MUSTANG CITY COUNCIL
APRIL 21, 2015

The Mustang City Council met in regular session on Tuesday, April 21, 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, April 17, 2015, at 10:55 a.m. An Amended Agenda was posted on Monday, April 20, 2015, at 2:30 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION (Bob Greg, Pastor, Lakehoma Church of Christ)

C. ROLL CALL

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

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **04/07/15** City Council Minutes.
*2. Claims List for **FY'15**
3. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
4. Approval of Accounting and Consulting Services **Engagement Letter** for Fiscal Year 2015-2016 as submitted by Crawford & Associates, P.C.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones,** to approve Items F-1 thru F-4 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

a. Presentation by Cowan Group Engineering regarding the Comprehensive City-Wide Water Distribution System Hydraulic Model Report.

City Manager Rooney introduced Rebecca Poole with Cowan Group Engineering.

Rebecca Poole introduced Jeff Cowan, Sean Fairbairn, and Michael Taylor with Cowan Group Engineering, as well as David White with WDB Engineering who also assisted with the water model.

Poole gave a presentation regarding the Comprehensive City-Wide Water Distribution Model(power point presentation is available in the City Clerk's office):

- Project Objective
- Existing Conditions
- Intro to Hydraulic Model
- Model Development
- Model Analysis
- Recommendations

b. Quarterly Presentation of Financial Statements ending March 31, 2015.

Finance Director Watts provided financial statements ending March 31, 2015 advising:

- General Fund Year to Date Net Change in Fund Balance ended $158,970 leaving cash reserves at 11.63%
- Mustang Improvement Authority (MIA) Year to Date Net Income ended $594,033, leaving ending annual reserves at 11.15%
- April, 2015 Sales Tax equaled $702,940 which is .02% under projected budget
- Use Tax equaled $22,674

c. Presentation of Certificate of Achievement for Excellence in Financial Reporting for FY ended 06/30/2014.

City Manager Rooney stated he always enjoys recognizing work performed by our employees that has risen to a level where it is being acknowledged nationally. He stated the City received the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada for its comprehensive annual financial report. **Rooney** stated this is the highest form of recognition in the area of governmental accounting that can be received and called ***Finance Director Watts*** to the front to receive the award.

Watts stated this was the 20th consecutive year for the City to receive this award stating it was a team effort and she has the best staff. She introduced staff in attendance this evening - Tammi Noblitt and Robin Loughridge.

2. City Council

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

Councilman Schweinberg stated he had received some emails and phone calls over the last two or three weeks regarding drainage issues. He stated the City Manager was in the process of providing information to him and he would then reply to the emails and calls. He also congratulated ***Finance Director Watts*** and her team.

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

Councilman Jones congratulated the Finance Staff as well as Assistant City Manager Battles for being named to the Mustang Hall of Fame presented by the Mustang Chamber of Commerce.

Councilwoman Bowers stated this was her last full meeting and congratulated Brian Grider for winning the Ward 3 seat. She stated she was a little disappointed to see so few voters though.

Councilwoman Staples congratulated ***Finance Director Watts*** and her team for their award as well as ***Assistant City Manager Battles*** for being named to the Mustang Hall of Fame.

Vice Mayor Taylor congratulated ***Finance Director Watts*** and her team for their award stating the City of Mustang has some of the best municipal staff he has seen anywhere. He stated his thoughts and prayers were with Ms. Coeta Morrell and stated this was his last full meeting as well.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1124**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "C-2" Commercial Neighborhood District to "C-3" Commercial General District and, Declaring Repealer, Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-3-13-15-1-34, CRT Express/Carol January, 318 E. State Highway 152.)

   Community Development Director Helsel stated the applicant is requesting to rezone property located east of Swadley's restaurant at 318 E. State Highway 152. She stated it contains approximately 1.42 acres stating the property has been completely demolished in the last 10 days and a pad constructed.

Helsel stated the property is currently zoned C-2 which is fairly low for this area stating the applicant had originally requested C-5 zoning, but amended it to C-3 during the April 14th Planning Commission meeting. She stated the applicant's intent is to sell the property. She stated once the property is developed, C-3 zoning would require a minimum six foot masonry fence be installed along all property lines that abut residentially zoned districts.

Helsel stated the Long-Range Plan calls for commercial/retail development in this area, so the request does conform to the comprehensive plan. She stated the Planning Commission voted 6:0 to approve the application at the C-3 level and Staff also recommends approval at C-3. She stated no one was in attendance at the Planning Commission meeting to protest the rezoning.

Vice Mayor Taylor opened the matter for Public Hearing.

There were no requests to speak.

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

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

MOTION was made by **Councilman Jones**, seconded by **Councilwoman Staples,** to Approve **Ordinance No. 1124**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "C-2" Commercial Neighborhood District to "C-3" Commercial General District and, Declaring Repealer, Providing for Severability;

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

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

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

2. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1125**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "R-E" Rural Estates District to "C-3" Commercial General District and, Declaring Repealer, Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-3-19-15-2-27, Saleh M. Al-Zubi, 201 N. Pine Terrace.)

   Community Development Director Helsel stated the applicant is requesting to rezone property located north of Bronco Stop at 201 N. Pine Terrace. She stated the applicant brought this before the Council about a month and a half ago requesting to rezone the property to C-5 where it failed and now the applicant is bringing it back to Council to rezone to C-3 with a Conditional Use Permit which would be heard in the next item.

   Helsel stated the property contains approximately 2.72 acres with the general character of the area being low density residential and commercial stating this lot is right between high intensity commercial and low density residential development. She stated the Long-Range Plan calls for low density residential development in this area, so the request does not conform to the comprehensive plan.

   Helsel stated the Planning Commission voted 6:0 to approve the application at the C-3 level and Staff also recommends approval at C-3. She stated no one was in attendance at the Planning Commission meeting to protest the rezoning.

   Discussion was held concerning what type of businesses could be performed in C-3 zoning with **Helsel** advising businesses as you would see in a strip center, a restaurant with no alcohol, medium level retail, beauty services, sales of cellular equipment as well as offices were examples provided. She stated outside vehicle storage was not allowed nor was any type of big noise creating business.

Vice Mayor Taylor opened the matter for Public Hearing.

There were no requests to speak.

MOTION was made by **Councilman Jones**, seconded by **Councilwoman Hagan**, to close the Public Hearing.

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

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Schweinberg**, to Approve **Ordinance No. 1125**, Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "R-E" Rural Estates District to "C-3" Commercial General District and, Declaring Repealer, Providing for Severability;

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

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

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

3. **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 property is the same property as discussed in Item H-2 stating the applicant is requesting a Conditional Use Permit (CUP) for mini-storage for this property. She stated a minimum six foot masonry fence is required for all property lines that abut residentially zoned districts stating the applicant plans to fence the property on all sides. She stated the mini-storage would be self serve with no on-site management.

   Helsel stated the Planning Commission approved the CUP 6:0 in their April 14th meeting. She stated Staff is requesting a restriction be placed on the CUP allowing only inside storage – no outside storage, and Staff is recommending approval of the CUP with this restriction.

Vice Mayor Taylor opened the matter for Public Hearing.

Mr. Ashton Allen, 301 N. Pine Terrace, addressed the Council stating they have to use this road as access to their property and traffic there is already terrible and asked if the road would be widened. He also stated a six foot fence would not be tall enough as he would still be able to see over it from his property and would be an eye sore.

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

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

Helsel stated the widening of the road had not been discussed; however, typically in a commercial development, street improvements would be required if traffic warrants it. She stated the fence required by code is six foot; however, a restriction could be placed requiring an eight foot fence on the North side, or on all sides.

Discussion was held concerning the number of houses on this street with it being stated only one house was located on N. Pine Terrace as well as a few houses located on Richard Terrace, stating only the house on N. Pine Terrace takes this entrance to get to their property.

Other discussion included whether or not fence height requirements or road widening could be required at a later date and if there was enough property to widen the road if it was felt that it was necessary. **Helsel** stated any requirements needed to be stated now through restrictions and would have to research the easement to determine if there was enough property to widen the road.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Staples**, to Table the Conditional Use Permit Application CUP-3-19-15-1-27, Saleh M. Al-Zubi, 201 N. Pine Terrace, Mini-Storage.

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

*4. **Discussion, Consideration and Possible Action** regarding Amending a Permanent Easement 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.

City Attorney Miller stated the City was approached by the owner of property located at SW 119th and Western where the City has easements on a piece of property since 1981. The current owner of the property, Westmoore Community Church, is interested in selling a portion of the property and has asked the City to relocate the easement.

Miller stated the City currently has no water lines on that easement and is agreeable to moving it with engineers from both parties working on this process.

Miller stated he would recommend placing two conditions upon the approval of amending the easement:

1) City Engineer and Staff Approval of Final Exhibit A, as one piece of legal description is missing from the current Exhibit A;

2) City obtaining the Title Report showing the nature of any easements or encumbrances that have intervened since the second easement date and current date, and City obtaining subordination agreements from the owners of those encumbrances to ensure the City's priority position remains the same

Miller also stated an application to vacate the prior easement has been filed, assuming this item is approved, that will be brought back to Council for approval at a later date.

MOTION was made by **Vice Mayor Taylor**, seconded by **Councilman Schweinberg,** to Approve the Amendment to Permanent Easement 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. with the following conditions:

1) City Engineer and Staff Approval of Final Exhibit A, as one piece of legal description is missing from the current Exhibit A;

2) City obtaining the Title Report showing the nature of any easements or encumbrances that have intervened since the second easement date and current date, and City obtaining subordination agreements from the owners of those encumbrances to ensure the City's priority position remains the same

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

J. CITY ATTORNEY'S REPORT

Discussion, Consideration and Possible Action regarding John E. Gatliff II and Joetta D. Gatliff vs City of Mustang, Oklahoma, et al., Case No. CJ-2015-217, District Court, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).

MOTION was made by **Vice Mayor Taylor**, seconded by **Councilman Schweinberg** to adjourn to executive session.

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

TIME ADJOURNED to Executive Session: **7:51 p.m.**

Vice Mayor Taylor called the meeting back in session at **8:01 p.m.**

In reference to Item J-1 –

No motion taken, information purposes only.

K. ADJOURNMENT

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

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

The meeting was adjourned at **8:01 p.m.**

Jay Adams
Jay Adams, Mayor

Attest:
Lisa Martin
Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
APRIL 21, 2015

The Mustang Improvement Authority met in regular session on Tuesday, April 21, 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, April 17, 2015, at 10:55 a.m. An Amended Agenda was posted on Monday, April 20, 2015, at 2:30 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Vice Chairman Taylor called the meeting to order at **8:01 p.m.**

B. ROLL CALL

Trustees Present: **Taylor**
Staples
Bowers
Jones
Hagan
Schweinberg

Trustees Absent: **Adams**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **04/07/15** MIA Minutes
*2. Claims List for **FY '15**

MOTION was made by **Trustee Schweinberg**, seconded by **Trustee Staples,** to approve Items D-1 thru D-2 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding Amending a Permanent Easement 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.

MOTION was made by **Vice Chairman Taylor**, seconded by **Trustee Schweinberg,** to Approve the Amendment to Permanent Easement 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. with the following conditions:

1) City Engineer and Staff Approval of Final Exhibit A, as one piece of legal description is missing from the current Exhibit A;

2) City obtaining the Title Report showing the nature of any easements or encumbrances that have intervened since the second easement date and current date, and City obtaining subordination agreements from the owners of those encumbrances to ensure the City's priority position remains the same

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **8:03 p.m.**

Jay Adams, Chairman

Attest:

Lisa Martin

Lisa Martin, Secretary