

**MUSTANG CITY COUNCIL
MARCH 6, 2018**

The Mustang City Council met in regular session on Tuesday, March 6, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, March 2, 2018, at 3:35 p.m. An Amended Agenda was posted on Monday, March 5, 2018 at 5:07 p.m., both in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Mayor Adams 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 stated the Church had their Senior Adult Revival this past week stating Councilman Grider's pastor was the preacher. He stated, along with every other public institution, they were discussing safety and security for when they gather stating they are blessed with an excellent group of lay people to help in this area.

C. ROLL CALL

Councilmembers Present:	Pratt
	Grider
	Jones
	Hagan
	Noblitt
	Adams

Councilmembers Absent:	Leete
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D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney stated an amended agenda was posted on Monday adding an additional item to Executive Session.

F. CONSENT AGENDA

1. Approval of **02/06/2018** City Council Minutes
2. Approval of **02/09/2018** City Council Special Meeting Minutes.
3. Approval of **02/20/2018** City Council Special Meeting (Work Session) Minutes.
- *4. Claims List for **FY 2018**.
- *5. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
6. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
7. Approval of **Retirement** from Oklahoma Municipal Retirement Fund (OMRF) for Jerry Calloway, Building Inspector.
- *8. Acknowledgement of **Receipt of DEQ Permit** No. SL000009180132, to Construct Sewer Line for the New Mustang Educational Resource Center.

Councilman Noblitt requested Item F-4 be pulled from the Consent Agenda.

MOTION was made by **Councilman Jones**, seconded by **Councilman Noblitt**, to Approve Items F-1 thru F-3 and Items F-5 thru F8 of the Consent Agenda.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams

NAY: None

4. Claims List for **FY 2018**

Councilman Noblitt asked why details were not provided with the VISA report and what the City Manager's approval authority is.

City Manager Rooney stated this is the VISA account summary for all the different people in the City who have charging privileges stating Council had provided him the authority to approve those charges. **Rooney** stated his approval authority is \$50,000.

J. INFORMATION/REPORTS

1. **City Manager Report**

City Manager Rooney stated he did not have anything to report other than what was listed in the City Manager's report which was available on the City's website.

Councilman Noblitt asked in regards to the Police report, did the City get some new ordinances or did we just get a lot better at writing citations stating there had been quite an increase.

Rooney stated he did think the Police Department was making more of a concerted effort as far as traffic enforcement and stated issues were encountered while transitioning from the old software system to the new one.

2. **City Council Reports**

- a. **Appointment** of One (1) Member to the Mustang Board of Adjustment.

Community Development Director Helsel stated with *Councilman Noblitt* being appointed to Council, this left his seat vacant on the Board of Adjustment and thanked *Noblitt* for his service on the Board. She stated one application had been received through the City's talent bank, Mr. Samuel Brence, stating Staff recommended his appointment. **Helsel** stated the Board of Adjustment seats were not Ward specific.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Grider**, to approve the Appointment of Samuel Brence to the Mustang Board of Adjustment.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

- b. City Council Reports

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

Councilwoman Pratt did not have anything to report at this time.

Councilman Grider stated he had received a few calls in support of the City in regards to the oil and gas lawsuit and for redoing our ordinances stating they appreciated Council's time and effort to show concern.

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

Councilwoman Hagan did not have anything to report at this time.

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

Mayor Adams stated he had received a few calls, but all were manageable stating he was looking forward to big trash day. He stated he had also received a few calls in support of the City regarding the oil and gas legal action.

K. DISCUSSION ITEMS

1. **Presentation** by Garver Engineering regarding COWRA.

Mayor Adams introduced Mary Elizabeth Mach, PE, with Garver Engineering who gave a presentation on the COWRA Water Supply Development Plan.

City Manager Rooney stated the powerpoint would be available on the City's website tomorrow.

Discussion was held regarding the amount paid to the City of Oklahoma City to purchase water. It was stated the City of Mustang currently pays a minimum of \$2.00/1,000 gallons with increases for high water days.

Other discussion included high purchase years such as 2012 with it being stated it was very dry that year as well as EPA regulations being changed shortly before then. **Rooney** also stated beginning in 2012-2013, the City began to reinvest in its infrastructure which has helped to bring purchases from Oklahoma City down.

Rooney stated the City of Mustang was the first community in the COWRA group to see this presentation stating a joint meeting would be held in the future once the other cities have had an opportunity to see it.

2. **Discussion, Consideration and Possible Action** regarding Approval of Final Plat Application FP-10-11-17-2-30, 152 Hunter's Springs Addition, Phase 2, RC Hunter's Springs, LLC, NW/4, Section 30, 22.46 acres, 99 lots.

Community Development Director Helsel stated this application was for the second and final phase of Hunter's Springs stating it was located on Clear Springs Road, north of Highway 152. She stated the Fire Department has approved the layout and the City's engineer has approved the water and sewer plans stating it had been sent to DEQ, but had not received final approval as of this date.

Helsel stated the lots meet requirements for R-1 districts, the common areas would be the responsibility of the property owners association, and public water and sewer was available to the property. She stated the property is surrounded by R-E and R-1 zoning and the development conforms to the comprehensive plan stating Staff recommends approval and Planning Commission voted unanimously for approval of the final plat.

Councilman Jones stated this development was in his Ward and he had been very pleased with the construction stating it had been neat, with not a lot of trash or complaints.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Approve the Final Plat Application FP-10-11-17-2-30, 152 Hunter's Springs Addition, Phase 2, RC Hunter's Springs, LLC, NW/4, Section 30, 22.46 acres, 99 lots.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

- *3. **Discussion, Consideration and Possible Action** regarding Recommended (A) Approval of an Agreement between 29Sara LLC guaranteeing completion of Final Plat improvements, together with Letter of Credit to Secure Performance of Agreement, and (2) Acceptance of Maintenance Bonds for Water Lines, Sewer Lines, Storm Sewer and Paving, all for Crystal Springs Addition.

Community Development Director Helsel stated Crystal Springs Addition was started about six months ago stating water and sewer lines had been completed and tested stating, however, paving and testing was not fully complete. She stated Mustang Code allows for a letter of credit for the cost of paving assuring the City it will be completed and tested.

City Manager Rooney stated the letter of credit reflects 110% of cost.

Councilman Noblitt asked what action would be required to enforce the letter of credit if necessary and inquired about the expiration date listed in the letter of credit.

City Attorney Miller stated the City would place a demand on the financial institution who would then be required to turn the funds over to the City stating legal action would not be required. He also stated the letter of credit included in the agenda packet had been revised removing the expiration date and reflecting the immediate action to release funds.

Bill Chester, on behalf of the Developer, stated there were currently eight builders ready to build homes now with another 60 lots under contract as well as 30 lots in four months stating the streets would be completed quickly.

MOTION was made by **Councilman Jones**, seconded by **Councilman Noblitt**, to (1) Approve the Agreement between 29Sara LLC guaranteeing completion of Final Plat improvements, together with Letter of Credit to Secure Performance of Agreement, and (2) Accept the Maintenance Bonds for Water Lines, Sewer Lines, Storm Sewer and Paving, all for Crystal Springs Addition.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

- *4. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 18-035** and Right-of-Way, Public Utility and Encroachment Agreement between the City of Mustang and the Oklahoma Department of Transportation (ODOT) for Construction of State Highway 152: Add Shoulders and Resurface from US 81 in Union City to Cemetery Road in Mustang, Project Number J/2-7901 (004), State Project Number J/P27901.

Assistant City Manager Battles stated although the terms of the agreement may look scary, there were no existing structures, no action of acquisition, no water and sewer responsibilities of the City, etc. stating this was just the way the City interacts with ODOT. He stated for background information, the City approved an agreement with ODOT in June, 2017 stating ODOT would resurface one mile section of Cemetery Road since this section would be used for the detour of traffic off of Highway 152. **Battles** stated this resurfacing would not cost the City anything, but would roughly be a value to us of \$150,00 to \$175,000. He stated two votes would be required, one for the Resolution and one for the Agreement.

Councilman Grider asked about the timeline for the detour and length of time the City's section of Hwy 152 would be closed.

Battles stated resurfacing is supposed to begin late 2019, with the project to begin in 2020. He stated he was not sure how long the City's section of 152 would be closed and the detour needed stating accessibility into churches, businesses, etc. on Cemetery Road would be provided.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Grider**, to Approve **Resolution No. 18-035** between the City of Mustang and the Oklahoma Department of Transportation (ODOT) for Construction of State Highway 152: Add Shoulders and Resurface from US 81 in Union City to Cemetery Road in Mustang, Project Number J/2-7901(004), State Project Number J/P27901.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

MOTION was made by **Councilman Grider**, seconded by **Councilwoman Pratt**, to Approve Right-of-Way, Public Utility and Encroachment Agreement between the City of Mustang and the Oklahoma Department of Transportation (ODOT) for Construction of State Highway 152: Add Shoulders and Resurface from US 81 in Union City to Cemetery Road in Mustang, Project Number J/2-7901(004), State Project Number J/P27901.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

5. **Discussion, Consideration and Possible Action** regarding Nomination of Trustee to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

City Manager Rooney stated the City of Mustang is a member of OMAG and stated the coverages provided by OMAG to the City. He stated each year OMAG conducts elections for positions on their Board of Trustees stating two terms were expiring effective June 30, 2018. **Rooney** stated Staff would like to nominate *Assistant City Manager Battles* as a candidate to serve on this Board stating he would be a natural selection as he is familiar with many of the insurance difficulties municipalities and customers experience through the tort claim process as a result of his supervision of the water and wastewater operations and project management. He stated the nomination must be submitted by March 16, 2018.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Jones**, to Nominate Assistant City Manager Justin Battles to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

L. CITY ATTORNEY'S REPORT

1. **Discussion** of *John D. Gatliff and Joetta E. Gatliff v. City of Mustang, et al.*, Case No. CJ-2015-217, District Court, Canadian County, Oklahoma; and, **proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).**
2. **Discussion** of *Phillips, Coventon, Quillian & Banner, PLLC v. City of Mustang, Oklahoma ex rel. Mustang Police Department and Chuck Foley, Chief of Police*, Case No. CV-2015-129, District Court, Canadian County, Oklahoma; and, **proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).**
3. **Discussion** of *City of Mustang vs. Citizens Energy II, LLC*, Case No. CV-2017-325, District Court, Canadian County, State of Oklahoma, including appeal to the Oklahoma Supreme Court; and, *Citizens Energy II, LLC vs. The Honorable Paul Hesse and the City of Mustang, Oklahoma*, Case No. 116710, Supreme Court of the State of Oklahoma; and, **proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(4).**
4. **Discussion, Consideration and Possible Action** regarding the Requested Approval of the Proposed Agreement between the City of Mustang and The International Association of Fire Fighters, Local 4383, for Fiscal Year 2018-19; and, **proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(1).**

MOTION was made by **Mayor Adams**, seconded by **Councilman Grider** to adjourn to executive session.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

TIME ADJOURNED to Executive Session: **8:00 p.m.**

Mayor Adams called the meeting back in session at **8:31 p.m.**

In reference to Item J-1 –

Informational purposes only, no action taken.

In reference to Item J-2 –

Informational purposes only, no action taken.

In reference to Item J-3 –

Informational purposes only, no action taken.

In reference to Item J-4 –

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones** to Approve the Agreement between the City of Mustang and The International Association of Fire Fighters, Local 4383, for Fiscal Year 2018-19

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams

NAY: None

M. ADJOURNMENT

MOTION was made by **Councilman Grider**, seconded by **Councilman Noblitt**, to adjourn.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams

NAY: None

The meeting was adjourned at **8:32 p.m.**



Jay Adams, Mayor

Attest:



Lisa Martin, City Clerk

**MUSTANG IMPROVEMENT AUTHORITY
MARCH 6, 2018**

The Mustang Improvement Authority met in regular session on Tuesday, March 6, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, March 2, 2018, at 3:35 p.m. An Amended Agenda was posted on Monday, March 5, 2018 at 5:07 p.m., both in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Adams called the meeting to order at **8:32 p.m.**

B. ROLL CALL

Trustees Present: Pratt
Grider
Jones
Hagan
Noblitt
Adams

Trustees Absent: Leete

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **02/06/2018** City Council Minutes
- *2. Claims List for **FY 2018**
- *3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
- *4. Acknowledgement of **Receipt of DEQ Permit** No. SL000009180132, to Construct Sewer Line for the New Mustang Educational Resource Center.

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

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams

NAY: None

E. INFORMATION/REPORTS

1. **Trustee Manager**
None.
2. **Trustees**
None.

F. DISCUSSION ITEMS

- *1. **Discussion, Consideration and Possible Action** regarding Recommended (A) Approval of an Agreement between 29Sara LLC guaranteeing completion of Final Plat improvements, together with Letter of Credit to Secure Performance of Agreement, and (2) Acceptance of Maintenance Bonds for Water Lines, Sewer Lines, Storm Sewer and Paving, all for Crystal Springs Addition.

MOTION was made by **Trustee Noblitt**, seconded by **Trustee Hagan**, to (1) Approve the Agreement between 29Sara LLC guaranteeing completion of Final Plat improvements, together with Letter of Credit to Secure Performance of Agreement, and (2) Accept the Maintenance Bonds for Water Lines, Sewer Lines, Storm Sewer and Paving, all for Crystal Springs Addition.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

- *2. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 18-035** and Right-of-Way, Public Utility and Encroachment Agreement between the City of Mustang and the Oklahoma Department of Transportation (ODOT) for Construction of State Highway 152: Add Shoulders and Resurface from US 81 in Union City to Cemetery Road in Mustang, Project Number J/2-7901(004), State Project Number J/P27901.

MOTION was made by **Trustee Grider**, seconded by **Trustee Jones**, to Approve **Resolution No. 18-035** between the City of Mustang and the Oklahoma Department of Transportation (ODOT) for Construction of State Highway 152: Add Shoulders and Resurface from US 81 in Union City to Cemetery Road in Mustang, Project Number J/2-7901(004), State Project Number J/P27901.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

MOTION was made by **Trustee Grider**, seconded by **Trustee Pratt**, to Approve Right-of-Way, Public Utility and Encroachment Agreement between the City of Mustang and the Oklahoma Department of Transportation (ODOT) for Construction of State Highway 152: Add Shoulders and Resurface from US 81 in Union City to Cemetery Road in Mustang, Project Number J/2-7901(004), State Project Number J/P27901.

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams
NAY: None

G. ADJOURNMENT

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

AYE: Pratt, Grider, Jones, Hagan, Noblitt, Adams

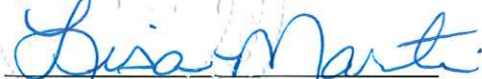
NAY: None

Meeting was adjourned at **8:34 p.m.**



Jay Adams, Chairman

Attest:



Lisa Martin, Secretary