

**MUSTANG CITY COUNCIL
MARCH 2, 2021**

The Mustang City Council met in regular session on Tuesday, March 2, 2021, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, February 26, 2021, at 10:00 a.m. and Amended Agenda posted as required on Monday, March 1, 2021 at 2:55 p.m. both 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 Dave Bryan, Pastor, Chisholm Heights Baptist Church

Pastor Bryan led the assembly in the Pledge and Invocation. He thanked Council for their leadership and taking care of everyone, especially through this last year stating Council's leadership stands strong and great.

C. ROLL CALL

Councilmembers Present:	Ray
	Teeples
	Grider
	Jones
	Sholund
	Schweinberg

Councilmembers Absent:	McKenzie
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E. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney stated the agenda had been amended with it being posted and distributed as legally required.

F. CONSENT AGENDA

- F.1 Approval of 02/02/2021 City Council Minutes.
- F.2 *Claims list for FY 2021
- F.3 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
- F.4 Approval of Resolution No. 21-034 making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by \$12,307.
- F.5 Approval of Radio System License Agreement Renewal for FY2022 between the City of Mustang and the City of Oklahoma City.

- F.6 Approval to Declare Old Fire Department SCBA's as Surplus and Authorize Disposal of those Items.
- F.7 *Acknowledgement of Receipt of DEQ Permit No. SL000009200742, to Construct Sewer Line for Sewer Basin 10.

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Sholund**, to Approve the Consent Agenda Items F-1 thru F-7.

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

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney did not have anything to report in addition to the City Manager's Report posted on the website.

G.2 City Council

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

Councilman Ray stated he did not have anything to report at this time.

Councilman Teeples stated he did not have anything to report at this time.

Vice Mayor Grider welcomed Councilmember Elect for Ward 3, James Wald. He also stated his dad wanted to extend his thanks on behalf of Mustang Public Schools for all the assistance during the snow storm stating the Fire Department went above and beyond.

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

Councilman Sholund stated he received a phone call just prior to the meeting from the developer of the new strip mall by Lowe's who was upset about additional work being required by the City stating he would reach out to the City Manager to discuss.

City Manager Rooney stated the developer did not relay the complete and factual story regarding the issue and would set a time to discuss.

Mayor Schweinberg stated he did not have anything to report at this time.

H. DISCUSSION ITEMS

- H.1 Discussion, Consideration and Possible Action regarding Resolution No. 21-032, a Resolution to Amend the Agreement Establishing OMAG, Article III.

City Manager Rooney stated the Oklahoma Municipal Assurance Group (OMAG) is requesting to extend the term of the Agreement establishing OMAG from 50 years to in perpetuity stating in order to do so, the members must adopt a Resolution to extend and not expire.

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Jones**, to Approve Resolution 21-032.

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

NAY: None

- H.2 Discussion, Consideration and Possible Action regarding Resolution No. 21-033, a Resolution of the City of Mustang, Oklahoma, Supporting the Efforts of the Mustang School District.

City Manager Rooney stated Mustang Public Schools will have a School Bond Election on April 6, 2021 to address technological, operational, and instructional needs brought about by the Coronavirus Pandemic stating Staff has placed a Resolution of Support on the agenda for consideration by the Council.

Vice Mayor Grider stated he was pleased the Council shows support to the schools stating they do not go into this lightly and are very responsible with the funding.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Ray**, to Approve Resolution 21-033.

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

NAY: None

- H.3 *Discussion, Consideration and Possible Action regarding Change Order #9 for Project labeled Mustang Animal Welfare Center

Police Chief Groseclose stated Change Order #9 was to provide changes to kennel fencing resulting in a \$1,000 credit from the original fencing budget and to provide resinous flooring throughout the center in the amount of \$5,160, paid from the contingency funding. **Groseclose** stated the overall project is still within the \$1,644,275.14.

MOTION was made by **Councilman Ray**, seconded by **Councilman Sholund**, to Approve Change Order #9 for project labeled Mustang Animal Welfare Center.

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

- H.4 Public Hearing, Discussion, Consideration and Possible Action regarding Ordinance No. 1219, an Ordinance of the City Of Mustang, Oklahoma Amending the Zoning Ordinance of the City of Mustang, Oklahoma, as Amended, to Change Certain Property Located in Canadian County, Oklahoma, from "C-1, Office-Professional Business District" to "R-4 PUD, Multiple-Family Planned Unit Development District" and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application PUD-11-4-20-1-32, Weaver's Acres Residences, 948 W. State Highway 152, DHD Corp, approx. 2.32 acres.)

Community Development Director Helsel stated Crafton Tull & Associates, on behalf of the property owner DHD Corp., submitted an application to rezone this 2.32 acre parcel to a R-4, Multiple-Family District Planned Unit Development and provided background information including surrounding zoning and long range plan information. She stated the plan is for a multiple-family residential community of up to 23 units stating no specific variances were requested. **Helsel** stated the applicant chose to use a PUD to give the Planning Commission and City Council assurances of exactly how the development would be constructed.

Mayor Schweinberg opened the Public Hearing.

David Knowles, on behalf of Crafton Tull & Associates, 300 Pointe Parkway Boulevard, Yukon, OK, addressed the Council and provided a drawing for review. He stated the structure would be one story, all brick with the drawing showing 20 units stating, however, there could be up to 23 units as allowed.

Discussion was held regarding whether it would be a senior housing development with Mr. Knowles stating the intention is to be age restrictive at 55 and older stating it was not formalized in the PUD in order to not restrict themselves. He stated if the age restriction is wanted, it would be added to the covenants.

Mayor Schweinberg closed the Public Hearing.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Jones**, to Approve Ordinance Number 1219.

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

MOTION was made by **Councilman Ray**, seconded by **Councilman Sholund**, to Declare an Emergency.

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

- H.5 Discussion, Consideration and Possible Action regarding Ordinance No. 1220, an Ordinance of the City of Mustang, Oklahoma, Amending the Mustang Code of Ordinances by (1) Deleting Chapter 38, Section 38-39 in its Entirety and Enacting New Section 38-39 Creating Processes relating to Nuisances, Including Submitting Requests for Review, Conducting Hearings, Providing Notice, Defining the Right to Appeal, Conducting Hearing before City Council, Authorizing Orders for Abatement, Establishing Cost Recovery and Creation of Lien on Property, and Allowing Entry for Abatement Purposes, and (2) Adding New Section 38-43 Appointing City Manager or his Designee as Hearing Officer for Hearings Related to Dilapidated Buildings, Graffiti and Abandoned Buildings under State Law, and Establishing Appeal Rights; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated this ordinance would allow initial hearings on nuisance issues to occur at an administrative level instead of bringing those items directly to City Council stating the initial hearing would be held by the City Manager or his designee and give the right to appeal to the City Council if desired. He stated if there was no appeal, the Resolution would be placed on the Consent Agenda confirming the Administrative Order.

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Jones**, to Approve Ordinance Number 1220.

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

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Sholund**, to Declare an Emergency.

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

I. CITY ATTORNEY'S REPORT

- I.1 *Discussion, Consideration and Possible Action regarding City Attorney Review and Employment Agreement; and, Proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(1).
- I.2 Discussion, Consideration and Possible Action regarding Hay Creek Royalties, LLC v. Roan Resources, LLC, Case No. 19-CV-177-CVE-JFJ, United States District Court, Northern District of Oklahoma; and, Proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).

MOTION was made by **Mayor Schweinberg**, seconded by **Vice Mayor Grider** to adjourn to Executive Session.

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

TIME ADJOURNED to Executive Session: **7:21 p.m.**

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

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

TIME RETURNED from Executive Session: **7:31 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Sholund**, seconded by **Councilman Ray**, to Approve the Employment Contract of the City Attorney as discussed in Executive Session.

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

NAY: None

In reference to Item I.2 –

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Ray**, to Proceed as Discussed.

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

NAY: None

J. ADJOURNMENT

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Sholund**, to adjourn.

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

NAY: None

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

Attest:


Lisa Martin, City Clerk


Jess Schweinberg, Mayor