MUSTANG CITY COUNCIL
JULY 2, 2019

The Mustang City Council met in regular session on Tuesday, July 2, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, June 28, 2019, at 10:50 a.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 Michael Staton, Pastor, First Baptist Church.

Pastor Staton led the assembly in the Pledge and Invocation. He stated this was his 19th year here and is blessed to be able to serve the church and community for two decades. He stated most pastors in Mustang stay longer than what is normal compared to other communities and is a testimony to the churches and people in Mustang.

C. ROLL CALL

Councilmembers Present:
Ray
Teeples
Grider
Jones
McKenzie
Sholund
Schweinberg

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney requested Items J-2 and J-3 under City Attorney's Report be removed from the agenda.

F. CONSENT AGENDA

1. Approval of **06/04/2019** City Council Minutes.
*2. Claims List for **FY 2019**.
*3. Claims List for **FY 2020**.
*4. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.

5. Approval of **Resolution No. 20-001**, a Resolution of the City of Mustang, Establishing the Nine-One-One (9-1-1) Emergency Telephone Fee Rate for Calendar Year 2020.
6. Approval to Renew **Excess Workers' Compensation Insurance** with Midwest Employers Policy.

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

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

G. INFORMATION/REPORTS

1. City Manager Report

City Manager Rooney introduced Eric and Kelly Larson, artists who donated several pieces of art to the Mustang Library and wanted to publicly thank them.

Mr. Larson thanked everyone for the opportunity to showcase their art.

City Manager Rooney introduced several members of the Mustang Fire Department receiving Life Saving Medals as a result of two different events that occurred in February, 2019, resulting in the restoration of life. One of the women receiving care helped present the medals along with the *City Manager*. Firefighters receiving awards were:

Chief Craig Carruth
Retired Assistant Chief Roy Widmann
Captain Allen Sylvester
Captain Andy Willrath
Lieutenant Chris Edwards
Lieutenant Tom Lewis
Corporal Buddy Corbin
Corporal Josh Moore
Corporal Levi Setliff
Corporal Eric Halter
Firefighter Morgan Peck
Firefighter Justin McGehee
Firefighter Kade Loupe

a. City Manager Report

City Manager Rooney stated there would be a Work Session on July 16, 2019 at 6:30 pm stating a location had not been determined, but would provide that information in the next week. He also stated the City Manager report was available online.

2. City Council Reports

a. Approval of **Proclamation** declaring July, 2019 as "Park and Recreation Month".

Vice Mayor Grider read the Proclamation and presented it to Park and Recreation staff in attendance.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve the Proclamation.

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

b. **Appointment** of One (1) Member to the Mustang Library Board.

City Manager Rooney stated an opening became available on the Library Board due to an expired term stating Staff recommends Deborah Burrows, who is an active member of the Library and lives in the Mustang Public School District, be appointed to the Board for the next term.

MOTION was made by **Councilman Ray,** seconded by **Councilman Jones,** to Appoint Deborah Burrows to the Mustang Library Board.

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

c. City Council Reports

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

Councilman Sholund stated he had received a couple of calls regarding property maintenance issues stating he is working with the *City Manager* to resolve.

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

Councilman Jones stated he had received several calls regarding drainage issues stating the *City Manager* and *Community Development Director Helsel* have gone above and beyond to look at the situation and provide assistance where possible.

Councilman Grider stated the Firefighters' Freedom Celebration (Bean Supper) was great again this year with a lot of people in attendance. He also thanked the Firefighters receiving awards for their service.

Councilman Teeples stated the name "Mr. David Nels" listed under "D. Introduction of Guests/Hearing of Citizens/Delegates" in the June 4, 2019, minutes was misspelled and should be "Mr. David Nelms".

Councilman Ray stated he had been contacted regarding a water issue and contacted *Community Development Director Helsel* who helped resolve their concerns and thanked her. He also welcomed back *City Clerk Martin*.

Mayor Schweinberg stated City leadership and Staff are truly the best by far as evident earlier in the Life Saving Awards. He also stated he had received a couple of emails regarding firework complaints stating he encouraged everyone to get to know their neighbors and be receptive to any known issues. He also stated the Firefighters' Freedom Celebration was wonderful and reminded everyone to be mindful of the hours fireworks can be discharged.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1187**, 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-3" Commercial General District to "C-2" Commercial Neighborhood District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Community Development Director Helsel stated this was a rezoning application from Mr. Harry Weatherford to amend the zoning at 160 N. Morgan Road from C-3 Commercial General District to C-2 Commercial Neighborhood District. She provided background information as well as zoning and uses of property nearby, the character of the neighborhood and stated the request conforms to the Long-Range Plan. She stated under a C-3, there is a masonry fence requirement where abutting residential property, stating under C-2, there is also a fencing requirement, but not a masonry fence requirement.

Helsel stated Planning Commission voted unanimously to approve the rezoning and Staff recommends the rezoning request be approved.

Discussion was held regarding the fencing with **Helsel** stating a fencing requirement was still required, just not a masonry requirement stating a fence already exists where abutting the residential property.

Mayor Schweinberg opened the matter for Public Hearing.

Mr. Harry Weatherford, 160 N. Morgan Road, Applicant, addressed the Council and stated he was not able to do the work needed in the current C-3 zoning stating the property would not need any updates for C-2 zoning and has a tenant wishing to rent who would be accommodated by C-2 zoning.

Mayor Schweinberg closed the Public Hearing.

MOTION was made by **Councilman Grider**, seconded by **Councilman Sholund,** to Approve Ordinance No. 1187.

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

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones,** to Declare an Emergency for Ordinance No. 1187.

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

2. **Discussion, Consideration and Possible Action** regarding First Reading and Setting of Date for Consideration of **Ordinance No. 1188** an Ordinance of the City of Mustang, Oklahoma, Vacating a Portion of Spring Road, which Road is Located West of and Adjacent to Lot 8, Block 4 and Lot 7, Block 5 of Farris Springs Addition to the City of Mustang, Canadian County, Oklahoma, According to the Recorded Plat Thereof, as more particularly described in the Ordinance; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   Community Development Director Helsel stated an application was received to vacate a portion of Spring Road stating the addition was platted in 1961 and has not been developed since that time. She stated the City does not have any infrastructure in this easement.

   Helsel stated the vacation will be sent to all property owners within 300 feet and to all utility franchisees within the City to provide an opportunity to protest the proposed vacation. She stated tonight was the initial reading and to set the Date for Consideration stating Staff recommends August 6, 2019 be set for the Public Hearing and Date for Consideration.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** that Ordinance No. 1188 be set for Public Hearing on the regular August 6, 2019 City Council meeting.

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

3. **Discussion, Consideration and Possible Action** regarding Agreement between the City of Mustang and Mustang Public School System to Provide School Resource Officers for the 2019-2020 School Year.

   City Manager Rooney stated this year's agreement with Mustang Public Schools provides three School Resource Officers each day school is in session stating it was included in this year's budget.

MOTION was made by **Councilman Jones,** seconded by **Councilman Sholund,** to Approve the Agreement between the City of Mustang and Mustang Public School System for School Resource Officers.

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

4. **Discussion, Consideration and Possible Action** regarding Annual Agreement with Sodexo Operations, LLC to Provide Weekly Meal Program for Senior Adults.

   City Manager Rooney provided background information stating in years past, this service, providing weekly meals for the Senior Adults at Town Center, was provided by Area Wide Aging Agency based out of Redlands Community College. He stated the City was informed by Redlands Community College in early 2019 that the Area Wide Agency would no longer be providing this service.

   Rooney stated other options were explored stating the agreement with Sodexo Operations, LLC to provide this meal service would essentially replace what was previously accomplished through Redlands Community College without any hard costs to the City. He stated the City has no liability of the workers providing the meals and stated the City would provide a place to serve the meals and is responsible for the utilities for the site stating all of this was also a part of the agreement with Redlands Community College. He stated Staff recommends approval.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Sholund,** to Approve the Agreement between the City of Mustang and Sodexo Operations, LLC for Weekly Meal Program for Senior Adults.

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

*5. **Discussion, Consideration and Possible Action** regarding:

   a. Acceptance of Qualifications for Construction Management Services for Project labeled Mustang Animal Shelter.

   b. Awarding Construction Management Services for Project labeled Mustang Animal Shelter.

   Police Chief Groseclose stated this item was discussed in the May Work Session stating the 2016 Sales Tax Extension included addressing Animal Shelter needs. He stated Staff recommends accepting all submitted qualifications, Miller Tippens Construction Co., LLC and AC Owen Construction, and Staff recommends awarding to Miller Tippens Construction Co., LLC in the amount of $230,367.50

MOTION was made by **Councilman Jones,** seconded by **Councilman Teeples,** to Accept All Qualifications for Construction Management Services for the Mustang Animal Shelter.

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

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Sholund,** to Award the Construction Management Services for the Mustang Animal Shelter to Miller Tippens Construction Co., LLC, in the Amount of $230,367.50.

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

*6. **Discussion, Consideration and Possible Action** regarding Contract for Construction Management Services for Project labeled Mustang Animal Shelter.

Police Chief Groseclose stated this item is to approve the contract with Miller Tippens Construction Co., LLC, for the Construction Management Services for the Mustang Animal Shelter stating Staff recommended approval.

MOTION was made by **Councilman Ray,** seconded by **Councilman McKenzie,** to Approve the Contract between the City of Mustang and Miller Tippens Construction Co., LLC for Construction Management Services for the Mustang Animal Shelter.

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

*7. **Discussion, Consideration and Possible Action** regarding Contract and Bonds for Project labeled Wild Horse Park Splash Pad Water and Sewer Line.

Assistant City Manager Battles stated bids were accepted and awarded in the June City Council meeting for the Wild Horse Park Splash Pad Water and Sewer Line stating this item is to approve the contract with Krappff-Reynolds Construction Co. in the amount of $152,139.

MOTION was made by **Councilman Ray,** seconded by **Councilman McKenzie,** to Approve the Contract between the City of Mustang and Krappf-Reynolds Construction Co. and Bonds from Krappf-Reynolds Construction Co. for the Wild Horse Park Splash Pad Water and Sewer Line.

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

*8. **Discussion, Consideration and Possible Action** regarding Change Order #1 for Project labeled Mustang Wastewater Treatment Plant Improvements Phase II C&D.

Assistant City Manager Battles provided background regarding the Wastewater Treatment Plant Improvements Phase II C&D stating the change order reflects some modifications and additions needed during construction. He stated the project was still well under budget.

MOTION was made by **Councilman Sholund,** seconded by **Councilman Ray,** to Approve Change Order #1 for the Mustang Wastewater Treatment Plant Improvements Phase II C&D.

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

*9. **Discussion, Consideration and Possible Action** regarding Second Amendment to Operation, Maintenance, and Management Services Agreement between the Mustang (OK) Improvement Authority and Inframark, LLC.

Assistant City Manager Battles stated construction on the Water Reclamation Facility would be completed and fully online in July stating the expansion and addition of reuse component adds additional testing, treatment, and management of the facility by Inframark, LLC. He stated the amendment includes this expansion and addition of the reuse system stating the annual fee would be increased an additional $277,702.

Discussion was held regarding allotted work time and the increase of staff members, rotations, and weekend work with **Battles** stating the increase was mostly due to the reuse portion of the project.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Ray,** to Approve the Second Amendment to the Operation, Maintenance and Management Services Agreement between the Mustang Improvement Authority and Inframark, LLC.

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

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 potential Condemnation proceedings relating to the Sara Road Widening Project; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

3. **Discussion, Consideration and Possible Action** regarding Approval of Resolution No. 20-002, a Resolution of the City Council of the City of Mustang, Oklahoma Declaring the Necessity for Acquiring Certain Permanent Easements Located in Section 26, Township 11 North, Range 5 West, Indian Meridian, Mustang, Canadian County, State of Oklahoma; Authorizing, Instructing, and Directing the City Manager to Acquire Said Permanent Easement for Public Street Purposes and Uses Incidental Thereto, for City of Mustang Street and Traffic Improvements for the Sara Road Widening Project, by Purchase and Settlement of Damages with the Land Owners; Authorizing, Instructing and Directing the City Attorney to Condemn Said Properties for Said Purposes if Said Permanent Easement Cannot Be Reasonably Purchased and the Damages Settled by Agreement with the Land Owner.

4. **Discussion, Consideration and Possible Action** on proposed Permanent Easement and Agreement to Limit Taking between the City of Mustang, Oklahoma, and the Holy Spirit Catholic Church, relating to the Sara Road Widening Project.

5. **Discussion, Consideration and Possible Action** on proposed Permanent Easement and Waiver Agreement between the City of Mustang, Oklahoma, and Arvest Bank, N.A., relating to Sara Road Widening Project.

(Note: Item J-1 is the only item to be heard in Executive Session.)

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

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

TIME ADJOURNED to Executive Session**: 7:56 p.m.**

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

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

TIME RETURNED from Executive Session: **8:16 p.m.**

In reference to Item J-1 –

MOTION was made by **Councilman Sholund,** seconded by **Councilman Grider** to Approve the Acceptance of Permanent and Temporary Easements from Locke Supply Company, Broadstone WI Great Plains LLC, Jerry McNeil, B&J Investments, Amy Marie Robertson and authorization for the Mayor and Staff to execute necessary documents to complete acceptance of the easements.

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

In reference to Item J-2 –

ITEM J-2 WAS REMOVED FROM THE AGENDA UNDER "NEW BUSINESS".

In reference to Item J-3 –

ITEM J-3 WAS REMOVED FROM THE AGENDA UNDER "NEW BUSINESS".

In reference to Item J-4 –

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Sholund** that the Permanent Easement and Agreement to Limit Taking between the City of Mustang and the Holy Spirit Catholic Church be Approved.

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

In reference to Item J-5 –

MOTION was made by **Councilman Grider,** seconded by **Councilman Jones** that the Permanent Easement and Waiver Agreement between the City of Mustang and Arvest Bank, N.A. be Approved.

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

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 **8:19 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
JULY 2, 2019

The Mustang Improvement Authority met in regular session on Tuesday, July 2, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, June 28, 2019, at 10:50 a.m. both in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Schweinberg called the meeting to order at **8:19 p.m.**

B. ROLL CALL

Trustees Present: **Ray**
Teeples
Grider
Jones
McKenzie
Sholund
Schweinberg

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **06/04/2019** MIA Minutes.
*2. Claims List for **FY 2019**
*3. Claims List for FY 2020.
*4. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.

MOTION was made by **Trustee Grider,** seconded by **Trustee Jones**, to Approve the Consent Agenda Items D-1 through D-4.

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

E. INFORMATION/REPORTS

1. Trustee Manager
None.

2. Trustees
None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding:

a. Acceptance of Qualifications for Construction Management Services for Project labeled Mustang Animal Shelter.

b. Awarding Construction Management Services for Project labeled Mustang Animal Shelter.

MOTION was made by **Chairman Schweinberg,** seconded by **Trustee Sholund,** to Accept All Qualifications for Construction Management Services for the Mustang Animal Shelter.

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

MOTION was made by **Trustee Jones,** seconded by **Trustee McKenzie,** to Award the Construction Management Services for the Mustang Animal Shelter to Miller Tippens Construction Co., LLC, in the Amount of $230,367.50.

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

*2. **Discussion, Consideration and Possible Action** regarding Contract for Construction Management Services for Project labeled Mustang Animal Shelter.

MOTION was made by **Trustee Grider,** seconded by **Trustee Jones,** to Approve the Contract between the City of Mustang and Miller Tippens Construction Co., LLC for Construction Management Services for the Mustang Animal Shelter.

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

*3. **Discussion, Consideration and Possible Action** regarding Contract and Bonds for Project labeled Wild Horse Park Splash Pad Water and Sewer Line.

MOTION was made by **Trustee McKenzie,** seconded by **Trustee Sholund,** to Approve the Contract between the City of Mustang and Krappf-Reynolds Construction Co. and Bonds from Krappf-Reynolds Construction Co. for the Wild Horse Park Splash Pad Water and Sewer Line.

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

*4. **Discussion, Consideration and Possible Action** regarding Change Order #1 for Project labeled Mustang Wastewater Treatment Plant Improvements Phase II C&D.

MOTION was made by **Trustee McKenzie,** seconded by **Trustee Ray,** to Approve Change Order #1 for the Mustang Wastewater Treatment Plant Improvements Phase II C&D.

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

*5. **Discussion, Consideration and Possible Action** regarding Second Amendment to Operation, Maintenance, and Management Services Agreement between the Mustang (OK) Improvement Authority and Inframark, LLC.

MOTION was made by **Trustee Sholund,** seconded by **Trustee McKenzie,** to Approve the Second Amendment to the Operation, Maintenance and Management Services Agreement between the Mustang Improvement Authority and Inframark, LLC.

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

H. ADJOURNMENT

MOTION was made by **Trustee Grider**, seconded by **Trustee Sholund,** to adjourn.

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

Meeting was adjourned at **8:23 p.m.**

Jess Schweinberg, Chairman

Attest:

Lisa Martin, Secretary