MUSTANG CITY COUNCIL
MAY 7, 2024

The Mustang City Council met in regular session on Tuesday, May 7, 2024, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, May 3, 2024, at 10:13 a.m. and an Amended Notice of the meeting was posted as required on Monday, May 6, 2024, at 9:45 a.m., all in 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 Chris West, Canadian County Sheriff.

Sheriff West led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present:	**Ray**
	Leete
	Wald
	Waugh
	McKenzie
	Grider
Councilmembers Absent:	**Sholund**

D. OATH OF OFFICE

D.1 Oath of Office for Mayor Brian Grider, Ward I Councilmember Michael Ray, and Ward III Councilmember James Wald.

City Manager Rooney administered the Oath of Office to Mayor Brian Grider.

Mayor Grider administered the Oath of Office to Ward I Councilmember Michael Ray and Ward III Councilmember James Wald.

Councilmembers took their seat at this time.

D.2 Oath of Office for Police Chief Mike Wallace.

City Manager Rooney administered the Oath of Office to Police Chief Mike Wallace.

D.3 Election of Vice-Mayor.

MOTION was made by **Mayor Grider,** seconded by **Councilman Wald,** to Elect Ward I Councilmember Michael Ray as Vice Mayor.

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

E. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None

F. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

G. CONSENT AGENDA

G.1 Approval of 04/02/2024 City Council Minutes.

G.2 *Claims List for FY 2024.

G.3 Approval to Turn Past Due Library Accounts over to Collection Agency.

G.4 Approval of Resolution No. 24-026 making Changes in the Library Fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by $3,000.

G.5 Approval of Resolution No. 24-027, a Resolution of the City Council of the City of Mustang, Oklahoma, Amending Resolution No. 24-001, Adding to and Amending the Minimum Fine Schedule for Violations of the City of Mustang Code of Ordinances; Providing for an Effective Date; and Providing for Repealer.

G.6 Approval of Radio System License Agreement Renewal for FY 2025 between the City of Mustang and the City of Oklahoma City.

G.7 Approval of Interlocal Governmental Cooperation Agreement between the City of Mustang and the Canadian County Sheriff's Office for Renewal of FY 2025 Inmate Housing Agreement.

G.8 Acknowledgement of Transfer of City Property, Glock Mod. 45mos7/Acro, 9mm S/N CAES982, to Lieutenant Mark Bailey, Comm. #331 upon his retirement in good standing effective May 31, 2024, after more than 26 years of honorable service to the City of Mustang, which has been the historical past practice of the Police Department.

G.9 Acknowledgement of Transfer of City Property, Glock Mod. 45mos7/Acro, 9mm S/N CBXE348, to Lieutenant Lance Duncan, Comm. #348 upon his retirement in good standing effective May 20, 2024, after more than 12 years of honorable service to the City of Mustang, which has been the historical past practice of the Police Department.

G.10 Approval to Declare Certain Items as Surplus and Authorizing Disposal of Those Items.

G.11 Approval to Declare (3) Glock 22 Simunition Pistols as Surplus and Authorize the Donation to Newcastle Police Department.

G.12 Nominate Mr. Mike Bailey and Mr. Craig Stephenson to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

G.13 Approval of Retirement from OMRF for Laura Anderson, Human Resources Director, retiring June 3, 2024 after twenty plus years of service to the City of Mustang.

G.14 Approval of Broker of Record Change for Excess Workers' Compensation Insurance.

G.15 *Acceptance of Maintenance Bonds and Permanent Street/Utilities Right-of-Way Dedication and Easement for Mustang Highlands Subdivision.

Councilman Waugh requested Item G.15 be pulled from the Consent Agenda.

MOTION was made by **Vice Mayor Ray,** seconded by **Councilman Leete,** to Approve the Consent Agenda Items G.1 thru G.14.

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

G.15 *Acceptance of Maintenance Bonds and Permanent Street/Utilities Right-of-Way Dedication and Easement for Mustang Highlands Subdivision.

City Attorney Miller stated the City has not received the fully executed Permanent Street/Utilities Right-of-Way at this time.

MOTION was made by **Councilman Waugh,** seconded by **Councilman McKenzie,** to Accept the Maintenance Bonds and that the Permanent Street/Utilities Right-of-Way be Accepted Subject to the City Attorney Approval of its Executions.

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

H. INFORMATION/REPORTS

H.1 City Manager Report

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

H.2 Recognition of American Legion's Employees of the Year

Commander Barry Carrington, American Legion Post 353, presented the American Legion's Employees of the Year:

- Fire Lieutenant Levi Setliff
- Police Sergeant Cody McDaniel
- Ryan Conner, Non-Emergency

H.3 City Council Reports

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

Mayor Grider thanked Police Chiefs Wallace and Groseclose for their service and dedication to the community. He also congratulated the American Legion Employees of the Year.

Vice Mayor Ray also congratulated and thanked Police Chiefs Wallace and Groseclose.

Councilman Leete congratulated everyone on their Oath of Office and the Employees of the Year stating he loves being a part of this City.

Councilman Wald congratulated the Police Chiefs and the Employees of the Year. He stated it was truly amazing to be starting a second term as Ward III Councilmember stating he never expected what it would be like – friends and family.

Councilman Waugh thanked Assistant *City Manager Battles* and *Code Enforcement Officer Jess Murrell* for helping with some code enforcement issues in his ward. He also stated Mustang is a unique community stating Fire, Police, City, Schools, Businesses and Churches work together and are on the same page. He stated he commended this City.

Councilman McKenzie congratulated everyone on their Oath of Office and Employees of the Year stating he was praying for their success. He stated he was grateful for this City.

Councilmembers also thanked *Human Resources Director Anderson* for her years of service and dedication.

Mayor Grider called a brief recess at 7:36 p.m.

Mayor Grider called the meeting back to order at 7:41 p.m.

H.4 Appointment of One (1) Member and One (1) Alternate to the ACOG Board of Directors and its Committees, the OEMA Board of Directors, and the Traffic Commission.

MOTION was made by **Vice Mayor Ray,** seconded by **Councilman Leete,** to Appoint Mayor Grider as Member and Councilman Wald as Alternate Member to the ACOG Board of Directors and its Committees.

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

MOTION was made by **Councilman Wald,** seconded by **Vice Mayor Ray,** to Appoint City Manager Rooney as Member and Assistant City Manager Battles as Alternate Member to the OEMA Board of Directors.

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

MOTION was made by **Councilman Wald,** seconded by **Vice Mayor Ray,** to Appoint Councilman Waugh as Member to the Traffic Commission.

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

I. DISCUSSION ITEMS

I.1 Public Hearing and Consideration of Ordinance No. 1299, an Ordinance of the City of Mustang Vacating an Easement Dedicated to the City of Mustang Located in the Southwest Quarter of Section 35, Township 11 North, Range 5 West of the I.M. Canadian County, State of Oklahoma, Within Lot 1, Block 1 of Wild Horse Canyon Commercial, 1st Plat, as More Particularly Described Below; Declaring Repealer; and Providing for Severability

Senior City Planner Conner stated the applicant is requesting to partially vacate the north 10 ft of a 20 ft utility easement in the Wild Horse Canyon Commercial 1st Plat. He stated during construction of the commercial offices, titled the Mustang South Offices, the buildings were inadvertently constructed over the north half of the 20 ft utility easement along the south property line of the offices. He stated the applicant failed to show the easement during the building permit application process and City Staff did not catch the error. **Conner** stated this application and closing of the north10 ft of the 20 ft easement would remove the existing buildings from the encroachment into the utility easement while leaving 10 ft of easement remaining.

Conner stated Ordinance No. 1299 had the First Reading as required by law in the March 5, 2024 City Council meeting stating the 30+ day notice letters were sent to property owners and utility providers with no objections received. He stated the City does not have Water or Sewer infrastructure in said utility easement nor does it plan to place infrastructure there in the future. **Conner** stated Staff recommends approval.

Mayor Grider opened the matter for Public Hearing.

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

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie**, to Approve Ordinance No. 1299.

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

I.2 Consideration of Preliminary Plat Application, PP-11-8-23-1-34, Meadow Hills Estates, DLP Development, LLC, 520 S Lewis Ln, 3.83 Acres – 16 Single-Family Lots.

Senior City Planner Conner stated the Preliminary Plat was for property located at 520 S. Lewis Lane in an older part of Mustang stating it was rezoned to R-1 Single Family Zoning District in June, 2023, after originally being denied for a request to an R-2 Planned Unit Development. He stated Meadow Hills will feature sixteen single-family lots with a single street dissecting the property giving access to each lot and provided additional development and property information.

Conner stated there had been concerns by citizens regarding the row of trees on the north end as well as the size of two lots being under the required minimum 7200 sq. ft. He stated the applicant developed a more detailed site plan showing the location of the trees being located within an easement in the rear of the property and the applicant sent the plan to the concerned property neighbors who were at the meeting. He also stated the applicant produced a new version of the Preliminary Plat showing conformance of the two lots with the minimum 7,200 sq ft requirement. **Conner** stated another issue was in regards to fire suppression due to existing water lines stating the Fire Marshall provided options, one being adding private fire suppression systems in each home constructed.

Discussion was held regarding traffic with **Councilman McKenzie** stating traffic was already a big issue in this area and asked if a traffic study had been done. **Conner** stated a traffic study is not normally completed prior to the preliminary plat stage and advised the traffic issues be brought to Traffic Commission to possibly place traffic signs or speed tables in the area.

Jessica Bloye, Johnson & Associates, on behalf of the applicant, stated a new version of the preliminary plat was provided to Planning Commission showing the two lots being in conformance with the 7,200 sq ft requirement and stated the property line in relation to the trees were reviewed and the trees should not be impacted. She stated the builder will work with the property owners for any trees that may be in the way for items such as fencing, for example. She stated a tree exhibit was provided to neighbors.

Other discussion included any future problems of tree roots impacting sewer lines with **Assistant City Manager Battles** stating the developer and builders will have to follow requirements in our Municipal Code and stated the City has a root inspection program.

MOTION was made by **Councilman McKenzie,** to Approve the Preliminary Plat Application with the conditions discussed.

City Attorney Miller advised the conditions would need to be listed in the motion.

Discussion was held regarding conditions that could be placed on the approval of the preliminary plat.

The motion died for lack of a second.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Waugh,** to Approve the Preliminary Plat.

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

I.3 *Consideration of Contract and Bonds for Project Labeled SW 89th Street Improvements.

Assistant City Manager Battles stated bids were accepted for the SW 89th Street Improvements project in the April meeting and awarded to Rudy Construction Co. stating this item was to approve the contract and bonds. He stated a Notice to Proceed will be provided to the contractor and stated there is a requirement that at least two lanes be opened by the time school starts.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Leete,** to Approve the Contract and Bonds with Rudy Construction Co. for Project Labeled SW 89th Street Improvements, and the Mayor authorized and directed to execute the Contract and approve the bonds.

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

I.4 *Consideration of First Amendment to the Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Refuse between the Mustang Improvement Authority and Approved by the City of Mustang and the Oklahoma Environmental Management Authority.

City Manager Rooney stated the current agreement was entered into on July 1, 2014 and has been extended to June 30, 2028, stating this is the first amendment requested. He stated both entities desire to amend Section XII(3) of the agreement to provide that the contractor's insurance requirements be in an amount sufficient to meet current or later amended liability limitations of the Oklahoma Governmental Tort Claims Act.

Rooney stated the effective date of the contract would be May 15, 2024, and if approved by City Council and the Mustang Improvement Authority, the OEMA would act on this item at their regular meeting on Thursday, May 9, 2024 at 5:30 p.m.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Wald,** to Approve the First Amendment to the Interlocal Cooperation Agreement for the Collection and Disposal of Residential and Commercial Refuse.

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

J. MATTERS FOR EXECUTIVE SESSION:

J.1 Consideration of Bargaining Agreement between the City of Mustang and the Fraternal Order of Police Local 163 for Fiscal Years 2024-2025, 2025-2026, and 2026-2027; and proposed Executive Session as Authorized by 25 Okla. Stat. 307(B)(1).

J.2 Consideration of In re Convergeone Holdings, Inc., et al., Case No. 24-90194 (CML), United States Bankruptcy Court, Southern District of Texas; and, Proposed executive session as authorized by 25 Okla. Stat. 307(B)(4).

MOTION was made by **Mayor Grider,** seconded by **Councilman Waugh,** to Adjourn to Executive Session.

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

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

Mayor Grider called the meeting back into Session.

TIME RETURNED to Executive Session: **8:19 p.m.**

In reference to Item J.1 –

MOTION was made by **Councilman Wald,** seconded by **Councilman Leete,** to Approve the Agreement with the Fraternal Order of Police Local 163.

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

In reference to Item J.2 –

Informational purposes only.

K. ADJOURNMENT

MOTION was made by **Councilman Wald**, seconded by **Councilman Waugh**, to adjourn.

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

The meeting was adjourned at **8:20 p.m.**

Brian Grider, Mayor

Attest:

Lisa Martin, City Clerk