

**MUSTANG CITY COUNCIL
MAY 19, 2015**

The Mustang City Council met in regular session on Tuesday, May 19, 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 15, 2015, at 3:05 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Adams called the meeting to order at **7:00 p.m.**

B. PLEDGE OF ALLEGIANCE/INVOCATION (Reverend Wayne Hendricks, First Baptist Church Mustang)

Reverend Hendricks led the assembly in the Pledge and Invocation. He stated he was a past pastor with the Free Grace Baptist Church in Mustang and is currently a member at First Baptist Church in Mustang stating it was a very warm, friendly, and supportive church where they serve God and one another. He offered encouragement to Council and quoted scripture from Micah reminding everyone (1) to be just in all doings; (2) have a merciful spirit; and (3) to walk humbly.

C. ROLL CALL

Councilmembers Present:	Riley
	Staples
	Grider
	Jones
	Hagan
	Schweinberg
	Adams

Councilmembers Absent:	None
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mayor Adams introduced Canadian County Commissioner Dave Anderson who was in attendance this evening.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **05/05/15** City Council Minutes.
- *2. Approval of **05/07/15** City Council/MIA Special Meeting (Budget Session) Minutes.
3. Approval of **05/11/15** City Council Special Meeting (Work Session) Minutes.
- *4. Approval of **05/14/15** City Council/MIA Special Meeting (Budget Session) Minutes.
- *5. Claims List for **FY'15**
6. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
7. Approval of **Resolution No. 15-053** making changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2014-2015 Fiscal Year Budget by \$4,525.
8. Approval of **Automated Teller Machine "ATM" site** for the Mustang Town Center as Submitted by Cornerstone Bank.
9. Approval of **Cox Cable Franchise Extension Agreement**.

MOTION was made by **Councilman Grider**, seconded by **Councilwoman Staples**, to approve Items F-1 thru F-9 of the Consent Agenda.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney advised the event planned for last Saturday, Trails for Tails, was rescheduled to Saturday, May 30, 2015 due to the wet conditions in the park.

- a. Approval and Presentation of **Proclamation** Declaring May 22, 2015, as "Mustang Broncos Small Advanced Cheer Squad Day"

Mayor Adams introduced Cheer Sponsor Katelyn Caudle and read the Proclamation declaring May 22, 2015, as "Mustang Broncos Small Advanced Cheer Squad Day". Squad members were introduced and handed a Proclamation.

- b. Presentation of Plaque and Recognition of Outgoing Personnel Board Member John Ripley

Human Resources Director Anderson stated Mr. Ripley had served on the Personnel Board since 1988 and was moving out of state. She stated due to health concerns, he was not able to attend this evening; however, Mr. Gary Shidell, who is a founding member of the Personnel Board, was here to accept on his behalf.

Mr. Shidell thanked **Anderson** and the City on Mr. Ripley's behalf and stated he would be very happy to present the plaque to him.

2. City Council

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

Councilman Riley stated he had received a couple of calls regarding drainage issues and stated he met with Castle Rock 3 addition to discuss the drainage behind the houses there. He stated the City was aware of the issue. He also stated he had visited with a neighbor of his who had some flooding in her house which may have possibly been caused by construction behind her residence and stated the City was aware of this issue as well.

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

Councilman Grider stated he had talked with one person regarding erosion at their residence due to construction behind her house. He stated she had not contacted the City, but does have plans to call.

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

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

Councilman Schweinberg did not have anything to report at this time, but stated two of the new police vehicles were in the parking lot tonight and if everyone had not had a chance to see them, encouraged everyone to do so.

Mayor Adams stated he had also received some calls regarding drainage issues stating the City had received approximately 14.5 inches of rain so far in the month of May (according to Channel 5 weather) and the City was trying to help the best they could where possible. He also gave a COWRA update stating due to the rain, the drilling of the test wells had stopped and hopefully would resume soon.

H. DISCUSSION ITEMS

1. **Appointment** of One (1) Member and One (1) Alternate to the ACOG Board of Directors and its Committees, the OEMA Board of Directors, and the Appointment of One (1) Councilmember to the Traffic Commission.

City Manager Rooney stated yearly appointments are made to the ACOG Board and Committees as well as the Traffic Commission after the Municipal Elections. He stated appointments were also necessary for the OEMA Board of Trustees. **Rooney** provided a list of the boards and committees and who the current members were.

Discussion was held concerning a staff member be named as an alternate where possible in order to make certain the City of Mustang is represented when a Councilmember may not be able to attend one of the meetings.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Staples**, to appoint Mayor Adams as Member, and Councilman Grider as Alternate, to the ACOG Board of Directors, Intermodal Transportation Policy Committee, Garber Wellington Policy Committee, and the 911 Association Board of Directors.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to appoint Councilwoman Hagan as Member, and Councilman Jones as Alternate, to the OEMA Board of Trustees.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

MOTION was made by **Mayor Adams**, seconded by **Councilman Riley**, to appoint Councilwoman Staples to serve on the Traffic Commission.

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

2. **Discussion, Consideration and Possible Action** regarding OMAG Annual Elections.

City Manager Rooney stated the City of Mustang is a member of the Oklahoma Municipal Assurance Group (OMAG) and utilizes OMAG as its insurer for its general liability, auto liability, public official bond, and physical property.

Rooney stated each year, OMAG conducts elections for positions on their Board of Trustees stating two positions were up for election. He stated there were seven nominees for the two available seats including the two incumbents, Ms. Shelite of Fort Cobb and Mr. Stephenson of Ponca City. He stated Staff was not aware of any concerns regarding OMAG or the service provided by the incumbents and would recommend the City of Mustang cast its official ballot in favor of Ms. Shelite and Mr. Stephenson.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to cast the City of Mustang's official ballot in favor of Ms. Patti Shelite and Mr. Craig Stephenson.

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

3. **Discussion, Consideration and Possible Action** regarding Review and Grant of Extension for Special Use Permit Application SUP-4-9-13-1-28, Diamond Partners, LLC, 200 Block N. Mustang Road, Ice Vending Machine.

Community Development Director Helsel stated a Special Use Permit was granted to Diamond Partners, LLC in May, 2013, to place an ice vending machine in the Silver City Shopping Center parking lot stating the vending machine has been in operation since that time with no complaints being received. She stated the owner of the business and the property owner have not changed nor has the owner extended, enlarged or increased intensity of the business.

Helsel stated per municipal code, the City Council will review all special use permits every two years and consider a 2-year extension if all conditions imposed continue to be met. She stated Staff recommends approval of this 2-year extension stating that Staff believes all imposed conditions continue to be met and this use does not seem to present a problem in its current location.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to Grant a 2-year Extension for Special Use Permit Application SUP-4-9-13-1-28, Diamond Partners, LLC, 200 Block N. Mustang Road, Ice Vending Machine.

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

4. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of Conditional Use Permit Application CUP-4-9-15-1-31, 1716 W. State Highway 152, Diane Stafford, Garden Supply Store.

Community Development Director Helsel stated this property is located where the old 7-11 store was at 1716 W. State Highway 152 on Clear Springs Road and State Highway 152. She stated it was recently rezoned to C-3 with four lots containing approximately 2.33 acres stating the applicant intends to use all four lots for a garden supply store, although only three lots may be utilized. She stated a Conditional Use Permit (CUP) was required for this type of business in C-3 zoning and stated when it was brought up during the rezoning, there were no complaints.

Helsel stated the developer of the garden supply store would be required to place at least a 6-foot masonry fence along all developed property lines that abut residentially zoned districts which would be on the south and west sides. She stated the use conforms to the comprehensive plan and the Planning Commission voted 6:0 to approve the CUP and Staff recommends approval stating Staff has not received any complaints or concerns regarding the use and feels this is an appropriate use in this area.

Discussion was held concerning if the garden supply store would be inside or outside with it being stated the retail operation would be inside with green houses erected on the outside

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, 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 Grider**, seconded by **Councilman Schweinberg**, to Approve Conditional Use Permit Application CUP-4-9-15-1-31, 1716 W. State Highway 152, Diane Stafford, Garden Supply Store.

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

5. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of Ordinance No. 1126, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "C-3" Commercial General District to "C-4" Shopping Center District and, Declaring Repealer, Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-4-16-15-1-35, Viva Mustang, LLC – Gerardo Villasenor, Manager, 1404 E. State Highway 152.)

Community Development Director Helsel stated the applicant is requesting a change in zoning classification from C-3 to C-4 for property located east of Monocoupe Lane, across from the Silver Stallion on E. State Highway 152. She stated the property would be used for a Mexican restaurant, Viva Mustang, LLC, and the applicant would like to be able to serve alcohol. She stated the restaurant was a permitted use under C-3, but alcohol is not and would require C-4 zoning.

Helsel stated the developer would be required to place at least a 6-foot masonry fence along all developed property lines that abut residentially-zoned districts and the applicant intends to bring sanitary sewer to these parcels that are not currently served. She provided the character of the neighborhood stating the request does not conform to the long range plan; however, the plan is 12 years old and the City has changed a lot since that time stating once the plan is updated, Staff will recommend that the frontage along SH152 be designated for commercial/retail east to Morgan Road.

Helsel stated the Planning Commission voted 6:0 to recommend approval and Staff recommends approval of this application at the C-4 level.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, 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 Schweinberg**, seconded by **Councilwoman Staples**, to Approve Ordinance No. 1126, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "C-3" Commercial General District to "C-4" Shopping Center District and, Declaring Repealer, Providing for Severability.

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

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to Declare an Emergency.

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

6. **Discussion, Consideration and Possible Action** regarding Approval of Preliminary Plat Application PP-9-23-14-1-30, Hunter's Springs Addition, Rausch Coleman Development Group, 222 lots.

Community Development Director Helsel stated the applicant is requesting approval of a Preliminary Plat for Hunter's Springs Addition stating this was the third Preliminary Platt for this addition as it has expired twice. She stated the developer reduced the total number of lots to 222 with two common areas stating the total acreage for the entire subdivision is 55.75 acres and the two common areas include a total of 5.11 acres. She stated the maintenance of the common areas will be the responsibility of the homeowners association.

Helsel stated she received a petition from neighboring citizens requesting the subdivision not have a connection to N. Betty's Way to the north stating the plat does not show a connection to N. Betty's Way or to Trent Acres Addition at this time.

Helsel stated the plat has been approved by Fire, Police, Staff, City Engineer and City Attorney and Planning Commission voted 6:0 to recommend approval. She stated Staff recommends approval of the plat with the condition that the easement along the western edge be increased from 15 feet to 20 feet. She provided information regarding the surrounding areas and stated the request does conform to the comprehensive plan.

Discussion was held concerning drainage stating the developer had incorporated drainage improvements requested by the Planning Commission and the City Attorney. **Helsel** stated the plat was also approved by Don Vick who is very conscientious about proper drainage.

Councilman Jones asked if a through street at N. Betty's Way or other area could be added at a later time without Council consent. **Helsel** stated they would have to amend the plat in order to do that and then would have to go through Planning Commission and Council for approval. It was requested if a "No Through" street sign could be placed at Betty's Way – especially during construction with Helsel stating the developer has been contacted.

Other discussion included if there were any concerns from residents at Hunter's Way with it being stated no.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to Approve Preliminary Plat Application PP-9-23-14-1-30, Hunter's Springs Addition, Rausch Coleman Development Group, 222 lots.

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

7. **Discussion, Consideration and Possible Action** regarding Approval of Final Plat Application FP-9-23-14-1-30, Hunter's Springs Addition, Rausch Coleman Development Group, 123 lots.

Community Development Director Helsel stated the request for approval of the Final Plat for Hunter's Springs Addition is Phase I of the preliminary plat heard previously. She stated it included 123 lots and two common areas with the total acreage for the first phase of this subdivision being approximately 33.29 acres and the two common areas include a total of 5.11 acres. She stated the maintenance of the common areas will be the responsibility of the homeowners association.

Helsel stated the City Attorney's comments address the filing of an easement to create the additional 10-foot utility easement along the north side by separate instrument stating the City requires a 20-foot easement. She stated it will require City Attorney approval prior to filing.

Helsel provided information regarding the surrounding areas stating the request conforms to the comprehensive plan and the plat has been approved by Fire, Police, Staff, City Engineer and City Attorney. She stated the Planning Commission voted 6:0 to approve the Final Plat with the conditions that the easement along the west side be increased to 20 feet, and the easement to create the 10-foot easement along the north side is approved by Staff and filed and Staff recommends approval with the condition listed by Planning Commission.

Discussion was held concerning drainage areas not being listed on the plat with **Helsel** stating it would be listed on the final drainage plans that comes to the City for approval.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to Approve Final Plat Application FP-9-23-14-1-30, Hunter's Springs Addition, Rausch Coleman Development Group, 123 lots with the conditions that the easement along the west side be increased to 20 feet, and the easement to create the 10-foot easement along the north side is approved by Staff and filed.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

- *8. **Discussion, Consideration and Possible Action** regarding Approval of an Amended and Restated Permanent Easement, which will amend the Permanent Easement previously granted by Covenant Development Corporation to the City of Mustang in order to move 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.

City Attorney Miller stated this item was listed on the last City Council agenda, but had to be pulled. He stated this was in regards to the relocation of an easement requested by the property owner. The City approved amending the Permanent Easement in a previous meeting; however, language changes were requested and their engineer slightly adjusted the easement location.

Miller stated as before, he would recommend approval with the condition the City of Mustang be provided with appropriate subordination agreements to make certain that any liens or encumbrances put on the property since the City obtained its original easements will be subordinated through the City's new easements.

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Hagan**, to Approve the Amended and Restated Permanent Easement, which will amend the Permanent Easement previously granted by Covenant Development Corporation to the City of Mustang in order to move 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, with the condition the City be provided the subordination agreements as outlined by the City Attorney.

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg, Adams

NAY: None

9. **Discussion, Consideration and Possible Action** regarding Approval of Resolution No. 15-052 Supporting a Request for the Deannexation of Property from the City of Oklahoma City.

City Manager Rooney stated as discussed in the March 9th and May 11th Work Sessions, Mr. Robert Crout and several property owners of land south of SW 89th Street and adjacent to the City of Mustang are seeking to be deannexed from the City of Oklahoma City. He stated as part of this process, the City of Oklahoma City has asked the City of Mustang to pass a resolution acknowledging the request of the property owners and supporting their request. He stated it is Staff's understanding this step is necessary in order for Oklahoma City to begin the process.

Rooney stated neighboring property owners adjacent to the property outlined in Exhibit A have also expressed interest in the possible deannexation of their property from Oklahoma City; however, this Resolution only addresses the property outlined in Exhibit A. He stated Staff plans to meet with the other property owners in the coming weeks, but has not done so at this time.

Rooney stated Council is not approving annexation at this time stating if the City of Oklahoma City approves the deannexation, then an application for annexation would still need to occur and be approved by the City of Mustang.

Mayor Adams stated he hopes this makes it clear that the City is not annexing any property at this time, but instead is passing a resolution in support of the property owners as they proceed with Oklahoma City.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Staples**, to Approve Resolution No. 15-052 Supporting a Request for the Deannexation of Property from the City of Oklahoma City.

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

10. **Discussion, Consideration and Possible Action** regarding Code of Ethics.

City Manager Rooney stated in previous Work Sessions, adoption of a proposed Code of Ethics was discussed with it being found a Code of Ethics had already been adopted in March, 2006 that was to be reviewed annually by the City Council, Commissions and Boards, as well as signed each year by the members affirming they had read and understood them.

Rooney stated it was Staff's intent to include the Code of Ethics and the signature affirmation with all elected and appointed officials moving forward. He stated the signature affirmation page was provided in the packets for signature.

Councilman Schweinberg asked (1) if the City has a Code of Ethics in place; (2) if it needs to be reviewed and voted on annually; and (3) if it was a Resolution or Ordinance.

City Attorney Miller answered stating (1) the City does have an adopted Code of Ethics in place; (2) there is a provision to review them annually, but does not have to be re-approved annually; and (3) it was not an Ordinance, but more of a policy and procedure.

Schweinberg stated he has been on record in favor and support of a Code of Ethics stating he would sign it asking if the Councilmembers were required to sign it.

Miller stated he had not reviewed whether or not a Councilmember was required to sign it.

Rooney stated the signature affirmation states the member has read and understood the Code of Ethics, not that they agree with them.

Discussion was held concerning whether or not it should be placed on the next Work Session especially since there are two new Councilmembers on the Council.

Councilman Grider stated elected officials represent the citizens and should have a Code of Ethics and he was prepared to sign it.

Councilman Riley stated he agreed with **Councilman Grider** stating it was not different from what you would sign with your employer and he would also sign it.

Councilman Jones asked if a member broke the code, what the legal ramification was.

Rooney stated the Code references self policing and enforcing by the Council, the group would decide.

Councilwoman Hagan stated there was not a law stating a member had to sign it and she would not sign it.

All signatures were received except for **Councilwoman Hagan**.

No motion was needed for this item.

J. CITY ATTORNEY'S REPORT

None.

K. ADJOURNMENT

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

AYE: Riley, Staples, Grider, Jones, Hagan, Schweinberg, Adams

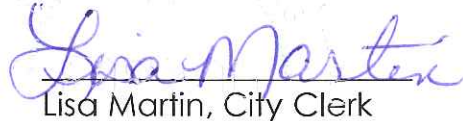
NAY: None

The meeting was adjourned at **8:08 p.m.**



Jay Adams, Mayor

Attest:



Lisa Martin, City Clerk

**MUSTANG IMPROVEMENT AUTHORITY
MAY 19, 2015**

The Mustang Improvement Authority met in regular session on Tuesday, May 19, 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 15, 2015, at 3:05 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 **8:08 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 **05/05/15** MIA Minutes
- *2. Approval of **05/07/15** City Council/MIA Special Meeting (Budget Session) Minutes.
- *3. Approval of **05/14/15** City Council/MIA Special Meeting (Budget Session) Minutes.
- *4. Claims List for **FY '15**

MOTION was made by **Trustee Schweinberg**, seconded by **Trustee Grider**, to approve Items D-1 thru D-4 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 an Amended and Restated Permanent Easement, which will amend the Permanent Easement previously granted by Covenant Development Corporation to the City of Mustang in order to move 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 **Mayor Adams**, seconded by **Councilman Schweinberg**, to Approve the Amended and Restated Permanent Easement, which will amend the Permanent Easement previously granted by Covenant Development Corporation to the City of Mustang in order to move 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, with the condition the City be provided the subordination agreements as outlined by the City Attorney.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **8:10 p.m.**


Jay Adams, Chairman

Attest:

Lisa Martin, Secretary