MUSTANG CITY COUNCIL
FEBRUARY 7, 2017

The Mustang City Council met in regular session on Tuesday, February 7, 2017, 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, February 3, 2017, at 10:30 a.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 (Terry Jones, Councilman Ward IV)

Councilman Jones led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present: **Riley**
Leete
Grider
Jones
Hagan
Schweinberg
Adams

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Michelle Fuller, 448 E. Carson Lane, addressed the Council regarding the timeline and funding for the animal shelter renovation stating she had read where the City was already hunting for design services and wanted to know if that had to be funded when searching. She also stated she had seen on social media where someone had stated they heard it would take up to six years for this project and there was chatter about other projects being pushed forward ahead of this one, such as the playground and asked about its funding.

City Manager Rooney stated in regards to the question about funding while searching for design services, he stated it depended on how it was going to be paid stating if funds are borrowed from the sales tax, then yes, it has to be prefunded; however, if an architect would work with the City and delay it until sales taxes are collected, then it wouldn't. **Rooney** stated the existing sales tax bond would most likely be paid off approximately June and once that is paid off, would then start collecting the new sales tax which would fund the projects. He stated whoever mentioned six years had not talked with anyone from the City stating Staff has never given that timeline.

Rooney stated the first step for the Animal Shelter would be to contract with an architectural firm to find out what is needed, the estimated cost, and timeframe, then start the bid process for construction of the project. He stated the project would include a remodel and expansion and would have to look at the budget to see the exact amount budgeted, but believes it was around $200,000.

Rooney also stated the playground began one and a half years ago and is a pre-engineered project thus it does not require the City to get an architect or engineer. He stated the Waste Water Treatment Plant is also being expanded which includes additional piping and with the Animal Shelter nearby, cannot plan the expansion of it until it is known where the piping will go stating it would be foolish to begin the Shelter without this information. He stated the Waste Water Treatment Plant and the portion of the Community Build playground was approved by a loan through Council that borrowed money in advance of the collection of sales tax back in October or November stating the projects were clearly listed.

During the questioning, **City Attorney Miller** stated this was time reserved to hear from citizens, but not a time for citizens to interrogate Staff and advised *Mayor Adams* to not allow continued discussion. **Mayor Adams** advised Ms. Fuller to call the *City Manager* when she has questions like these. Ms. Fuller stated his timeline does not always meet her timeline and she wanted to ask the questions during Council where they would be on public record.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **01/17/2017** City Council Minutes.
*2. Claims List for **FY'17.**
*3. Approval to Turn **Past Due Utility Accounts** Over to the Collection Agency.
4. Approval to Turn **Past Due Library Accounts** Over to the Collection Agency.
5. Approval of **Facility User Agreements** for City of Mustang Sports Facilities
6. Approval to Renew Agreement with Canadian County Sheriff's Office to **Hold Excess Prisoners.**

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to approve Items F-1 through F-6 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated he did not have anything to report in addition to the City Manager report stating updates on all projects are listed in the report every two weeks and posted on the City's website.

a. Recognition of Retiring Personnel Board Member, Gary Shidell.

Rooney requested Mr. Shidell come forward. He stated Mr. Shidell has been involved with the City since 1971 where he began in the Civil Defense Department and helped in getting our first storm sirens, later became the Director of that department and set up the first rescue squad. He stated Mr. Shidell was also the only Dispatcher for the Police Department when all the Police Officers were fired. **Rooney** stated he was an advisor for the Police Explorer Scouts and was Chairman of various City Boards and Commissions stating he has certainly had a huge impact in our community.

Rooney provided Mr. Shidell with a plaque in appreciation of his 45 years of service to the City, 1971-2016.

Mr. Shidell thanked everyone stating it has been fun, but a little hairy at times. He stated he felt bad for people who do not volunteer and help our citizens stating they do not know what they are missing.

2. City Council

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

Councilman Riley stated he had the opportunity to sit with the Leisure Services Board on the 23rd stating a lot of hours were put in and he appreciates everyone's hard work.

Councilman Leete thanked City Staff and the City Manager stating there was an issue regarding storm water washing out part of a sidewalk and it was repaired within 24 hours. He thanked Staff for always be expeditious.

Councilman Grider thanked *Community Development Director Helsel* in helping a Ward 3 resident who is thinking of starting a new business here in Mustang, answering questions and providing thorough information and he was very appreciative of her help. He also stated he has been selected as a representative in the Leadership Arts program through the Oklahoma Arts Council.

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.

Mayor Adams did not have anything to report at this time.

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding the Approval of Preliminary Plat Application PP-9-23-16-1-26, 152 Prairie Creek, Cedar Creek Consulting, 1100-1200 Block E. State Highway 152.

   Community Development Director Helsel stated this was a Preliminary Plat for a commercial addition called 152 Prairie Creek located at the 1100-1200 bock of E. State Highway 152 stating it was east of Wal Mart, on the north side of the road and contains approximately 17.5 acres.

   Helsel stated all drainage, water, sewer and paving plans have been approved by Cowan Engineering stating public water and sewer is available to this property. She stated six lots are included as well as a sizeable common area and there would be a private drive to access the lots stating the common area and common area drive will be maintained by the property owners in the subdivision. She stated the developer submitted plans to ODEQ and was approved and coordinated with ODOT stating it was a big investment. She also stated Hunter Terrace would be improved as part of this project.

   Helsel stated this is a commercial retail development and the long range plan calls for commercial/retail development in this area, therefore it does conform to the long range plan. She provided zoning and use of property nearby and stated Staff recommends approval of this preliminary plat.

Helsel stated the applicant had a couple of requests stating (1) as it relates to the common access driveway, requesting a 20' utility easement on either side of the ROW for infrastructure; (2) requesting 25' set back on lots 4 and 5; and (3) requesting the sidewalks along Hwy 152 to be constructed by the individual property owners and tied to the associated occupancy permits.

Helsel stated Planning Commission heard this item on January 10, 2017 and voted 7:0 to approve the preliminary plat.

City Attorney Miller stated he requested changes at the Planning Commission meeting that did not get included into the Preliminary Plat and would recommend the motion to include those changes.

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete**, to Approve the Preliminary Plat Application PP-9-23-16-1-26, 152 Prairie Creek, Cedar Creek Consulting, 1100-1200 Block E. State Highway 152 with recommended changes from the Planning Commission.

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

2. **Discussion, Consideration and Possible Action** regarding the Approval of Final Plat Application FP-9-23-16-1-26, 152 Prairie Creek, Cedar Creek Consulting, 1100-1200 Block E. State Highway 152.

Community Development Director Helsel stated this was the Final Plat application for the same property heard in Item H-1 stating on the Final Plat, more detail is shown such as utility and drainage easements, set backs, and common access driveway. She stated Planning Commission voted 7:0 to approve the Final Plat in their January 10, 2017 meeting.

Mayor Adams stated it appeared the drive access on Hwy 152 had been limited. **Helsel** stated this was offered by the Developer and will be beneficial to the City.

MOTION was made by **Councilman Grider**, seconded by **Councilman Schweinberg**, to Approve the Final Plat Application FP-9-23-16-1-26, 152 Prairie Creek, Cedar Creek Consulting, 1100-1200 Block E. State Highway 152 with recommended changes from the Planning Commission.

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

3. **Discussion, Consideration and Possible Action** regarding the Approval of Preliminary Plat Application PP-11-9-16-1-30, Crystal Springs Addition, SW Corner N Clear Springs Rd & W SW 59th St., 29Sara, LLC, 118 Lots.

   Helsel stated this was a Preliminary Plat for Crystal Springs Addition located on the southwest corner of SW 59th and Clear Springs Road and contains approximately 33 acres and 118 lots. She stated there would be public water, sewer and streets and all streets would be built to R-1 Standards and the maintenance of all common areas will be the responsibility of the property owners association except for the southeast corner which will have a lift station dedicated to the City.

   Helsel stated all lots meet the minimum size standards for R-1 districts stating each cul-de-sac meets fire department requirements and all setbacks and easements meet City requirements for R-1 districts. She stated the City Engineer and City Attorney have reviewed the plat and submitted comments with all comments being addressed by the developer.

   Helsel provided the zoning and uses of property nearby and stated the property conforms to the long range plan. She also stated public water and sewer is available to this property stating they would be able to tie into some of Hunter's Springs infrastructure. She stated the developer has modified the plan in accordance with fire and engineer comments and the Planning Commission approved this item 5:0 in their January 24, 2017 meeting stating Staff also recommends approval.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to Approve the Preliminary Plat Application PP-11-9-16-1-30, Crystal Springs Addition, SW Corner N Clear Springs Rd & W SW 59th St., 29Sara, LLC, 118 Lots.

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

4. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1142**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "R-4 PUD" Multiple Family Planned Unit Development District to "R-4 PUD" Multiple Family Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-11-16-16-1-27, Laurel Springs, Robert Crout, NW/4, Section 27, R-4 PUD to R-4 PUD).

Community Development Director Helsel stated the applicant, Robert Crout, has submitted an application to amend an R-4 PUD stating this PUD has been planned three times stating currently the R-4 PUD called for a high rise main building nursing home with cottages. She stated the applicant now is asking to amend the PUD stating the concept is for a lower density neighborhood that will serve an elderly population with the concept being a multi-family residential development with cottages. She stated the project is for mobile senior citizens 50 years of age or older with the property being gated. She also stated there would be paths and water features.

Helsel stated the applicant is requesting some variances such as not each resident would have an attached enclosed garage space; reduce setbacks in a few places; provide 24' roadway width stating it is a private street and parking will not be allowed on the street; and be able to develop in different phases. A complete list is on page 5 of the PUD design statement. She stated construction will not be allowed until fire hydrants are accepted and roads are paved.

Helsel stated the PUD has been revised in accordance with City Attorney and City Engineer comments and has Fire Department approval.

Discussion was held concerning the roads being approved by the Fire Department with **Helsel** stating yes, they were approved as well as discussion regarding maintaining of the roads. **Helsel** stated the water, sewer and roads are private and privately maintained.

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

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

There being none, **MOTION** was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to Close the Public Hearing.

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

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to Approve **Ordinance No. 1142**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "R-4 PUD" Multiple Family Planned Unit Development District to "R-4 PUD" Multiple Family Planned Unit Development District and, Declaring Repealer; Providing for Severability. (Rezoning Application RZ-11-16-16-1-27, Laurel Springs, Robert Crout, NW/4, Section 27, R-4 PUD to R-4 PUD).

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

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to Declare an Emergency for this Item.

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

5. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1143**, 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-E" Rural Estates District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-12-22-16-1-31, Adam & Julianna Moyer, 1931 W SW 89th Street, A-1, General Agricultural and Oil and Gas District to R-E, Rural Estates District).

Community Development Director Helsel stated the applicants have submitted an application to rezone their property from A-1 to R-E in order to split this lot to provide a residential lot for their retired parents. She stated the parcel contains 6.55 acres and is long and narrow with access on SW 89th Street stating the applicants utilize a water well and a septic system. She stated the applicant intends to split this parcel into two or three parcels and provide a private access easement for a drive to access the two or three lots that are created. **Helsel** stated public sewer is not available to this property; however, public water runs along SW 89th Street so a new structure may have to tie into City water if it is within 300 feet of a public water line.

Helsel provided the zoning and uses of property nearby stating this request does conform to the long range plan. She stated Staff recommends approval and the Planning Commission voted 5:0 to recommend approval in their January 24, 2017 meeting.

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

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

There being none, **MOTION** was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to Close the Public Hearing.

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

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to Approve **Ordinance No. 1143**, 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-E" Rural Estates District and, Declaring Repealer; Providing for Severability. (Rezoning Application RZ-12-22-16-1-31, Adam & Julianna Moyer, 1931 W SW 89th Street, A-1, General Agricultural and Oil and Gas District to R-E, Rural Estates District).

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

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

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

6. **Discussion, Consideration and Possible Action** regarding the Acceptance of Request for Qualifications for Architectural Services for Project Labeled Mustang Town Center Expansion and Awarding Services to Recommended Firm.

   Assistant City Manager Battles stated this project was approved by voters in August, 2016, as part of the penny sales tax extension stating the notice for the RFQ was published the week of October 17, 2016 and closed on November 17, 2016. He stated eight qualification statements from architectural firms were received: (1) GH2 Architects; (2) Red Prairie Design; (3) AiPC; (4) Rogue Design; (5) Mass Architects; (6) TAP Architecture; (7) FSB; and (8) Fitzgerald & Associates.

Battles stated the Leisure Services Board interviewed all eight firms and invited two firms back for final interviews conducted by the Leisure Services Board, *Councilman Riley* and Park Staff. He stated after all the interviews, the Leisure Services Board voted to award services to Red Prairie Design. He stated this item was to accept all eight qualifications and award to Red Prairie Design stating the contract will be brought to Council at a later date.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Accept all eight Request for Qualifications for Architectural Services for Project Labeled Mustang Town Center Expansion and Award Services to Red Prairie Design Group.

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

*7. **Discussion, Consideration and Possible Action** regarding Approval of Change Order #1 for Project Labeled Raw Water Transmission Lines.

Assistant City Manager Battles stated City Council approved a contract with SMC Utility Construction to replace 2 ½ miles of transmission lines in the well field stating during the project, Staff identified another ½ mile of line that needed to be replaced. He stated this change order was driven by Staff and also includes concrete replacement in a project area where the new line ran under concrete of a business and needs to be accessed to bore the line.

Battles stated the original contract amount was $877,366.50 and this change order is for $193,470.00 making the total contract amount $1,070,836.50. He stated funding is available and that $1,500,000.00 was allocated; therefore, the project is still under budget and still have money available for future items.

MOTION was made by **Councilman Jones**, seconded by **Councilman Grider**, to Approve Change Order #1 for Project Labeled Raw Water Transmission Lines.

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

*8. **Discussion, Consideration and Possible Action** regarding Acceptance of Consent Order 17-002 from Oklahoma Department of Environmental Quality.

Assistant City Manager Battles stated this Consent Order is an extension of Consent Order 07-438 which began in 2008 stating the timeline is the only change stating it establishes the timeline the City of Mustang requested and ODEQ approved in 2016. He stated there were no fees or financial impact.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Leete**, to Approve Change Order #1 for Project Labeled Raw Water Transmission Lines.

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

J. CITY ATTORNEY'S REPORT

None.

K. ADJOURNMENT

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

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

The meeting was adjourned at **7:45 p.m.**

Jay Adams, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
FEBRUARY 7, 2017

The Mustang Improvement Authority met in regular session on Tuesday, February 7, 2017, 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, February 3, 2017, at 10:30 a.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 **7:45 p.m.**

B. ROLL CALL

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

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **01/17/2017** MIA Minutes
*2. Claims List for **FY'17**
*3. Approval to Turn **Past Due Utility Accounts** Over to the Collection Agency.
4. Approval of **Employment Agreement** with City Attorney.

MOTION was made by **Trustee Grider**, seconded by **Trustee Leete**, to approve Items D-1 thru D-4 of the Consent Agenda.

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

E. <u>INFORMATION/REPORTS</u>

1. Trustee Manager
None

2. Trustees
None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding Approval of Change Order #1 for Project Labeled Raw Water Transmission Lines.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to Approve Change Order #1 for Project Labeled Raw Water Transmission Lines.

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

*2. **Discussion, Consideration and Possible Action** regarding Acceptance of Consent Order 17-002 from Oklahoma Department of Environmental Quality.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to Approve Change Order #1 for Project Labeled Raw Water Transmission Lines.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **7:46 p.m.**

Jay Adams, Chairman

Attest:

Lisa Martin, Secretary