

**MUSTANG CITY COUNCIL
DECEMBER 1, 2020**

The Mustang City Council met in regular session on Tuesday, December 1, 2020, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, November 25, 2020, at 12:51 p.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 Jim Harris, Pastor, Clear Springs Church.

Pastor Harris led the assembly in the Pledge and Invocation. He stated the Church was participating in the cookie crawl through the Chamber of Commerce and invited all to participate. He also invited everyone to the Church's Advent and Christmas Eve services. He stated he was thankful to serve the community stating he has been here 25 years and never before have seen the harmony he witnesses now between the City Council, churches and schools and we are all better as a whole for it.

C. ROLL CALL

Councilmembers Present:	Ray
	Teeples
	Grider
	McKenzie
	Sholund
	Schweinberg

Councilmembers Absent:	Jones
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E. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

- F.1 Approval of 11/03/2020 City Council Minutes.
- F.2 *Claims List for FY 2021.
- F.3 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
- F.4 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.5 *Approval of Schedule of Meetings for City Council, Boards and Commissions, and Holidays for the City of Mustang / MIA for the Year 2021.

- F.6 *Approval of Maintenance Bonds for Water Lines, Sewer Lines and Paving/Drainage for Wild Horse Canyon Addition, Phase 1.
- F.7 Acceptance of Two Offsite Easements for Wild Horse Canyon Addition.

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Sholund**, to Approve the Consent Agenda Items F-1 thru F-7.

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

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney provided an update regarding the debris pickup from the October ice storm stating they were hoping to have the first pass completed by Christmas and would begin the second pass after the Christmas break.

Rooney stated the Police Department was prepared to provide medals to Police Officers and Dispatchers involved in a shooting event in June stating due to Covid, decided to bring this to Council at a later date. He stated *Police Chief Grossclose* would present the medals to each one individually at this time stating they would be recognized at a future City Council meeting.

G.2 Appointment of One New Member to Board of Adjustment

Community Development Director Helsel stated there was a vacancy on the Board of Adjustment stating the seats were not ward specific. She stated an application had been received from Mr. Doug Eckert stating Staff recommends appointment of him to this seat.

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Ray**, to Appoint Mr. Doug Eckert as Member to the Board of Adjustment.

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

G.3 City Council

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

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

Councilman McKenzie stated he had a constituent in his ward requesting information on the debris pick up stating he would forward the information provided by the City Manager this evening.

Vice Mayor Grider stated he did not have anything to report at this time.

Councilman Teeples provided an update from the Traffic Commission on items currently being reviewed including, but not limited to, (1) crosswalks on Mustang Road; (2) Highway 152 traffic specific to Mustang Elementary; and (3) restrictions on left turns on Mustang Road and Highway 152 during certain hours.

Councilman Ray stated Saturday, November 29th, was Small Business Saturday stating there are quite a few small businesses in Ward I. He stated he enjoyed visiting with those businesses and thanked people for their support in shopping local and with the small business.

Mayor Schweinberg wished everyone a blessed Christmas holiday and hoped all had a great Thanksgiving. He thanked City Staff for the job being done this year stating Staff pulled off a miracle with all that has happened in 2020. He welcomed Attorney Mark Osby to the meeting who was filling in for City Attorney Jonathan Miller stating Mr. Miller was recovering from a medical procedure and wished him well. **Schweinberg** also stated he would be supporting *Vice Mayor Grider* in his run for Mayor next year.

H. DISCUSSION ITEMS

- H.1 *Discussion, Consideration and Possible Action regarding Acceptance of the Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year ending June 30, 2020.

City Manager Rooney provided highlights of the audit report prepared by Elfrink and Associates, PLLC for the fiscal year ending June 30, 2020.

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman McKenzie**, to Accept the Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year ending June 30, 2020.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

- H.2 Discussion, Consideration and Possible Action regarding Reappointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box

City Manager Rooney stated in the November City Council meeting, Council was notified of the need to appoint Judges in December for a two year term starting in January. He stated Steve Huddleston and Chris Box have both expressed a desire to continue as Judge and Alternate Judge stating Staff recommends their re-appointment.

MOTION was made by **Councilman Ray**, seconded by **Councilman Sholund**, to Appoint Steve Huddleston and Chris Box as Judge and Alternate Judge, respectively, for the City of Mustang.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

- H.3 Discussion, Consideration and Possible Action regarding Sale of Declared Surplus Vehicle Mustang Fire Department 1991 Sutphen 65' Mini-Tower (Quint-1).

Fire Chief Carruth stated the Quint-1 was placed for sale on GovDeals from October 14, 2020 to November 13, 2020, with a reserve of \$34,000 stating there were over 4,300 hits, but zero bids. He stated he was contacted by the Newark Volunteer Fire Department in Newark, Texas who came to look at the fire truck and offered \$30,000 after close of the auction. **Carruth** stated the \$30,000 included a 12.5% fee assessed by GovDeals with the total amount to be received by the City of Mustang being \$26,667.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Approve the Sale of Declared Surplus Vehicle Mustang Fire Department 1991 Sutphen 65' Mini-Tower (Quint-1).

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

- H.4 Discussion, Consideration and Possible Action regarding the Mustang Public Library Laptop Checkout Policy

City Manager Rooney stated the Library was recently awarded a grant for laptops for patron use and a requirement of that grant is to have the checkout policy approved by Council.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Ray**, to Approve the Mustang Public Library Laptop Checkout Policy.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

- H.5 Public Hearing, Discussion, Consideration and Possible Action regarding Ordinance No. 1212 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 "A-1" General Agricultural and Oil and Gas District to "R-E & C-5 PUD" Rural Estates and Commercial Intensive Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application PUD-6-15-20-1-33, Gabe's Crossing, 1300-1500 Blocks S. Mustang Road, Zac Woodcock.)

Community Development Director Helsel stated City Attorney Miller requested this item be sent back to the January, 2021, Planning Commission meeting for further review to ensure all requirements have been met. She stated it would then be placed on the February, 2021, City Council meeting.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Sholund**, to Table Ordinance No. 1212 to the February 2, 2021, City Council meeting providing time for review by Planning Commission in their January, 2021, meeting.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

- H.6 *Discussion, Consideration and Possible Action regarding Surety Bond for Paving and Drainage Infrastructure for Mustang Farms Addition, Phase 1.

Community Development Director Helsel stated the City of Mustang Municipal Code permits the use of a surety bond as a means of assurance for infrastructure completion stating the bond must be submitted in the amount of 110% of the contract estimates for the completion of the improvements. She stated the developer will not be able to obtain building permits until the paving and drainage facilities are completed and the bond is released.

MOTION was made by **Councilman Ray**, seconded by **Councilman McKenzie**, to Accept the Surety Bond for Paving and Drainage Infrastructure for Mustang Farms Addition, Phase 1.

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

- H.7 *Discussion, Consideration and Possible Action regarding Change Order #2 for project labeled Rockwell Water Tank and County Line Improvements.

City Manager Rooney stated after discussion with the operator and contractor, changes are being requested on the electrical and communication system, tying the modifications into the current SCADA system stating it would be more efficient for the operators. He also stated an increase in mobilization cost was included in the change order due to the time frame of the work. **Rooney** stated the financial impact was \$14,848 stating the project was still under budget.

MOTION was made by **Councilman Ray**, seconded by **Councilman Sholund**, to Approve Change Order #2 for project labeled Rockwell Water Tank and County Line Improvements.

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

- H.8 *Discussion, Consideration and Possible Action regarding Contract and Bonds for Project labeled Ground Water Treatment Units for Arsenic Removal

City Manager Rooney stated the bid for this project was awarded in the November 3rd City Council meeting stating the contract and bonds were now being brought to Council for action. He stated this will allow the City to bring two wells into production that are currently unable to operate due to arsenic levels stating this will allow the City to produce up to 4.0 million gallons per day.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Ray**, to Approve the Contract and Bonds for project labeled Ground Water Treatment Units for Arsenic Removal.

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

- H.9 *Discussion, Consideration and Possible Action regarding Acceptance of Bids for project labeled S. Mustang Road Storm Sewer Extension and Sanitary Maintenance Line.

City Manager Rooney stated the City and the City's engineer EST, Inc. placed specifications out to bid for extending a storm sewer line on the northeast side of the South Mustang Road project stating it will require the relocation of an existing sewer line. He stated the engineer's estimate was approximately \$246,000 and the low bid came in at \$176,340. **Rooney** stated Staff recommends acceptance of all bids.

MOTION was made by **Councilman Ray**, seconded by **Councilman Sholund**, to Accept all Bids for project labeled S. Mustang Road Storm Sewer Extension and Sanitary Maintenance Line.

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

- H.10 *Discussion, Consideration and Possible Action regarding Award of Bid for project labeled S. Mustang Road Storm Sewer Extension and Sanitary Maintenance Line.

City Manager Rooney stated Staff recommends approval to the low bidder Hudson Plumbing at \$176,340.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Award Bid for project labeled S. Mustang Road Storm Sewer Extension and Sanitary Maintenance Line to Hudson Plumbing in the amount of \$176,340.

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

- H.11 *Discussion, Consideration and Possible Action regarding Utility Relocation Agreement for the Project Labeled Sara Road Widening.

City Manager Rooney stated this project is part of the Oklahoma Turnpike Authority Sara Road widening project stating since the pipeline is in the City's easement, the City of Mustang is responsible for the costs associated with relocation. He stated initial estimates for the relocation exceeded \$200,000 stating with Cowan Engineering's assistance as well as DCP Engineers, the amount has been reduced to \$95,119. **Rooney** stated as of now, the project is under budget stating the major cost will be the construction.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Sholund**, to Approve the Utility Relocation Agreement for the Project Labeled Sara Road Widening between the City of Mustang and DCP Midstream in the amount of \$95,119.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

- H.12 Discussion, Consideration and Possible Action regarding Request for Ordinance Changes to the Mustang Code of Ordinances - Article V: Division 3 - Commercial Marijuana Grower Permits and Division 4 - Commercial Marijuana Processor Permits.

City Manager Rooney stated Nathan Harris, a citizen of Mustang, submitted a letter requesting several changes to the Mustang Code of Ordinances as they relate to Commercial Marijuana Grower Permits and the Commercial Marijuana Processor Permits. He stated Mr. Harris believes the proximity requirements for both are overly restrictive when compared to multiple surrounding municipalities as well as the 1000 feet distance requirement from certain businesses should be removed as the State of Oklahoma does not have that restriction and also concerns with fencing requirements.

Rooney stated Staff is recommending Council table this item to the February 2, 2021 City Council meeting in order to allow sufficient time for the City Attorney and Staff to review as well as present to Council in the January 19, 2021 Work Session.

MOTION was made by **Councilman Ray**, seconded by **Councilman McKenzie**, to Table this item to the February 2, 2021 City Council meeting.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

I. CITY ATTORNEY'S REPORT

- I.1 Discussion, Consideration and Possible Action regarding the Proposed One Year Extension of Agreement between the City of Mustang and The Fraternal Order of Police, Lodge 163, for Fiscal Year 2022; and proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(1).

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

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

TIME ADJOURNED to Executive Session: **7:33 p.m.**

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

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

TIME RETURNED from Executive Session: **7:38 p.m.**

In reference to Item J-1 –

MOTION was made by **Vice Mayor Grider**, seconded by **Councilman Sholund** to proceed as discussed in Executive Session.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

J. ADJOURNMENT

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

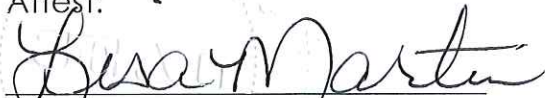
AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

NAY: None

The meeting was adjourned at **7:38 p.m.**


Brian Grider, Vice Mayor

Attest: -


Lisa Martin, City Clerk