

MUSTANG CITY COUNCIL
JUNE 21, 2016

The Mustang City Council met in regular session on Tuesday, June 21, 2016, 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, June 17, 2016, 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 (Councilman Jones, Ward IV)

Councilman Jones led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present:	Riley
	Leete
	Grider
	Jones (left at 7:29 pm)
	Hagan
	Schweinberg
	Adams

Councilmembers Absent: **None**

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 **06/07/16** City Council Minutes.
- *2. Claims List for **FY'16**.
3. Approval of **Resolution No. 16-043**, Establishing the Nine-One-One (9-1-1) Emergency Telephone Fee Rate for Calendar Year 2017.
4. Approval of **Resolution No. 16-044**, making changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$39,864.
5. Approval of **Resolution No. 16-045**, making changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$6,229.

6. Approval of **Resolution No. 16-046**, making changes in the Parks and Recreation Donation Fund Budget by making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$3,500.
7. Approval to **Deny Tort Claim** by Leon Ralls, Date of Incident April 4, 2016, in the Amount of \$80.
- *8. Approval of **Tub Grinder Agreement** for Fiscal Year 2016-2017 as Submitted by Oklahoma Environmental Management Authority "OEMA".
9. Approval to Renew Agreement with **Mustang Public Schools** to Provide Campus School Resource Officers.
10. Approval to Renew Agreement for **Dispatch Services** between the Mustang Police Department and the Town of Union City.
11. Approval to Renew the Interlocal Governmental Agreement with Canadian County Sheriff's Office to **Deputize Local Law Enforcement Officers**.
12. Approval to Renew Agreement with the Canadian County Sheriff's Office to **Hold Excess Prisoners**.
13. Approval to Renew Excess Workers' Compensation Insurance with **Midwest Employers Policy**.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilwoman Hagan**, to approve Items F-1 through F-13 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney reminded everyone of the Firefighters Freedom Celebration this Saturday stating there would be food, fireworks, and activities.

2. City Council

1. Approval of Proclamation Declaring July as "**Park and Recreation Month**".

Mayor Adams read the Proclamation designating the month of July as "Park and Recreation Month" thanking **Parks and Recreation Director Battles** and his Staff for such great parks Mustang has to offer.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg**, to approve the Proclamation designating July as "**Park and Recreation Month**".

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

NAY: None

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

Councilman Riley stated he had received some calls regarding Discussion Item H-1, but that was it.

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

Councilman Grider stated he had the opportunity to attend the Planning Commission meeting on Tuesday evening and thanked **Community Development Director Helsel** stating he was impressed with how well she handled herself in a difficult situation. He stated he would like to place an item to review procedures for public comments on the next Work Session agenda. He also stated signs were available for combat veterans who may struggle with the July 4th fireworks stating they could obtain them from him or at City Hall.

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

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

Councilman Schweinberg complemented **Parks and Recreation Director Battles** and Staff for their fantastic job with the parks stating the Tuesday evening Trucks and Tunes was great and encouraged everyone to go over and enjoy good food and good music. He also complimented **Community Development Director Helsel** as well as all of City of Mustang Staff for the hard work they do.

Mayor Adams stated he too was impressed with the amount of people in the City parks and the hard work by City Staff in keeping the parks so nice with a lot of activities offered. He stated any items he may have had were already taken care of by the City Manager.

H. DISCUSSION ITEMS

- *1. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1140**, 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-1 PUD" Single Family Residential Planned Unit Development District and Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-4-14-16-2-27, Civil Design & Survey of Oklahoma, 800-900 Block N. Sara Road).

Community Development Director Helsel stated this was a rezoning application denied by Council in the March 1st meeting stating it is in a slightly different form this time. She stated the property is south of Sara Homestead and contains approximately 25 acres. She stated the overall concept of the PUD is a maintenance free living environment with very little individual lawn area, but with 6+ acres of common area stating it would incorporate amenities such as walking trails, gated entry, recreational facilities, clubhouse, and grounds maintenance for the entire PUD. **Helsel** stated the design of the subdivision is unique to Mustang and will contain houses that are a minimum of 1800 square feet costing between \$135 and \$140 per square foot, but will be very close together. She stated an opaque wall will be placed around the entire perimeter and public sanitary sewer and water will be provided, but the street will be private.

Helsel stated the developer tried to incorporate changes that would help address some of the concerns from last time such as a 5-foot wide drainage channel on the south side of the property, on the north end of the properties on Lea Terrace to try to help with drainage flow which will allow the property owners on Lea to keep their existing fences. She stated the wall will then be placed at least five feet farther to the north, reducing their green belt area by 5 feet and will also be aligning the entrance with the entrance to Rollin' Acres across Sara Road. **Helsel** stated the applicant has met with the City Engineer to review the overall drainage concept and the City Engineer confirms he will only approve the preliminary plat if it meets all the requirement of the City's drainage ordinance stating when development occurs, the engineer will be required to follow all aspects of the City's drainage ordinance and will not be permitted to discharge at any faster rate than currently exists.

Helsel stated the PUD will have a base zoning of R-1 and calls for a maximum lot coverage of 65% which the City Code only allows 35%, and the plan allows for increased landscape buffering along N. Sara Road. She stated the minimum lot size will be 5000 square feet which the City's Code minimum is 7200 square feet stating all yards, common areas, entry and buffer areas will have irrigation systems. **Helsel** stated all structures will be a minimum of 80% masonry finish and the setbacks will be 10-foot in front, 7.5 foot in rear and 5-foot on sides. She stated Mustang Code requires 30-foot in front, 20-foot in rear and 5-foot on sides. She stated all lots will front on a common access drive which will not be built to street standards and some of the utilities will be placed in a private easement stating there would be no sidewalks along the common access driveways and each lot will abut a common access drive and not a street.

Helsel stated the general character of the area is low density residential and provided zoning and uses of property nearby as well as information regarding the long-range plan and utilities. She stated the Fire Department reviewed the application and requested changes stating those changes were all made by the developer and the changed plans were re-submitted. She stated the Police Department did not recommend any changes. **Helsel** stated Staff does not feel this development will negatively impact property values in the surrounding area stating each home will be available for purchase as they are each on individual lots.

Helsel stated Staff received one phone call in protest of this PUD since this most recent publication. She stated the Mustang Planning Commission voted 6:0 to unanimously recommend approval of the application at their June 14, 2016 meeting stating Staff also recommends approval of the application.

Discussion was held concerning the number of times this item will come back to City Council for approval with **Helsel** stating once the preliminary plat with a preliminary drainage study was completed, it would come to Council for approval as well as the final plat, providing detailed water, sewer, paving information and drainage study, coming to Council for approval. She stated any changes to the final plat would also have to come to Council for approval, again with a drainage study. **Helsel** also stated no work could be started until the final plat was approved.

Councilman Jones asked **City Engineer Vick** if this might improve drainage on Lea Terrace. **Vick** stated the developer could not make drainage worse and cannot release more water than customarily goes that way. He stated they have dug little trenches along the fence line between lots trying to get water out and stated the only way to improve it would be to reduce the amount of water that was historically released to a smaller amount. He gave an example such as going from an 18 inch pipe to a 14 inch pipe stating the water will eventually cross the property, but at a slower rate.

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

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

NAY: None

Mark Ritchie, Civil Design and Survey, on behalf of the applicants and developers, Sheppard and Sons, addressed the Council asking if they had any questions for him. There were none at this time.

Donna Skidmore, 2113 SW 67th Street, Oklahoma City, Oklahoma, addressed the Council stating her parents live at 707 E. Lea Terrace stated she would like some clarification on some of the items being proposed:

- Opaque fence - would there be any space below the fence or would it be built from the ground up?

Mayor Adams stated this meeting was for the use of the land and not the design of the fence or other items that are reviewed with the plats, but requested Mr. Ritchie address her question.

Ritchie stated the fence is intended to be brick columns spaced approximately 8 - 10 feet apart with a steel beam about 6 inches above ground level with brick above. He stated an example would be brick installed above garage doors. He stated having the fence 6 inches above the ground will allow drainage to flow into the drainage system they have committed to build.

- 5 foot drainage channel - is the channel going under the fence or level with it and what measures will be taken in the channel to help slow down flow?

- At what point will building permits be issued and will the fence be installed before construction begins?

Helsel stated once the final plat is approved, the sewer, water and drainage is installed and Staff tests and inspects. She stated bonds and inspection fees are provided to the City and the bonds go before Council for acceptance stating once accepted, the final plat is signed and filed and lots can be sold. She stated the final plat is approved before building permits are issued and the fence will be installed prior to construction.

- Is it the intention for drainage to go from Sara Road to the length of the property on the south side?

Ritchie stated that would be impossible to answer since it's not at the preliminary plat phase.

- Staff report stated this will not negatively impact property; however, an increase in property values, which would increase property taxes, is a negative in their eyes stating her parents are still against this rezoning. She stated the main objection other than drainage, is the number of lots built and the size of the lots being so much smaller.

Bob Duke, 432 E. Magnolia Terrace, Mustang, Oklahoma, addressed the Council stating he was opposed to the rezoning for a number of reasons stating he had written a letter to the Mayor stating his objections. He stated his home was on the northern corner and already have flood issues and he is concerned with elevation and the project causing the water to be diverted to the west causing increased flooding. He stated his other objections have to do with his overall feeling for this stating he was concerned about the direction Mustang was headed. He stated there was too much development and is weighing on our water and sewer systems with the community already looking for other water resources. Duke stated another issue was the increase in traffic with projects like this bringing more people to the area and more traffic. He stated he was concerned for green space stating the property owner knew what the zoning was in this area and should have thought about that before buying it. He also stated projects like this do not help the peace and tranquility the City once had and stated crime rates were up as well.

(**Councilman Jones** left at this time.)

Frank Devous, 512 E. Lea Terrace, Mustang, Oklahoma, addressed the Council stating there was a very bad drainage problem on Lea Terrace stating the 4 inch rain received recently caused water to go into his two shops and garage. He stated neighbors also have to use sandbags and the chain link fence between his property and his neighbors was recently knocked down due to the debris and flooding stating a high percentage of the water comes from this property. He also stated he was told in the March meeting that someone would come out and look at his drainage problem, but no one came out and looked. He stated something should be done regarding the drainage before any kind of development on the property is considered.

Jim Sheppard, 1224 E. Highline Road, Sheppard and Sons Construction, on behalf of the developers, addressed the Council stating he was not trying to re-write the PUD ordinance as this ordinance was already in place and this property fits perfectly into it. He stated the plan was to produce a quiet and controlled neighborhood with quality built homes and quality built amenities. He stated it would be a gated community with a masonry fence around the property having a 4-6 inch gap at the bottom with high levels of landscaping, walking trails and a park like setting with common areas for all to enjoy. He stated it would be low maintenance and the maintenance would be provided and paid for through monthly association dues.

Sheppard stated he tried to listen to complaints and opposition from the March meeting and would try to put concerns into action as he does not want to create any enemies and wants to produce the best possible product for the community. He stated they aligned entries to try and address some traffic issues plus Sara Road issues may be addressed through construction from Oklahoma City. He stated he used to live on Lea Terrace and he agrees there are problems with flooding; however, he disagrees that the majority of the water was crossing from the north. He stated Mid First Bank sits on the corner of the section line and looking at the elevation there to the west into Lea Terrace, it was obvious where the water was coming from stating that addition slopes downhill and from Sara Road it slopes downhill and all that water is coming down to that part of Lea Terrace, but it is not crossing from the north and dumping on them. He stated what also hurts their drainage problem are the culverts needing maintenance and bar ditches being filled in and those need attention.

Councilman Schweinberg asked if the drainage in this development would be underground drains and would it all be concrete driven.

Ritchie stated it was difficult to answer at this point, but the plan is to handle all of it at the surface level and have a series of detention ponds through the common areas intermingled with the landscaping and walking trails to collect and discharge and allow water to infiltrate at the historic rate.

Vick stated drainage has not really been looked at stating this subdivision has water coming onto it from the north as well and that water has to be able to pass through and how this will be handled is still a question. He stated however, the engineer and developer does not spend time and money on this when it is a zoning issue.

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

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

Councilman Schweinberg stated what was being requested in this meeting was to approve or deny a rezoning request with a PUD in place stating no one can really look at the water problem right now. He stated the drainage issue will be reviewed at a different time in the process and it could be that what the developer is proposing with the 5 foot drainage ditch may help the drainage situation stating more will be known with the drainage study. He stated he understood the traffic situation on Sara Rd and 59th as he lives there, but with the Sara Road improvements coming with the turnpike expansion, he hopes this will help alleviate some of the traffic problems. **Schweinberg** stated Mustang will grow and property cannot be held prisoner and if the drainage study shows additional drainage issues with this development, then the plat does not have to be approved, but to let the developer and engineer try to come up with a solution stating it may not solve all the problems, but could some.

Mayor Adams stated without a drainage study, unable to state right now what could happen with drainage stating **City Engineer Vick** will make certain they meet all requirements and will not approve it if not. He stated what was being voted on tonight was the use of the property.

Councilman Riley asked if the number of houses are set with this PUD or will that number be set later.

Helsel stated the number of houses cannot increase from what is listed in the PUD, but can be decreased stating the Preliminary Plat cannot be denied due to the number of houses in the PUD. She stated the Master Development Plan becomes a part of this rezoning ordinance.

Councilwoman Hagan stated she did not believe Mustang was ready for this rezoning with the poor drainage issues in that area stating those need to be corrected first as well as drainage issues in other areas needing addressed too.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to Approve Ordinance No. 1140, 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-1 PUD" Single Family Residential Planned Unit Development District and Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application RZ-4-14-16-2-27, Civil Design & Survey of Oklahoma, 800-900 Block N. Sara Road

AYE: Leete, Grider, Schweinberg, Adams

NAY: Riley, Hagan

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Grider**, to Declare an Emergency for Ordinance No. 1140.

AYE: Riley, Leete, Grider, Schweinberg, Adams

NAY: Hagan

Emergency clause did not pass.

2. **Discussion, Consideration and Possible Action** regarding Acceptance of Proposals for Comprehensive Plan Update Consulting Services.

Community Development Director Helsel stated in February, 2016, the Community Development Department issued Requests for Proposals for consulting services for an update to the City's comprehensive plan stating nine proposals were received. She stated Staff requests acceptance of all nine proposals.

MOTION was made by **Councilman Grider**, seconded by **Councilman Schweinberg**, to Accept the Nine Proposals Received for the Comprehensive Plan Update Consulting Services.

AYE: Riley, Leete, Grider, Hagan, Schweinber, Adams

NAY: None

3. **Discussion, Consideration and Possible Action** regarding Award of Contract for Comprehensive Plan Update Consulting Services.

Community Development Director Helsel stated a committee consisting of Mayor Adams, Vice Mayor Schweinberg, Billy McDaniel - Planning Commission Chairperson, City Manager, City Planner and herself reviewed the nine proposals and narrowed them down to three. She stated the three firms gave presentations and were interviewed stating all were very good. She stated each committee member voted independently and each chose the same firm, Halff Associates, as the best suited to work with the City on the comprehensive plan update project. **Helsel** stated Halff Associates will be working with ADG Consultants, a regional planning group, as well. She stated the City Attorney reviewed the contract and Halff Associated agreed to all changes.

MOTION was made by **Mayor Adams**, seconded by **Councilman Grider**, to Award the Contract for Comprehensive Plan Update Consulting Services to Halff Associates.

AYE: Riley, Leete, Grider, Hagan, Schweinber, Adams

NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion** of *David Mizirl v. City of Mustang*, Case No. M-2014-0623, Court of Criminal Appeals, State of Oklahoma; and, **Proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).**
2. **Discussion, Consideration and Possible Action** Regarding the Agreement between the City of Mustang and The Fraternal Order of Police, for Fiscal Year 2016-17. **Proposed Executive Session as Authorized by 25 O.S., Section 307 (B)(1).**

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

AYE: Riley, Leete, Grider, Hagan, Schweinberg, Adams

NAY: None

TIME ADJOURNED to Executive Session: **8:04 p.m.**

MAYOR ADAMS called the meeting back in session.

Meeting was called back in session at **8:14 p.m.**

In reference to Item J-1 –

No motion taken, information purposes only.

In reference to Item J-2 –

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg** to Approve the Agreement between the City of Mustang and The Fraternal Order of Police, for Fiscal Year 2016-17, as presented in Executive Session.

AYE: Riley, Leete, Grider, Hagan, Schweinberg, Adams

NAY: None

K. ADJOURNMENT

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

AYE: Riley, Leete, Grider, Hagan, Schweinberg, Adams

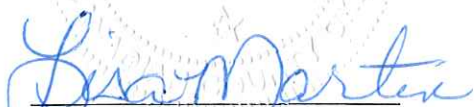
NAY: None

The meeting was adjourned at **8:14 p.m.**



Jay Adams, Mayor

Attest:



Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JUNE 21, 2016

The Mustang Improvement Authority met in regular session on Tuesday, June 21, 2016, 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, June 17, 2016, 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 **8:14 p.m.**

B. ROLL CALL

Trustees Present: Riley
Leete
Grider
Hagan
Schweinberg
Adams

Trustees Absent: Jones

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **06/07/16** MIA Minutes
- *2. Claims List for **FY '16**
3. Approval of **Resolution No. 16-047**, making changes in the Mustang Improvement Authority Fund Budget by making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$1,345,555.
4. Approval of **Resolution No. 16-048**, making changes in the Mustang Improvement Authority Fund Budget by making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$210,243.
5. Approval of **Resolution No. 16-049**, making changes in the Mustang Improvement Authority Fund Budget by making a Supplemental Appropriation to Increase the 2015-2016 Fiscal Year Budget by \$34,706.
- *6. Approval of **Tub Grinder Agreement** for Fiscal Year 2016-2017 as Submitted by Oklahoma Environmental Management Authority "OEMA".

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

AYE: Riley, Leete, Grider, 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 Grider**, and seconded by **Trustee Riley**, to adjourn.

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

Meeting was adjourned at **8:15 p.m.**


Jay Adams, Chairman

Attest:


Lisa Martin, Secretary