

MUSTANG CITY COUNCIL
APRIL 5, 2022

The Mustang City Council met in regular session on Tuesday, April 5, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, April 1, 2022, at 11:21 a.m. and an Amended Agenda was posted as required on Monday, April 4, 2021, at 4:35 p.m. all 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 Jim Harris, Pastor, Clear Springs Church.

Pastor Harris led the assembly in the Pledge and Invocation. He stated the Church was busy this time of year with Easter. He also stated he never wants to pass up the opportunity to say thank you to everyone for the cooperation between the City, schools, churches, Chamber, etc. stating it has never been as good as it has been over the last few years and wanted to thank everyone.

C. ROLL CALL

Councilmembers Present:	Ray
	Teeples
	Wald
	Waugh
	Sholund
	Grider

Councilmembers Absent:	McKenzie
-------------------------------	-----------------

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Donna Gleason, 1625 W Wellington Way, addressed the Council stating first, she wanted to thank the Council for the guard rail being repaired at 59th Street, but stated her main reason for being here was to request the Council recognize distinguished people on the water tower and entrance signs. She stated other cities place famous names of hometown people on the water towers such as Carrie Underwood, Toby Keith, Garth Brooks, etc. stating Mustang used to do this and wanted to see if it could be done again. She stated if money was an issue, the Police Department could sit on Highway 92 and write a book of tickets in that area stating they never see any police presence on the west side of town.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

- F.1 Approval of 03/01/2022 City Council Minutes.
- F.2 *Claims List for FY 2022.
- F.3 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
- F.4 Approval of Sports Facility Agreement between the City of Mustang and the Mustang Youth Soccer Association.
- F.5 *Acceptance of Maintenance Bonds for Water, Sewer and Paving for Wild Horse Canyon Addition, Phase 2.
- F.6 *Acceptance of Maintenance Bonds for Paving, Drainage and Water Lines for Gabe's Crossing Addition Final Plat.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Waugh**, to Approve the Consent Agenda Items F.1 thru F.6.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

G. INFORMATION/REPORTS

- G.1 Consideration of Proclamation declaring Friday April 8, 2022 as Pat Oltermann Day in the City of Mustang.

Mayor Grider read the Proclamation out loud and presented it to Ms. Pat Oltermann.

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

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- G.1 City Manager Report

City Manager Rooney stated Ms. Oltermann was one of the first people he met when moving to Mustang who was not a Councilmember or City employee stating you could not ask for a better ambassador for Mustang.

Rooney also introduced his mother who was visiting from New Jersey.

G.2 City Council

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

Vice Mayor Ray did not have anything to report at this time.

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

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

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

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

Mayor Grider stated he had a good trip to Washington DC with ACOG and had a chance to meet with our delegates and discuss important issues such as transportation and water resources. He stated it was also exciting to be at the groundbreaking ceremony for the new Fire Substation stating this has been in the works for a while. **Grider** also congratulated *Parks and Recreation Director Heasley* on her upcoming retirement stating he was happy for her, but also hated to see her go.

H. DISCUSSION ITEMS

- H.1 Consideration of Resolution No. 22-026, a Resolution of the City Council of the City of Mustang Amending Resolution No. 19-023; Changing the Rates for Parks and Recreation Facilities; Declaring Repealer; Establishing Severability; and Declaring an Effective Date.

Parks and Recreation Director Heasley stated Parks and Recreation Staff reviewed rates and determined rate increases were needed in some of the facilities and room rentals stating this Resolution makes those changes.

MOTION was made by **Councilman Wald**, seconded by **Vice Mayor Ray**, to Approve Requisition No. 22-026.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.2 Consideration of Ordinance No. 1255, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 2, Article VII, (A) by Amending Section 2-302 to Add a Definition of Designated Parking Area, and (B) to Add New Section 2-314 to Prohibit Parking in Municipal Parks except in Designated Parking Areas, Provide a Penalty for Violation, and Authorize Impoundment of Vehicles Left Parked or Unattended in Violation of these Prohibitions; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated there have been issues with people parking on the grass in the parks stating this ordinance prohibits parking in parks except in designated areas and authorizes the Police Department to issue citations or tow a vehicle.

Discussion was held regarding signage with **City Manager Rooney** stating signs had already been installed. Other discussion included parking during the 4th of July with **Rooney** stating the Ordinance allows the City to waive the prohibition at the City's discretion.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Wald**, to Approve Ordinance No. 1255.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

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

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.3 Consideration of Ordinance No. 1256, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 46, Article IV, Section 46-93 to Include a Minimum Distance Requirement from Streets for Firework Stands and the Presence of an Adult Member of the Licensed Organization for all Inspections; Declaring Repealer; and Providing for Severability.

City Attorney Miller stated *Fire Marshall Halter* had concerns regarding there not being a distance requirement in the State Fire Marshall regulations or City Code stating this ordinance will require a firework stand to be a minimum of 65 feet from the curb. He stated it also will require an adult (18 or over) to be at the firework stand when the Fire Marshall is there to do his inspection.

MUSTANG CITY COUNCIL

APRIL 5, 2022

PAGE 5

Discussion was held if an adult was required to be there at other times as well with **Miller** stating yes, other parts of the Code already require that.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Approve Ordinance No. 1256.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.4 Public hearing and Consideration of Ordinance No. 1252, an Ordinance of the City of Mustang, Oklahoma, Confirming the Vacation and Closing of Dedicated Easements and a Common Access Driveway Lying within Property Previously Platted as Lots 2 and 3 of Winchester Commercial Addition, an Addition to the City of Mustang, Oklahoma, and as more particularly described in said Ordinance.

City Attorney Miller stated the initial reading of this Ordinance was held in the March 1, 2022 City Council meeting and is brought to Council tonight for public hearing and consideration. He stated Winchester Commercial Addition Lots 2 and 3 were previously vacated in 2021 and the owner, in order to satisfy title requirements, requested the City now vacate the easements in those lots.

Mayor Grider Opened the Public Hearing.

There being none, **Mayor Grider** Closed the Public Hearing.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald**, to Approve Ordinance No. 1252.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.5 Public hearing and Consideration of Ordinance No. 1253, an Ordinance of the City of Mustang, Oklahoma, Vacating Certain Easements Dedicated to the City of Mustang and Located in the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section 27, Township 11 North, Ranger 5 West, I.M., Canadian County, Oklahoma, within a Parcel known as Laurel Springs Development, as more particularly described in such Ordinance.

City Attorney Miller stated the initial reading of this Ordinance was held in the March 1, 2022 City Council meeting and is brought to Council tonight for public hearing and consideration. He stated Staff recommends denial of this Ordinance as clean-up work for the new easements are not completed and will bring to Council at a later date.

Mayor Grider Opened the Public Hearing.

There being none, **Mayor Grider** Closed the Public Hearing.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Waugh**, to Deny Ordinance No. 1253.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.6 Initial Reading and Setting of Public Hearing on Ordinance No. 1257, an Ordinance of the City of Mustang Vacating and Closing an Easement Lying within the Southwest Quarter Of Section 25, Township 11 North, Range 5 West, I.M., City Of Mustang, Oklahoma, as more particularly described in such Ordinance.

Community Development Director Helsel stated the applicant is requesting a vacation of easement for a right-of-way easement on the east side of their property at 1711 E State Highway 152. She stated the property owners have dedicated a sewer easement to the homes as there is a sewer line in that easement in exchange for the City to vacate right-of-way easement. She stated the City does not plan to utilize this area for right-of-way in the future.

Helsel read the Ordinance out loud.

MOTION was made by **Councilman Wald**, seconded by **Councilman Sholund**, that Ordinance No. 1257 be Set for Public Hearing on June 7, 2022, City Council Agenda for further consideration.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.7 Public Hearing and Consideration of Special Use Permit Application SUP-2-7-22-1-31, 1724 W State Highway 152, Pet Grooming, Training, Boarding and Veterinary Facility, C Jaz, LLC.

Community Development Director Helsel stated the applicant, C Jaz, LLC, has submitted a Special Use Permit (SUP) for a pet grooming, training, boarding and veterinary facility at 1724 W State Highway 152 stating Mustang Code addresses veterinary clinics and allows them by SUP in C-3 districts, but does not address the grooming, training and boarding aspects. She stated the applicant is building an 18,000 square foot facility stating there would be an open courtyard in the middle, but there would not be any outdoor animal runs.

Helsel provided the Character of Neighborhood as well as Zoning and Uses of property nearby stating the Long-Range Plan calls for Medium Density Residential Development in this area so the request does not conform to the plan. She stated public water and sanitary sewer is available to serve the property and access will be taken via one curb cut on State Highway 152. **Helsel** stated Staff recommends approval of the SUP application stating the property is already zoned C-3 and the uses appear to be consistent with other uses in C-3 districts. She stated Planning Commission voted unanimously to approve the SUP.

Mayor Grider Opened the Public Hearing.

Councilman Waugh asked if the property owners were in attendance.

Mr. James Parker, 2020 S. Walker, Oklahoma City, OK, and Mr. Teddy Parker, 620 Frisco Road, owners, addressed the Council.

Waugh thanked them for talking to residents prior to the meeting stating he appreciated them being proactive.

Mayor Grider Closed the Public Hearing.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Sholund**, to Approve the Special Use Permit.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.8** Consideration of Resolution No. 22-027, a Resolution Confirming the Order Entered by the City Manager Finding and Declaring that certain Structures in the City of Mustang, Oklahoma are Dilapidated Buildings, Constitute Public Nuisances, are Detrimental to the Health, Safety and Welfare of the General Public and the Community, Create a Fire Hazard and Ordering the Conditions and Buildings and Sign Demolished and Abated and Providing Deadlines and Remedies as specified in the Order.

City Attorney Miller stated this Resolution was needed to confirm the Order entered by the City Manager as Hearing Officer in regards to declaring the Pleasant Pools facility located at 210 E. State Highway 152 as being in a dilapidated and deteriorated state. He stated this is a revised procedure where a public hearing is held by the City Manager to determine whether the property was dilapidated, constituted a nuisance or fire hazard, and whether it should be ordered demolished and abated stating in this case, it was determined as such.

Miller stated the property owner may appeal to Council, but was in agreement with the Order and is not appealing and has agreed to demolish the property. He stated since there is no appeal, it comes automatically to Council for confirmation.

Councilman Wald asked if the demolition permit had been issued with **Miller** stating it was in process, but the sewer line had not been relocated yet and must be completed first stating electrical, gas, and other utilities have been disconnected.

Wald also asked what was considered reasonable time for the contractor to commence work with **Community Development Director Helsel** stating 90 days from the date of the hearing.

MOTION was made by **Councilman Sholund**, seconded by **Vice Mayor Ray**, to Approve Resolution No. 22-027.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.9** Consideration of Ordinance No. 1258, an Ordinance Amending the Employee Retirement System, Defined Contribution Plan for the City of Mustang, Oklahoma by Adopting a Revised and Restated Retirement Plan; Providing Retirement Benefits for Eligible Employees of the City of Mustang, Oklahoma; Providing for Purpose and Organization; Providing for Definitions; Providing for Eligibility and Participation; Providing for Non-Alienation of Benefits; Providing for Employer and Employee Contributions; Providing for Accounting, Allocation, and Valuation; Providing Benefits; Providing for Required Notice; Providing for Amendments and Termination; Providing for Transfer to and from Other Plans; Creating a Retirement Committee and Providing for Powers, Duties, and Rights of Retirement Committee; Providing for Payment of Certain Obligations; Providing for Duration and Payment of Expenses; Providing for Effective Date; Providing for Vesting Schedules; Providing for a Fund to Finance the System to be Pooled with Other Incorporated Cities, Towns and their Agencies and Instrumentalities for Purposes of Administration, Management, and Investment as part of the Oklahoma Municipal Retirement Fund; Providing for Payment of All Contributions under the System to the Oklahoma Municipal Retirement Fund for Management and Investment; Providing for Repealer and Severability; Adopting those Amendments Mandated by the Internal Revenue Code; and Declaring an Emergency.

City Manager Rooney stated the OkMRF Defined Contribution Master Plan and Joinder Agreement were recently amended and restated and approved by the Internal Revenue Service stating OkMRF, as our plan provider, must follow a six-year filing cycle for approved plans in order to retain plan qualifications and obtain a letter from the IRS. He stated once the letter is received, it requires the OkMRF Board and each participating member to formally adopt the new documents with the updated plan language.

Rooney stated there was no financial impact or material changes.

MOTION was made by **Councilman Wald**, seconded by **Vice Mayor Ray**, to Approve Ordinance No. 1258.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

MOTION was made by **Councilman Wald**, seconded by **Councilman Waugh**, to Declare an Emergency.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.10 Consideration of Master Defined Contribution Plan Joinder Agreement between the City of Mustang and the Oklahoma Municipal Retirement Fund.

City Manager Rooney stated this was the Joinder Agreement referenced in Ordinance 1258 above.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Wald**, to Approve the Agreement.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

- H.11 *Approval of Agreement between Zac Woodcock, developer, and The City of Mustang guaranteeing completion of certain improvements in the Gabe's Crossing Development Planned Unit Development, and accepting the Surety Bond guaranteeing developer's performance of such Agreement.

Community Development Director Helsel stated infrastructure is almost complete for Gabe's Crossing Addition stating the sidewalks around the common areas and the concrete trickle channels have not yet been poured.

MUSTANG CITY COUNCIL

APRIL 5, 2022

PAGE 10

She stated the developer has submitted a Performance Bond at 110% of the amount estimated to complete the improvements and an agreement guaranteeing the completion of the improvements within six months.

Councilman Waugh commended *Community Development Director Helsel* for 20 years of service to the City of Mustang stating this was her anniversary month.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Agreement and Acceptance of the Surety Bond.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 Consideration of Potential Lawsuits to Recover Damages to Municipal Property; and, Proposed Executive Session as Authorized by 25 Okla. Stat. § 307(B)(4).
- I.2 Consideration of Bargaining Agreement between the City of Mustang and the Fraternal Order of Police, Lodge 163 for Fiscal Years 2023-2024; and proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(1).
- I.3 Consideration of Bargaining Agreement between the City of Mustang and the International Association of Fire Fighters, Local 4383 for Fiscal Years 2023-2024; and proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(1).

MOTION was made by **Councilman Sholund**, seconded by **Councilman Waugh** to adjourn to Executive Session.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

TIME ADJOURNED to Executive Session: **7:43 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED from Executive Session: **8:07 p.m.**

In reference to Item I.1 –

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Wald** to Authorize the City Attorney to take Action to Recover the Damages to City Property, including if necessary, to File Lawsuits.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

In reference to Item I.2 –

City Manager Rooney stated he and *Human Resources Director Anderson* met with the FOP for negotiations stating he could not say enough good things about the meeting and spirit of cooperation. He named the FOP representatives and stated this was a two year agreement.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Waugh** to Approve the Agreement with the FOP, Lodge 163.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

In reference to Item I.3 –

City Manager Rooney stated he and *Human Resources Director Anderson* met with the IAFF for negotiations stating he could not say enough good things about the meeting and spirit of cooperation with them as well. He named the IAFF representatives and stated this was a two year agreement.

Rooney stated this was the best Police and Fire Departments in the metro stating he could not say enough good things about them and very proud of all.

MOTION was made by **Councilman Sholund**, seconded by **Vice Mayor Ray** to Approve the Agreement with the Firefighters Local 4383.

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

J. ADJOURNMENT

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

AYE: Ray, Teeples, Wald, Waugh, Sholund, Grider

NAY: None

The meeting was adjourned at **8:10 p.m.**



Brian Grider, Mayor

Attest:



Lisa Martin, City Clerk