MUSTANG CITY COUNCIL
FEBRUARY 17, 2015

The Mustang City Council met in regular session on Tuesday, February 17, 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 Thursday, February 12, 2015, at 3:10 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 (Luke Ellis, Mustang Christian Church)

Luke Ellis led the assembly in the Pledge and Invocation. He read a Cherokee Wisdom parable and a couple of Proverbs regarding wisdom and instruction.

C. ROLL CALL

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

Councilmembers Absent: **Jones**

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 **02/03/15** City Council Minutes.
*2. Claims List for **FY'15**
3. Approval of **Resolution No. 15-040** making changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2014-2015 Fiscal Year Budget by $32,019.
4. Approval of **Resolution No. 15-**041 making changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2014-2015 Fiscal Year Budget by $2,255.
5. Approval of Annual Agreement with **Area Wide Aging Agency** based out of Redlands Community College to Provide Weekly Meal Program for Senior Adults.
*6. Approval to **Renew Audit Engagement Letter** Submitted by Anne Marie Elfrink, MS., CPA for Auditing Services for Fiscal Year Ending June 30, 2015.
7. Acceptance of Three **Scoreboards** for Wild Horse Park Baseball Complex.
*8. Acceptance of **Maintenance Bond** for Water Line for St. Anthony's Healthplex Property.

MOTION was made by **Councilman Taylor**, seconded by **Councilwoman Staples,** to approve Items F-1 thru F-8 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated he did not have anything in addition to his City Manager's report included in the packets and available online on the City of Mustang website.

a. Approval and Presentation of **Proclamation** Declaring February 20, 2015, as "Mustang Broncos Football Day".

Mayor Adams read the Proclamation declaring February 20, 2015 as "Mustang Broncos Football Day" for being named the State Class 6-A Academic State Champions and presented them to the coach and players who were present and representing the team.

2. City Council

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

Councilman Taylor stated the Masonic Lodge would be holding a couple of events open to the public that would benefit Project Graduation. He also thanked Mr. Ellis for the words of wisdom.

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

Councilwoman Bowers stated she had received a call from a resident interested in the Planning Commission.

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

Councilman Schweinberg stated he had received another letter from Don Mount and wanted to make Council aware of the requests from him over the last 6 or 7 weeks as well as make the Council aware of the unlimited amount of information that has been provided by the City Manager and Finance Director to him. He stated they had also offered to meet with Mr. Mount on the requested information. **Schweinberg** requested the City Manager place an item on the March Work Session regarding Mr. Mount's requests, the amount of information provided to him, and the amount of staff time used to prepare the information as well as whether or not the City resources are being spent diligently regarding his questions.

Mayor Adams stated he attended an event at Mustang Creek Elementary titled "Creek Rocks the Moon" stating one of the teachers has NASA certification and was able to bring actual moon rocks to the school for viewing. He stated it was a wonderful event stating Mustang has wonderful and talented teachers.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1121**, 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-5" Commercial Intensive District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-12-22-14-1-27, Saleh M. Al-Zubi, 201 N. Pine Terrace.

City Manager Rooney stated the applicant was requesting a zoning change from R-E Rural Estates District to C-5 Commercial Intensive District for his property located at 201 N. Pine Terrace which was just north of Bronco 66 Service Station. He stated the applicant indicated an intention of placing a hotel on the property, but if approved, the applicant would be permitted to place any use there that is permitted in C-5 districts.

Rooney stated the developer would be required to place at least a 6-foot masonry fence along all property lines that abut residentially-zoned districts. He stated the general character of the area is low density residential and commercial with this lot located between high intensity commercial and low density residential development. He stated the request does not conform to the comprehensive plan which calls for low density residential development in this area.

Rooney stated the Planning Commission voted 7:0 to deny the application stating approximately 25 property owners were present at the Planning Commission meeting and spoke against the application. He stated Staff also does not recommend approval of this rezoning.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to open the matter for Public Hearing.

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

Donna Allen, 301 N Pine Terrace, addressed the Council stating her property backs up to the applicant's property. She stated she protested the rezoning application at the Planning Commission meeting with her main concerns including noise, drainage, and traffic issues and stated there was only one road and it is already difficult to get in and out of their property and a hotel would make that even worse.

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

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

Discussion was held concerning the Planning Commission's decision, Staff's recommendation and the views of the property owners in that area with all being against the rezoning. Other discussion included the applicant working with the Community Development Department to perhaps rezone to another district, but not rezone to C-5.

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Schweinberg**, to Deny **Ordinance No. 1121**, 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-5" Commercial Intensive District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

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

2. **Discussion, Consideration and Possible Action** Regarding Reappointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box.

   City Manager Rooney stated the term for Municipal Judge runs for two year periods resulting in the need to renew on odd numbered years and stated both Steve Huddleston and Chris Box have expressed a desire to continue as Judge and Alternate Judge should the Council choose to reappoint them. He stated according to Chapter 26, Section 26-62 of the Municipal Code, the Judge and Alternate Judge shall be appointed by the Mayor with the consent of the City Council.

   Discussion was held concerning any past issues or if the Council would like to table the item and request the judges to attend the next meeting.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to Reappoint Municipal Judge Steve Huddleston and Alternate Judge Chris Box.

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

J. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** on U.S. Bank National Association v. Lori R. Cave, et al. (including the City of Mustang), Case No. CJ-2015-39, District Court, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 O.S., Section 307(B)(4).

MOTION was made by **Councilman Schweinberg,** seconded by **Councilwoman Hagan** to adjourn to executive session.

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

TIME ADJOURNED to Executive Session: **7:28 p.m.**

Mayor Adams called the meeting back in session at **7:32 p.m.**

In reference to Item J-1 –

MOTION was made by **Mayor Adams**, seconded **Councilman Taylor** to instruct the City Attorney to file a disclaimer regarding U.S. Bank National Association v. Lori R. Cave, et al. (including the City of Mustang), Case No. CJ-2015-39, District Court, Canadian County, Oklahoma

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

K. ADJOURNMENT

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

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

The meeting was adjourned at **7:32 p.m.**

Jay Adams, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
FEBRUARY 17, 2015

The Mustang Improvement Authority met in regular session on Tuesday, February 17, 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 Thursday, February 12, 2015, at 3:10 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 **7:32 p.m.**

B. ROLL CALL

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

Trustees Absent: **Jones**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **02/03/15** MIA Minutes
*2. Claims List for **FY '15**
3. Approval of **Resolution No. 15-042** making changes in the Mustang Improvement Authority Fund Budget by making a Supplemental Appropriation to Increase the 2014-2015 Fiscal Year Budget by $993.
*4. Approval to **Renew Audit Engagement Letter** Submitted by Anne Marie Elfrink, MS., CPA for Auditing Services for Fiscal Year Ending June 30, 2015.
*5. Acceptance of **Maintenance Bond** for Water Line for St. Anthony's Healthplex Property.

MOTION was made by **Trustee Taylor**, seconded by **Trustee Schweinberg,** to approve Items D-1 thru D-5 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

None.

G. ADJOURNMENT

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

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

Meeting was adjourned at **7:33 p.m.**

Jay Adams, Chairman

Attest:

Lisa Martin, Secretary