

**MUSTANG CITY COUNCIL
SEPTEMBER 12, 2023**

The Mustang City Council met in regular session on Tuesday, September 12, 2023, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, September 8, 2023, at 9:48 a.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION Ryan Summers, Pastor, The Bridge Church

Pastor Summers led the assembly in the Pledge and Invocation. He stated it was great how the churches in Mustang work together as well as with the City. He stated the Church was busy with school now in session and stated Trunk or Treat is coming up next month. He stated they had started group sessions at the church stating one of the groups is for foster parents and gave an example of a family they were able to help through this support group. He stated the Church continues to grow and diversify.

C. ROLL CALL

Councilmembers Present:	Ray
	Wald
	Waugh
	McKenzie
	Grider

Councilmembers Absent:	Leete
	Sholund

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Robyn Watanabe, 10316 Hollyhead Way, Yukon, OK, addressed the Council stating she represented a homeless ministry called "Feed His Sheep" stating in July, she was in need of about 300 eye glass cases. She stated she had been at the salon and decided to go across the street to Dollar Tree to see if they may have some stating they did not, but a customer in line mentioned to her to try the Senior Center. She stated they had a couple, but put her in touch with the Lions Club stating they gave her more eye glass cases than she needed as well as hot dogs, biscuits, sausage, etc. to help with meals for the homeless. She stated she was always in awe of God's perfect timing.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

- F.1 Approval of 08/01/2023 City Council Minutes.
- F.2 Approval of 08/15/2023 City Council Special Meeting Minutes.
- F.3 *Claims List for FY 2023.
- F.4 *Claims List for FY 2024.
- F.5 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.6 Approval of Resolution No. 24-006, a Resolution Providing Notice of the Publication of Penal and other Ordinances of the City of Mustang, Oklahoma, in a Permanent, Bound Form and Volume; Providing that said Permanent Volume reflects all Ordinances through Ordinance Number 1284, Providing for the Deposit of said Permanent Volume in the Canadian County Law Library; and Providing for the Sale of Said Permanent Volume.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie**, to Approve the Consent Agenda Items F.1 thru F.6.

AYE: Ray, Wald, Waugh, McKenzie, Grider

NAY: None

G. INFORMATION/REPORTS

- G.1 Appointment of One New Planning Commissioner.

City Manager Rooney stated a vacancy had occurred on the Planning Commission as one of the Planning Commissioners, *Mr. David Russell*, was hired by the City as the City's new Project Manager creating a vacancy on the Commission. He stated Mr. Brant O'Daniel applied through the talent bank and has an engineering and design background stating Staff recommends he be appointed as Planning Commissioner.

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie**, to Appoint Mr. Brant O'Daniel as Planning Commissioner.

AYE: Ray, Wald, Waugh, McKenzie, Grider

NAY: None

- G.2 Proclamation declaring September as Suicide Prevention and Recovery Month in Mustang, Oklahoma.

Mayor Grider read the Proclamation out loud and presented it to Ms. Megan Cannon with the Oklahoma Department of Mental Health and Substance Abuse Services.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Approve the Proclamation.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

- G.1 City Manager Report

City Manager Rooney stated he did not have anything to report in addition to the written report posted online.

- G.2 City Council

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

Vice Mayor Ray thanked the City and Chamber of Commerce for use of the golf cart to hand out candy in the Western Days parade stating it was a fun time and well attended. He stated Mustang hosted the OMMS Emerging Leadership Academy stating both *City Manager Rooney* and *Assistant City Manager Battles* were speakers and thanked them for hosting the Academy as well as speaking. He stated he has received many thank yous regarding the opening of Sara Road and wanted to pass those along to Staff.

Councilman Wald stated he received one email from Shannon Place HOA and forwarded it to the City Manager who already put a plan into action stating he was thankful how quickly everything was getting done and appreciated it.

Councilman Waugh stated he had been contacted by residents regarding a couple of dilapidated homes stating the City Manager and Staff were working on resolving the issue.

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

Mayor Grider stated United States Senator Mullin toured Fire Station #2 a couple of weeks ago and thanked *Fire Chief Carruth* for the tour. He stated it is helpful to have communication between communities and the federal delegation, such as with grants. He stated Western Days was a great event and did not hear of many issues. **Grider** stated Chili's coming to Mustang would be a great addition to the city. He also reminded Council of Employee Appreciation Week next week encouraging them to attend the breakfast next Friday.

H. DISCUSSION ITEMS

- H.1 *Consideration of Proposed Change Orders (PCO) 13, 25 and 27 for the Project Labeled Mustang Fire Station #2.

Fire Chief Carruth stated the proposed Change Orders 13, 25 and 27 in the total amount of \$51,952.62 represent the final outstanding change orders in relation to this project. He stated the Contingency Fund available balance was \$56,572.15 leaving \$4,619.53 remaining in this fund.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie** to Approve the proposed Change Orders 13, 25 and 27 for the Project Labeled Mustang Fire Station #2.

AYE: Ray, Wald, Waugh, McKenzie, Grider

NAY: None

- H.2 Consideration of Ordinance No. 1291, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 106, Article VII, Section 106-370(D) of the Code of Ordinances of the City of Mustang, Oklahoma, To Clarify Responsibility for Construction of Sidewalk Improvements; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Senior City Planner Conner stated City Staff, in reviewing the Subdivision Ordinance, concluded an amendment was needed pertaining to the construction of sidewalks stating there are gaps in some neighborhoods where the sidewalk does not connect. He stated this would ensure developers fill in these gaps and be required to construct sidewalks in front of common areas, detention areas, and any other area deemed by the City where an individual home builder would not normally construct the sidewalk in front of their lot.

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie** to Approve Ordinance No. 1291.

AYE: Ray, Wald, Waugh, McKenzie, Grider

NAY: None

The Emergency Clause was not acted upon as there were not enough Councilmembers present to Declare an Emergency.

- H.3 Consideration of Ordinance No. 1292, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 78, Article VII, of the Mustang Code of Ordinances by Adding New Section 78-374 to Make it Illegal for Persons under Twenty-One (21) Years of Age to Purchase, Receive, or Possess any Tobacco, Nicotine or Vapor Product, or Present or Offer False or Fraudulent Proof of Age to Purchase or Receive Tobacco, Nicotine or Vapor Products, and Creating Penalties; Declaring Repealer; Providing for Severability; and Setting an Effective Date.

City Attorney Miller stated in 2022, the Oklahoma Legislature removed from municipalities any authority to enforce tobacco laws involving minors leaving that authority to the Alcoholic Beverage Laws Enforcement Commission (ABLE). He stated in response to those laws, the City amended its ordinances to remove those offenses from its Code of Ordinances. **Miller** stated in 2023, the Oklahoma Legislature again amended state law to reinstate municipal authority to enact tobacco laws involving minors and will take effect November 1, 2023. He stated the proposed ordinance will amend the Code of Ordinances to include such offense, as well as offenses related to use of fake IDs in committing such offense.

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie** to Approve Ordinance No. 1292.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

- H.4 Consideration of Resolution No. 24-007, a Resolution of the City Council of the City of Mustang, Oklahoma, establishing the City of Mustang Multimodal Continuity Plan.

Project and Stormwater Manager Russell stated there was a tremendous amount of grant funds available to municipalities for projects such as sidewalks stating even more grant funds are available if a municipality has a Long-Range Multimodal Continuity Plan (sidewalk plan). He stated many sidewalk grant opportunities give preference to sidewalk projects that are part of a published multimodal or pedestrian transit plan and stated establishing a long-range sidewalk plan will aide City Staff in future planning, application for grant funding, and the overall development of the City's multimodal network.

Russell provided a PowerPoint presentation of the proposed City of Mustang Multimodal Continuity Plan (PowerPoint presentation is available on the City's website as well as a paper copy in the City Clerk's office).

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh** to Approve Resolution No. 24-007.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

- H.5 Consideration of Resolution No. 24-008, a Resolution of the City Council of the City of Mustang, Oklahoma, establishing the Phase 1 Project of the City of Mustang's Multimodal Continuity Plan.

Project and Stormwater Manager Russell stated Staff would like to pursue grant funding through ACOG for Phase 1 of the Multimodal Connectivity Plan and provided descriptive information of this Phase stating all of the sidewalk construction will take place within existing right-of-way eliminating the need for costly acquisitions. He stated the addition of the nine sections of sidewalk will create nearly five miles of interconnected arterial and recreational sidewalks providing immediate pedestrian access to six of the eight Mustang Public School facilities within the city limits as well as to the Community Center.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh** to Approve Resolution No. 24-008.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

- H.6 *Consideration of Acceptance of Oklahoma Environmental Quality Permit No. WT 000009230403 for As-Built Ion-Exchange Arsenic Removal Units following Full-Scale Pilot Study for Well Nos. 2 & 12.

Assistant City Manager Battles stated in December, 2020, the City entered into a contract that provided arsenic removal directly at two well sites maximizing the water resources the City currently has stating the Oklahoma Department of Environmental Quality (ODEQ) approved the project as a pilot study. He stated after meeting all the requirements under the pilot study, City Staff and Cowan Group Engineering provided all required documentation to ODEQ requesting an official permit number and removing the pilot label from the project. **Battles** stated the City received notification that a permit number had been issued stating the permit reflects a permit to construct, but the units are already in place and operational under the pilot study permit.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Waugh** to Accept the Oklahoma Environmental Quality Permit.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 *Consideration of Potential Purchase and Acceptance of Permanent 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).
- I.2 Consideration of City of Mustang v. Pathfinder HDD, LLC, Case No. CJ-2022-673, District Court, Canadian County, State of Oklahoma; and In re Pathfinder HDD, LLC, Case No. 23-12342, United States Bankruptcy Court, Western District of Oklahoma; and, proposed Executive Session as authorized by 25 Okla. Stat. § 307(B)(4).
- I.3 *Consideration of (a) Annual Evaluation of City Attorney, and (b) Employment Agreement with City Attorney; and, proposed executive session as authorized by 25 Okla. Stat. § 307(B)(1).

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald** to adjourn to Executive Session.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

TIME ADJOURNED to Executive Session: **7:37 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED from Executive Session: **8:28 p.m.**

In reference to Item I.1 –

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Approve the Acceptance of Permanent Easements from Jennifer L. Long and Bobby H. Long, Chisholm Heights Baptist Church, and Spitler Lake Estates Property Owner Association, and Authorization for the Mayor and Staff to Execute necessary Documents to Complete Acceptance of the Easement.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

In reference to Item I.2 –

Informational purposes only.

In reference to Item I.3 –

MOTION was made by **Councilman Waugh**, seconded by **Vice Mayor Ray**, to Approve the Employment Agreement with City Attorney as discussed in Executive Session.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

J. ADJOURNMENT

MOTION was made by **Councilman Wald**, seconded by **Vice Mayor Ray**, to adjourn.

AYE: Ray, Wald, Waugh, McKenzie, Grider
NAY: None

The meeting was adjourned at **8:29 p.m.**



Attest:

Lisa Martin
Lisa Martin, City Clerk

Brian Grider
Brian Grider, Mayor