

MUSTANG CITY COUNCIL

June 4, 2019

The Mustang City Council met in regular session on Tuesday, June 4, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, May 31, 2019, at 12:57 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION

Brian Grider, Councilman and Vice Mayor,
City of Mustang

Brian Grider led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present:

Ray
Teeples
Grider
Jones
McKenzie
Sholund
Schweinberg

Councilmembers Absent: None

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS/DELEGATES

David Nelms, 1809 W Laura Dr Mustang, Oklahoma, spoke about Walnut Manor addition drainage ditch on South West 89th Street Easement.

Carla Buck, 1856 W David Dr Mustang, OK 73064, West David Drive, excessive flooding in Rose Oak in Oklahoma.

Kenneth Grantz, 7901 S. Counsel Rd #270, raised issue on his overcharge over a public request issue with the Police Department.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

CITY COUNCIL AGENDA

JUNE 4, 2019

PAGE 2

F. CONSENT AGENDA

1. Approval of **05/07/2019** City Council Minutes.
- *2. Approval of **05/09/2019** City Council Special Meeting (Budget Work Session) Minutes.
3. Approval of **05/14/2019** City Council Special Meeting Minutes.
- *4. Claims List for **FY 2019**
- *5. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
6. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
7. Approval of **Resolution No. 19-040** making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by \$1,000.
8. Approval of **Resolution No. 19-042** making Changes in the Parks and Recreation Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by \$5,349.
- *9. Approval to Declare Certain Items as **Surplus** and Authorize Disposal of those Items.
10. Approval to renew the **Public Works Contract** between the Department of Corrections and the City of Mustang.

MOTION was made by **Councilman Jones**, seconded by **Councilman McKenzie**, that the Consent Agenda Items F-1 thru F-10 be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

G. INFORMATION/REPORTS

1. City Manager Report
 - a. Warriors for Freedom Tournament
Nic Bailey presented a check for \$11,356.50 to the Warriors for Freedom project as a result of the Warriors for Freedom Tournament
 - b. City Manager Report

City Manager Rooney recognized and presented the Finance Department for their outstanding work by presenting to them their plaque from the Comprehensive Annual Finance Audit Report (CAFR) for the Comprehensive Annual Finance Report for the fiscal year 2018.
 - c. **City Manager Rooney** stated the City Manager report is available on the website

2. City Council Reports

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

Councilman Shuland stated one of his ward members spoke to him about drainage issues on Morgan Road.

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

Councilman Jones mentioned there were drainage issues.

Councilman Grider shared that in the next Mustang Chamber luncheon on June the 27th 2019 Governor Kevin Stitt will be present and shared the information for a community presence.

Councilman Teeples shared that he was contacted about an issue about traffic on the road that goes to Mustang Elementary South of McDonalds and was advised to contact Community Development Director Helsel to be reviewed by Traffic Commission.

Councilman Ray stated everything is great in his ward and wished Ms. Martin a quick recovery.

Mayor Schweinberg stated he had nothing to report but shared the following:

- Has received multiple phone calls on issues from ward 1;
- Reminded everyone about the Freedom Fest on June 29th 2019;
- Asked people to be mindful of their neighbors and hours that are regulated for fireworks.

City Manager Rooney additionally added that the City still has signs for veterans and service members who are sensitive to fireworks and any other noise during such a time. They can be picked up at City Hall and are free of charge.

H. DISCUSSION ITEMS

- *1. **Public Hearing on Fiscal Year 2019-2020** Annual Budget for the City of Mustang, the Mustang Improvement Authority and Related Funds in Accordance with State Statutes.

City Manager Rooney provided background highlights of the budget and presented it along with a PowerPoint presentation. He shared that:

- The projected sales tax revenue for the next financial fiscal year is 4%
- There will be different changes from the current fiscal budget to the next fiscal year budget such as: adding a school resource officer, staffing for emergency personnel through an emergency grant that the City did last year but continues into this following year.
- Amendment to the City Attorneys contract
- Step increases for all eligible full time employees
- Fraternal Order of Police employees will receive a 1% COLA on July 1, 2019 and an additional second 1% COLA increase on January 1, 2020
- The City's Healthcare premium costs went down by 15%, that will reflect as \$126,000 worth in savings
- No changes to the City's pension percentage contribution for OMRP, FOP and IAFF
- Funds for street improvements, capital improvements and Mustang improvement funds
- Additional Information on the budget may be physically attained at the Mustang Public Library for public review or found online on the City's website

Mayor Schweinberg entertained a motion to open the matter for public hearing.

Councilman Grider made a motion to open the matter for public hearing.

MOTION was made by **Councilman Grider**, seconded by **Councilman Teeples**, that the matter be opened for public hearing.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

There being none, **Mayor Schweinberg** entertained a motion to close the Public Hearing.

CITY COUNCIL AGENDA

JUNE 4, 2019

PAGE 5

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Grider**, that the matter be closed for public hearing.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

- *2. **Discussion, Consideration and Possible Action** regarding **Resolution No. 19-041**, Approving the **Fiscal Year 2019-2020** Budget for the City of Mustang, Mustang Improvement Authority and Related Funds.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Grider**, that the **Fiscal Year 2019-2020** Annual Budget for the City of Mustang, the Mustang Improvement Authority and Related Funds in Accordance with State Statutes be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

3. **Discussion, Consideration and Possible Action** regarding **Resolution No. 19-037**, A Resolution Authorizing Participation in the OMAG Recognition Program.

City Manager Rooney stated the OMAG Recognition Program is available to member communities that utilize OMAG for their liability protection plan. Further on he mentioned that as most of the council members and staff are aware, the City of Mustang is eligible for a refund of \$8,300 from OMAG based on three (3) factors; adopting a handbook for the City Council, which the Council already did about 3 meetings prior to today. Secondly, receiving the OMAG training that the council participated in May, also completing a stability review test that has also already been done, additionally reviewing the City Municipal Liability Protection Plan, with a final requirement of adopting this resolution (**Resolution No. 19-037**) and once it is adopted the City shall be receiving a refund to the amount of \$8,300. He also added on a message to Lisa Martin, stating that she worked very hard and due to personal commitments she wasn't present and it would have been a pleasure for her to be present as this resolution passed. Although, he hopes she shall be present when the check is delivered and presented to the City.

Mayor Schweinberg also stated that for a large number of the City Councilmen this was their first workshop event. And for the six years that he has been on the council this was most informational, uplifting seminar. He added that he had learnt a lot more in this two-hour meeting than any previous workshops he has been to in the past. He also commented on the email that was sent back after the meeting by OMAG reflecting scores of a stability test taken during the workshop. Based on the score, he stated that was credit to the City Manager and staff and that as a Council they agreed that the City employees together with the Council are doing a good job.

MOTION was made by **Councilman Grider**, seconded by **Councilman Sholund**, that the Resolution No. 19-037 be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

- *4. **Discussion, Consideration and Possible Action** regarding renewing contract for maintenance and operations of public streets and mowing and maintenance of public parks and facilities with Silver Star Construction Company.

Assistant City Manager Battles stated this is for a contract renewal between the City of Mustang and Silver Star Construction Company including a contract CPI stating Silver Star Construction is asking for a 2.4% increase that equates to \$790,613.64. In addition to the background information, he wanted to reiterate that Silver Star Construction does a great job for the City of Mustang, always very quick, responsive and one of the things that attracts him towards them is although the contract clearly outlines what they are meant to do, they never call and argue on the basis it is not in their contract or duties of work; trash on the side of the road, concrete busted on the side of the road, they go the extra mile and do those things even though they don't have to. He also mentioned that during the first 5 years of the contract there was no CPI at all.

Mayor Schweinberg commented that he believes it would be safe to say they are great partners of the City which was responded with a yes from **Assistant City Manager Battles**.

Councilman Grider added that he can recall from his past, a few years ago he was working on a project to install a three way stop in a neighborhood in his ward and he was very impressed by how quickly it was completed.

MOTION was made by **Councilman Grider**, seconded by **Councilman Ray**, that the renewal contract for maintenance and operations of public streets and mowing and maintenance of public parks and facilities with Silver Star Construction Company be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

5. **Discussion, Consideration and Possible Action** regarding Preliminary Plat Application PP-12-12-18-1-35, Symes Commercial Park Phase II, Robert Symes, Northeast Quarter, Section 35, 9.66 acres, 8 lots.

Community Developmental Director Helsel stated this is an application for a preliminary plat for a commercially zoned area. This location shall be south of the new hotel; this area has been split with lot splits over the past several years and the developer was told if he is going to split the lots anymore he has to come up with a plat. Thus the developer came forward with a plat and they are looking at eight (8) commercial lots on 9.66 acres, in zone C5. The developer has agreed to extend the road to the South, along with water, sewer and drainage service lines to those lots. These lot sizes meet the requirements for zone C5, water, sewer, drainage and pavement plans have all been reviewed by the City's Engineer and have been approved. The Fire Department reviewed the plat and made some recommendations that were adhered to and are reflective on the new plat. City attorney also made some comments, which were also addressed. There was one more comment that the Director found and asked the Engineer to change the wording on the Common Access Easement to Common Access Driveway and the developers agreed to make that change. This is a commercial and residential area, there is residentially zoned property to the South and to the East. Wherever there is residentially zoned property that abuts this preliminary plat when the development starts a masonry fence will be required along that boundary. The long range plan calls for regional retail development so it does meet the recommendations of the Comprehensive Plan. **Helsel** stated Planning Commission voted unanimously to approve the final plat.

Councilman McKenzie asked what kind of commercial business will be present?

Community Developmental Director Helsel responded with a request for Councilman McKenzie to refer to the packet that was handed to them and under Zone C5 he would be able to see the uses and types of commercial business allowed.

MOTION was made by **Councilman Jones**, seconded by **Councilman mCKenzie**, that he Preliminary Plat Application for Symes Commercial Park Phase II be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

- *6. **Discussion, Consideration and Possible Action** regarding:
- a. Acceptance of Bids for Project Labeled Wild Horse Park Splash Pad Water and Sewer Line
 - b. Awarding Lowest Qualified Bid for Project Labeled Wild Horse Splash Pad Water and Sewer Line

Assistant City Manager Battles stated Cowan Group Engineering and City of Mustang put out specifications for water and sewer line that will service the entire area by the playground. This is for the Splash Pad, the current playground shall help access with irrigation and then there will be future developments. In those specifications the City put out similar engineering plans with an addendum, thus the City had two bids; In front of the Council is a Base Bid and Alternate I. After the City got the bids in and after looking at them along the guidelines of the budget the City felt it was the best approach to go with the base bid. Essentially this completes half the water line and the entire sewer line. When the Market that was part of the 2016 Bond Issue shall be constructed that's when the second half of the water line shall be finalized. The City was a little hesitant with the existing plans because of the footprint of any future construction change then the City would have had to go back and move the water line that was just built and thus the reason of the partial construction on the water line. ODEQ regulated that matter and gave the City plans and go ahead to partially construct the line. Battles stated that staff recommends that the City only award the Low Base Bid to the low contractor.

Mayor Schweinberg commented and asked the Council to understand clearly, that there are two portions to this bid item (a) and (b). And asked if there were any questions for staff.

Councilman McKenzie asked if this project would include a Skate Park?

Assistant City Manager Battles responded with No, and that this wasn't scoped out by the architect and was not part of the 2016 Bond Issue.

CITY COUNCIL AGENDA

JUNE 4, 2019

PAGE 9

MOTION was made by **Councilman Grider**, seconded by **Councilman Sholund**, that the acceptance of Bids for Project Labeled Wild Horse Park Splash Pad Water and Sewer Line be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

MOTION was made by **Councilman Jones**, seconded by **Councilman Sholund**, that the Lowest Qualified Bid for Project Labeled Wild Horse Splash Pad Water and Sewer Line be awarded to Krapff Reynolds Construction and be Approved by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

City Manager Rooney stated he forgot to introduce a visitor. The council and the City have a visitor from Kenya, Janet Kajirwa is the mother to the City's Intern, Edigar Kajirwa.

7. **Discussion, Consideration and Possible Action** on requests from the City of Oklahoma City to enter into agreements with the City of Mustang under which Mustang would provide water and sewer services, and police and fire protection services, to an area lying south of the City of Mustang and within the municipal limits of the City of Oklahoma City.

City Attorney Miller stated that this matter relates to a tract of land laying South of the Mustang City Limits along State Highway 4. On either side it's an area where a local developer has wanted to develop it over sometime and in 2015 he petitioned the City of Oklahoma to de-annex the area from their City Limits. Ultimately the City of Oklahoma City denied the request to de-annex and the developer filed a lawsuit that is currently pending in Oklahoma County Court. In addition to that, the City of Oklahoma City has made a request to the City of Mustang to enter into an agreement with the City of Oklahoma City under which The City of Mustang will provide sewer services to this area, south of the City of Mustang and along Highway 4 corridor. And also provide water services as well as police and fire protection services. The forms of agreement present right now to the Council have not been worked out yet and will take some time to negotiate if this matter goes ahead and is approved. The sole purpose of the forms at this date and time is for the council to have a sense of direction.

CITY COUNCIL AGENDA

JUNE 4, 2019

PAGE 10

MOTION was made by **Councilman Grider**, seconded by **Councilman McKenzie**, that the requests from the City of Oklahoma City to enter into agreements with the City of Mustang under which Mustang would provide water and sewer services, and police and fire protection services, to an area lying south of the City of Mustang and within the municipal limits of the City of Oklahoma City be denied by the City Council.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** regarding Potential Purchase and Acceptance of Permanent and Temporary Easements and Authorization for Mayor and City Staff to Execute Necessary Documents to Accomplish the Same; and proposed Executive Session as Authorized by 25 Okla. Stat. §307(B)(3).
2. **Discussion, Consideration and Possible Action** on The City of Mustang, Oklahoma vs. Loren R. Smith and Wilma Smith, Co-Trustees of the Loren R. and Wilma L. Smith Revocable Trust dated July 23, 2002, Case No. CV-2019-53, District Court, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. § 307(B)(4).
3. **Discussion, Consideration and Possible Action** on The City of Mustang, Oklahoma vs. Martha Morgensen, Case No. CV-2019-52, District Court, Canadian County, Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. § 307(B)(4).
4. **Discussion** on *City of Mustang vs. Purdue Pharma L.P.; et al.*, Case No. CIV-19-339-R, United States District Court, Western District of Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. § 307(B)(4).

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Ray** to adjourn to Executive Session.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

NAY: None

TIME ADJOURNED to Executive Session: **8:02 p.m.**

MOTION was made by **Mayor Schweinberg** , seconded by **Councilman Grider** to return from Executive Session.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg
NAY: None

TIME RETURNED from Executive Session: **8:24 p.m.**

In reference to Item J-1 –

MOTION was made by **Councilman Ray**, seconded by **Councilman Sholund** to Approve the Acceptance of Permanent and Temporary Easements from James B. Jr. and Lynda C. McColl Revocable Trust, William and Theresa Butler, and Authorization for Mayor and City Staff to Execute Necessary Documents to Accomplish the Same; and proposed Executive Session as Authorized by 25 Okla. Stat. §307(B)(3).

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg
NAY: None

In reference to Item J-2 –

MOTION was made by **Councilman Grider**, seconded by **Councilman Sholund** that a warrant be executed authorizing the City Manager and the City Attorney to pay the amount determined by the Report of Commissioners and the court to execute such documents as may be necessary to resolve the matter as agreeable to the landowners and to pay the commissioners' fees.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg
NAY: None

In reference to Item J-3 –

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones** that a warrant be executed authorizing the City Manager and the City Attorney to pay the amount determined by the Report of Commissioners and the court to execute such documents as may be necessary to resolve the matter as agreeable to the landowners and to pay the commissioners' fees.

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg
NAY: None

CITY COUNCIL AGENDA

JUNE 4, 2019

PAGE 12

In reference to Item J-4 –

Mayor Schweinberg stated that there was no action to be taken on item four (J-4).

K. ADJOURNMENT

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

AYE: Ray, Teeples, Grider, Jones, McKenzie, Sholund, Schweinberg

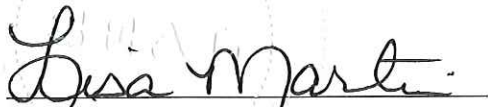
NAY: None

The meeting was adjourned at **8:25 p.m.**



Jess Schweinberg, Mayor

Attest:



Lisa Martin, City Clerk