8, 2015, as "Mustang Broncos Men's Basketball Day". The Mayor and Coach introduced each player and handed them a Proclamation.

2. Approval of Proclamation designating May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week.

   Mayor Adams requested ***Police Chief Foley*** join him at the front as he read the Proclamation declaring May 15 as Peace Officers Memorial Day and the week in which that date falls as Police Week and presented the Proclamation to the Chief.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to approve Items E-1 and E-2, Proclamations.

AYE: **Taylor, Staples, Bowers, Jones, Hagan, Schweinberg, Adams**
NAY: **None**

3. Presentation to Warriors for Freedom Foundation from Mustang Youth Baseball Association, Mustang Youth Soccer Association, Mustang Softball Association and City of Mustang.

   Sports Coordinator Bailey stated the weekend of April 11, 2015, was this year's fund raising weekend at the ball fields with proceeds going to the Warriors for Freedom Foundation. He and representatives from each of the sport associations presented a check to Amber Moulder with the Warriors for Freedom Foundation in the amount of $12,580.40. He stated Saturday was rained out, but teams were able to play on Sunday stating 90+ American flags and banners with fallen soldiers' names were displayed. Sergeant Brandon Stewart, a disabled veteran and member of the Foundation, also spoke to the Council and thanked the City for the donation and the help that is provided.

4. Presentation of Plaques and Recognition of Outgoing Vice-Mayor and Councilmember Matthew Taylor, Ward I, and Councilmember Linda Bowers, Ward III

   Mayor Adams recognized outgoing Councilmembers – Ward I Councilmember and Vice Mayor Matthew Taylor, and Ward III Councilmember Linda Bowers, and presented them with plaques of appreciation for their service.

F. OATH OF OFFICE

1. Oath of Office for Ward I Councilmember Kevin Riley, Ward III Councilmember Brian Grider, and Mayor Jay Adams

   Mustang Judge Steve Huddleston swore in new Councilmembers:

   - Ward I Councilmember Kevin Riley; and
   - Ward III Councilmember Brian Grider

   Mustang Judge Steve Huddleston swore in returning Mayor, Jay Adams.

   At this time, the newly elected Councilmembers took their seats.

2. Election of **Vice-Mayor**

Mayor Adams nominated **Councilman Schweinberg** as **Vice-Mayor** and **Councilwoman Staples** seconded the nomination.

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

Mayor Adams stated that **Councilman Schweinberg** is the new Vice-Mayor.

G. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

1. Spitler Lakes Addition HOA

Robert Wood, 317 S. Chardon Dr., addressed the Council regarding past and current drainage and erosion problems in Spitler Lakes Addition stating the new construction was only making it worse. He was concerned about possible damage caused to the current homes and the inability of the developer or construction companies to maintain erosion control.

Mayor Adams provided an update of City efforts to rectify the problems stating the Code Enforcement department has contacted builders advising building inspections would not be performed until proper erosion control was in place as well as requiring hay bales be placed in the appropriate areas.

Other discussion included drainage on State Highway 152 with it being stated this was the responsibility of the State and that the City had contacted them to try and discuss.

Don Anderson, 211 S. Nelson Dr., addressed the Council stating he was the developer and that he was doing his best to resolve any issues. He stated he lives in this addition and wants the best for the addition as well and that no one could have predicted the rainfall received recently. He stated the Oklahoma Department of Environmental Quality (ODEQ) was called out to inspect who also stated it looked like the developer and construction companies were doing the best they could do stating water flows down hill. He stated he had installed additional silt fencing as well as a new product designed to help soak up and block water.

Walt and Cathy Davis, 509 S Chardon Dr., addressed the Council stating they would like to contest what Mr. Anderson said about no problems in the past as they live at the end of Chardon Dr. which is the lowest point on that street and all water flows to them. They stated they did not feel like proper drains were installed to handle the water flow and also wondered if the drains could be blocked where water did not flow through as they should.

Mayor Adams stated he would ask the engineers to inspect the pipes to make certain they were not blocked.

H. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney requested Item L-4 regarding Approval of an Amendment to a Permanent Easement be deleted from the agenda.

J. CONSENT AGENDA

*1. Claims List for **FY '15**
*2. Approval to Turn **Past Due Utility Accounts** over to Collection Agency.
3. Approval to Renew the **Public Works Contract** between the Department of Corrections and the City of Mustang.
*4. Acknowledgement of **Receipt of DEQ Permit** No. SL000009150268, to Construct Sewer Line for OnCue Project, 900 E. State Highway 152.
*5. Approval of **Maintenance Bond** for Water Line and Fire Hydrant for Mustang Elementary Gym Project – 400 S. Mustang Rd.
*6. Approval of **Performance and Maintenance Bonds** for Project Titled 59th Street Bridge Waterline Relocation.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan,** to approve Items J-1 thru J-6 of the Consent Agenda.

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

K. INFORMATION/REPORTS

1. City Manager

City Manager Rooney reminded the Council of the Budget Work Sessions to be held Thursday, May 7th and May 14th at 6:00 p.m., as well as the May Work Session to be held May 11th, at 6:30 p.m. He also stated the proposed budget would be distributed to the Councilmembers tonight for their review prior to the first Budget Work Session.

2. City Council

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

Councilman Schweinberg did not have anything to report at this time. He welcomed the new council members, Kevin Riley and Brian Grider, and congratulated the Mayor for winning another term.

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

Councilman Jones did not have anything to report at this time, but did second Councilman Schweinberg's acknowledgements and stated it was nice to have Ms. Coeta Morrell in the audience again.

Councilman Grider stated he had heard from a citizen regarding an issue and he spoke with ***Community Development Director Helsel*** who resolved it quickly stating the resident also wished to express their thanks to the City. He also stated he was excited to be here.

Councilwoman Staples did not have anything to report at this time, but wanted to congratulate the new Councilmembers and Mayor as well as Councilman Schweinberg for being elected Vice Mayor.

Councilman Riley did not have anything to report at this time. He congratulated the Mustang Men's Basketball Team and the law enforcement officers as well as congratulated Councilman Grider and Mayor Adams stating he was looking forward to working with everyone.

Mayor Adams stated the rest of the month would be hectic for him as he has started a new job and his daughter's college softball team made the National Regional qualifications stating he would miss Monday's Work Session and depending on everything, may have to miss another meeting as well. He stated this was her senior year and could not miss it.

L. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding Approval of Interlocal Agreement between the City of Mustang and Canadian County District #2.

Assistant City Manager Battles stated the agreement is for Canadian County District #2 to assist with the construction of a new entry road into the park and additional parking lot south of the Library. He stated the County would provide manpower and equipment and the City would provide the surveying, drain pipe, and soil stabilizer stating once the County had completed the grading and stabilizing, Silver Star Construction would pave the parking lot and roadway. He stated this was budgeted for and approved in the FY2015 budget with the overall cost being $325,000.

MOTION was made by **Councilman Schweinberg,** seconded by **Councilman Jones** to Approve the Interlocal Agreement between the City of Mustang and Canadian County District #2.

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

2. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of Conditional Use Permit Application CUP-3-19-15-1-27, Saleh M. Al-Zubi, 201 N. Pine Terrace, Mini-Storage.

Community Development Director Helsel stated this was the Conditional Use Permit (CUP) tabled from the last City Council meeting and being brought back to Council with additional conditions for consideration. She provided background information from the last meeting.

Helsel stated Staff is recommending approval of the CUP with the following conditions:

- Facility to be used for inside storage only;
- 8-foot Fence must surround the business;
- Property Owner must maintain paving width of 25 feet on N. Pine Terrace up to Entrance to Mini-Storage facility

Discussion was held concerning Code requirements for fencing and road width with fencing requirements only being 6 foot by code, and for this facility, the 6 foot masonry fence would only be required on the north and west sides which abut R-E zoning. The road width requirements are normally 33 feet.

Other discussion included how narrow the street was especially when traffic comes out of the drive thru at the Bronco Stop. **City Manager Rooney** stated the applicant could not be required to make off-site improvements such as widening the road that is not part of his development. Further discussion included the additional cost on the applicant by requiring an 8 foot masonry fence on all sides and the road widening.

The applicant was asked if he was in agreement with the 8 foot masonry fence on all sides. Mr. Al-Zubi stated this would increase his costs considerably stating there was only one house that appeared to be affected. He also stated the metal storage unit would stand 9 foot tall which could be one of the walls.

Other discussion included Fire Department approval with it being stated yes, the Fire Department had approved the application and once the layout is completed, this would require approval as well.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones**, to open the matter for Public Hearing.

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

There were no requests to speak.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to close the Public Hearing.

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

MOTION was made by **Councilman Jones**, seconded by **Councilman Schweinberg,** to Approve Conditional Use Permit Application CUP-3-19-15-1-27, Saleh M. Al-Zubi, 201 N. Pine Terrace, Mini-Storage with the following conditions:

- Inside Storage only;
- 6 Foot Masonry Fence on the West and North sides;
- Extension of Street at 25 foot width back to entrance of facility

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

*3. **Discussion, Consideration and Possible Action** regarding Approval of Change Order #1 for Project Titled 59th Street Bridge WaterlineRelocation.

Assistant City Manager Battles provided background advising the City had been notified by Oklahoma City that they would be replacing the bridge on SW 59th street between Clear Springs Road and Czech Hall Road and would be constructing it to provide for a 4 lane bridge stating the City of Mustang would need to relocate our existing water line.

Battles stated the project was bid stating RDM Construction was awarded the contract in the amount of $39.900. He stated once RDM Construction began site testing, they found some additional lines needing to be avoided that were not listed in the original plans; therefore, the contractor; working with Cowan Group Engineering, has requested a change order adding additional linear feet to the project.

Rebecca Poole with Cowan Engineering addressed the Council providing a power point explaining the different lines found and the process being recommended to complete the project. She stated the plan was to go deeper in the ground, but to also extend the lines on each end by approximately 100 feet each (218 feet to be exact). She stated the price per linear foot would remain the same, only the quantity would change.

Battles stated that safety was the first concern with the ability to work on the joints being the second, and it was felt this would be the best option with the bridge being constructed as a four lane bridge.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Riley,** to Approve Change Order #1 for Project Titled 59th Street Bridge Waterline Relocation in the amount of $24,390.00.

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

*4. **Discussion, Consideration and Possible Action** regarding Approval of an Amendment to Permanent Easement previously granted by Covenant Development Corporation to the City of Mustang for placement of a water line located in the Northeast Quarter (NE/4) of Section 17, Township 10 North, Range 3 West, Cleveland County, Oklahoma, I.M., to relocate the water line easement, and to authorize the Mayor to negotiate and execute the final document with the property owner, Westmoore Community Church, Inc., to effect such amendment.

This item was pulled under "H. New Business, Deletions or Continuances to the Agenda"

M. CITY ATTORNEY'S REPORT

None.

N. ADJOURNMENT

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

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

The meeting was adjourned at **8:26 p.m.**

Jay Adams, Mayor

Attest:

Lisa Martin

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
MAY 5, 2015

The Mustang Improvement Authority met in regular session on Tuesday, May 5, 2015, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, May 1, 2015, at 2:00 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 **8:26 p.m.**

B. ROLL CALL

Trustees Present: **Riley**
Staples
Grider
Jones
Hagan
Schweinberg
Adams

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **04/21/15** MIA Minutes.
*2. Claims List for **FY '15**
*3. Approval to Turn **Past Due Utility Accounts** over to Collection Agency.
*4. Acknowledgement of **Receipt of DEQ Permit** No. SL000009150268, to Construct Sewer Line for OnCue Project, 900 E. State Highway 152.
*5. Approval of **Maintenance Bond** for Water Line and Fire Hydrant for Mustang Elementary Gym Project – 400 S. Mustang Rd.
*6. Approval of **Performance and Maintenance Bonds** for Project Titled 59th Street Bridge Waterline Relocation.

MOTION was made by **Trustee Schweinberg**, seconded by **Trustee Hagan,** to approve Items D-1 thru D-6 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding Approval of Change Order #1 for Project Titled 59th Street Bridge Waterline Relocation.

MOTION was made by **Trustee Schweinberg**, seconded by **Trustee Staples,** to Approve Change Order #1 for Project Titled 59th Street Bridge Waterline Relocation in the amount of $24,390.00.

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

*2. **Discussion, Consideration and Possible Action** regarding Approval of an Amendment to Permanent Easement previously granted by Covenant Development Corporation to the City of Mustang for placement of a water line located in the Northeast Quarter (NE/4) of Section 17, Township 10 North, Range 3 West, Cleveland County, Oklahoma, I.M., to relocate the water line easement, and to authorize the Mayor to negotiate and execute the final document with the property owner, Westmoore Community Church, Inc., to effect such amendment.

MOTION was made by **Chairman Adams**, seconded by **Trustee Jones,** to Remove the Item from the Agenda.

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

G. ADJOURNMENT

MOTION was made by **Trustee Schweinberg** and seconded by **Trustee Riley** to adjourn.

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

Meeting was adjourned at **8:27 p.m.**

Jay Adams

Jay Adams, Chairman

Attest:

Lisa Martin

Lisa Martin, Secretary