

**MUSTANG CITY COUNCIL
AUGUST 1, 2023**

The Mustang City Council met in regular session on Tuesday, August 1, 2023, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, July 28, 2023, at 9:55 a.m. 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 Fire and Police Chaplain Steve Rose.

Chaplain Rose led the assembly in the Pledge and Invocation.

C. ROLL CALL

Councilmembers Present:	Ray
	Leete
	Waugh
	McKenzie
	Sholund
	Grider

Councilmembers Absent: **Wald**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

- F.1 Approval of 07/11/2023 City Council Minutes.
- F.2 *Claims List for FY2023.
- F.3 *Claims List for FY2024.
- F.4 Approval to Turn Past Due Library Accounts over to Collection Agency.
- F.5 Approval of Resolution No. 24-003 making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$535,601.
- F.6 Approval of Resolution No. 24-004 making Changes in Special Revenue Budgets by Making a Supplemental Appropriation to Increase the 2023-2024 Fiscal Year Budget by \$2,066,459.

- F.7 Approval to Declare Old and/or Damaged Library Materials as Surplus and Authorize Disposal of those Items.
- F.8 Approval to Declare Certain Items as Surplus and Authorizing Disposal of Those Items.
- F.9 *Extension of Interlocal Agreement between the Oklahoma Environmental Management Authority and the City of Mustang/Mustang Improvement Authority for the Collection and Disposal of Residential and Commercial Garbage and Refuse.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman Sholund**, to Approve the Consent Agenda Items F.1 thru F.9.

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

G. INFORMATION/REPORTS

- G.1 Recognition of American Legion's State Firefighter of the Year Award to Battalion Chief Allen Sylvester.

Paul Ray, American Legion Post 353 Awards Committee Chair, presented *Fire Battalion Chief Sylvester* with a plaque awarding him as the State of Oklahoma Firefighter of the Year.

- G.2 Presentation to Warriors for Freedom.

Parks and Recreation Director Bailey provided information regarding the weekend's Warrior for Freedom events and tournaments and presented them with a check for \$20,000.

John Bowden accepted the check on behalf of Warriors for Freedom and provided background information and thanked the City for their support.

- G.1 City Manager Report

City Manager Rooney introduced *Police Chief Groseclose* who swore in the City's two new Police Officers, Officer Zachary Abdehadi and Officer Chris Green.

G.2 City Council

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

Councilman Sholund stated he received a few calls and were taken care of by City management.

Councilman McKenzie stated he received a few calls and were addressed by the City Manager and City Attorney.

Councilman Waugh stated he had been meeting with people and looking forward to finding a solution.

Councilman Leete stated he did not have any calls, but had been providing information to people from the last meeting.

Councilman Ray stated he received a few calls from an HOA stating he forwarded them to *Senior City Planner Conner* and *Assistant City Manager Battles* who took care of it.

Mayor Grider stated he was happy to see all the new businesses in Mustang over the last 10 years with even more being listed in the City Manager's report this month stating it was encouraging growth. He stated there is always a potential for sales tax leakage, but was excited for Mustang. He thanked *Councilman Waugh* and his church along with Clear Springs Church for partnering together providing backpacks with school supplies to students stating they handed out 1,352 backpacks. He stated people expressed their happiness with the Centennial Park upgrades as well as the new Whippoorwill Way entrance. He also invited everyone to attend Positive Posse on Tuesday mornings stating on August 29th, Congressman Frank Lucas would be in attendance and somewhere in the last half of August, Senator Markwayne Mullin plans to attend stating it is always good to have conversations with our congressmen.

H. DISCUSSION ITEMS

- H.1 Discussion of the Sale or Offering for Sale, Purchase, Discharge or Use of Fireworks within the City of Mustang, including but not limited to, Proposed Changes to Mustang Code of Ordinance Sections 46-93 and 46-97 to Change the Period for Allowed Sales and Discharge and Adding New Section 46-101 relating to Penalties.

Councilman McKenzie stated he requested this item be placed on the agenda for discussion regarding tweaking or moving dates to discharge fireworks as he felt the number of days and hours allowed to pop fireworks were harmful to pets and those with PTSD stating it was an intrusion on them. He also stated he was concerned that fireworks were still being discharged 12 days after July 4th.

Rob Estes, 611 S. Woodland, addressed the Council stating the Lions' Club had a fireworks stand this year and because of this stand, was able to donate money to different charities. He stated he was very proud of Mustang stating Western Days and fireworks is what makes us iconic. He stated lowering the number of days to four days (as stated in the agenda packet) would concentrate sales into a four-day period causing traffic issues and other problems. He stated he would like to see something requiring people to pick up their own trash.

Robbyn Glinsmann, 2516 Busheywood Dr., addressed the Council stating she was with the Mustang High School Band who has three fireworks stands stating profits help to pay for uniforms and out of state trips. She stated firework sales was a major funding source for them and would negatively affect their budget. She stated the weekend before July 4th is their largest weekend and if the time period is shortened to four days, there will be years without this prior weekend as in 2024. She stated there are 300 students in band and they all appreciate Council providing this opportunity.

Laura Hindman, 441 W. Branches Way, addressed the Council stating she was in agreement with Councilman McKenzie stating she understands it is a big fund raiser, but stated fireworks go off at midnight and days not allowed by ordinance. She stated Council needs to focus on more structured policies and enforcement having harsher penalties with Police writing more tickets. She said with the City growing, it makes traffic worse and more people not following the rules.

Ryan Summers, 5320 Starling Way, addressed the Council stating he was an Associate Pastor at the Bridge Church and agreed with Mr. Estes stating it was a great fund raiser for the organizations. He stated the Church holds a Family Freedom Fest each year that brings in 6,000 people stating from a church perspective, lowering the number of days allowing fireworks could cut off this event and not make it possible to donate to the charities as they do now unless there was a special permit or something else they could do. He stated as for his perspective, he stated he wasn't in favor of shortening the days, but would like to see more enforcement of the policies as it is annoying to hear fireworks popping in the middle of the night.

Angela McKenzie, 639 W. Linden Dr, addressed the Council stating she wasn't against firework sales stating the issue was starting a whole week before July 4th and stated if the ordinances were not going to be enforced, it negatively affects others. She stated she documented dates and times fireworks were being popped outside of the allowed timeframe and provided some of that information. She stated fireworks were still being discharged 12 days after July 4th. She stated there were posts all over social media about dogs getting out and missing, trash at the school - even though they are not even allowed to pop there - plus all the clean up having to be done by those who didn't even pop fireworks. She stated she enjoys fireworks even though she has to medicate her dog and loves that organizations are giving back from their profits as well as sales helping students, but the ordinances need to be enforced better stating animals, those with PTSD, those with babies, senior citizens, all have rights too.

Paul Ray addressed the Council stating he was a combat veteran, purple heart recipient and has lived here 44 years. He stated he knows when July 4th comes around, but the way it benefits the City, he feels he can give up a week for it. He stated businesses and those other than the organizations selling fireworks, benefits from this time as well.

Mayor Grider stated this was discussed in a Work Session a couple of years ago and asked Council to state how long they have been on Council and how many phone calls they have received regarding fireworks during that time.

Councilman McKenzie stated he has been on Council for six years and has received at least 40 calls over that time period. He stated he wasn't proposing stopping fireworks, but to enforce the ordinances and fines stating people have to overly medicate their dogs and it takes away the freedoms of seniors and those with PTSD.

Councilman Sholund stated he has been on Council for four years stating he probably receives two or three phone calls or emails a year stating 10 total at the most.

Councilman Waugh stated he has been on Council for two years and has not received any calls. He stated in conversations with people, some have mentioned leaving for the week, but no one has called or emailed him.

Councilman Leete stated he has been on Council for 4 years and has received one call. He stated he is a wounded, combat veteran and used to struggle with fireworks and sympathizes with those who do, but stated he also fought for our freedoms, for instance, fireworks and what they represent. He stated the Council does need to do their due diligence and research making sure the ordinances that are in place are enforced.

Vice Mayor Ray stated he has been on Council for four years and has not received any negative phone calls stating he has received positive phone calls.

Discussion was held regarding how many fire calls the City has received during the firework timeframe with **City Manager Rooney** stating the City does keep track of this, but does not have that information with him. He stated most calls are dumpster fires where used fireworks were placed in the trash without first wetting them down.

City Manager Rooney stated the City did not receive any negative calls this year. He stated he received maybe four negative emails stating he replies with ordinance information regarding fireworks stating the Council adopts the ordinances and provides the person with Council contact information.

Mayor Grider stated he has been on Council for eight years and has received two calls in the eight years. He stated from what was conveyed this evening, Council, as a whole, has received calls from approximately 53 citizens out of approximately 20,000 in Mustang. He stated he received one phone call when first on Council from a gentleman who was a combat veteran and suffered from PTSD stating he visited with him and got the idea to make signs to put in yards stating they are veterans in hopes it would make neighbors aware. He stated the gentleman called and said his neighbors talked with him and now make him aware of when they would be shooting fireworks stating that was all he wanted. **Grider** stated the City still offers these signs to anyone requesting them free of charge.

Grider stated Fireworks City USA is not in Mustang City limits and they start selling fireworks on June 15th stating the City loses 4% of those sales stating this is an example of sales tax leakage. He stated shortening the time period to four days would not stop people from buying, they would just buy there instead of from the organizations in Mustang and would still be popping them stating there is no possible way of shortening the time period with Fireworks City open on the 15th. **Grider** stated he reached out to each organization and asked what their profit was and what the money goes towards and shared this information with everyone.

McKenzie stated he did not feel it would impede tax revenue and profits in Mustang. He stated the current ordinances should be reviewed and enforced stating if the City is not going to enforce them, then take them off the books.

Discussion was held regarding some of the discharge of fireworks coming from areas outside of City limits and Mustang Police not having jurisdiction there.

Sholund stated he does not agree with reducing the time period, but does agree with enforcing the ordinances. He stated he knows one person who suffers with PTSD and she leaves during this time period stating she called two weeks ago due to a large firework discharged at 11:45 pm.

Ray stated the City is blessed to add an additional two Officers to the force which will help to increase their numbers and ability to enforce the rules.

Grider stated this was a good discussion stating he is not against fines or enforcement of the ordinances stating the City could not afford to reduce the time period where it would reduce the sales from the non-profit organizations and would create sales tax leakage. He stated with Fireworks City opening June 15th, he would be all for increasing the time period stating Mustang is known for Western Days, Mustang Public Schools, public safety and fireworks.

- H.2 Public Hearing and Consideration of Specific Use Permit Application SUP-6-15-23-1-27, 351 E Suera Terr, Vertical Bridge VBTS, LLC, in the A-1 Agricultural and Oil and Gas District, Requesting a Specific Use Permit for a Telecommunications Tower.

Senior City Planner Conner stated this Specific Use Permit (SUP) application is for a telecommunications tower to be constructed on private property of approximately 11 acres with access from E. Suera Terrace and E Financial Terrace stating the Aspen Park neighborhood was directly adjacent to the south of the subject property with other residential tracts to the east and southeast as well as the rodeo grounds of Curtis Park located to the northwest. He stated towers are allowed under a SUP stating conditions can be placed on the permit.

Conner stated the tower would be 155 feet tall with an additional 10 feet for the antennae and meets the Code's set back requirements. He stated there are four other towers located in city limits with a tower located in Curtis Park stating the proposed tower would meet the required 500 foot separation distance. **Conner** stated Planning Commission voted unanimously to recommend approval.

Mayor Grider opened the Public Hearing.

Lewis Martin, applicant, with Vertical Bridge addressed the Council stating the company reviewed three properties stating this property was the only one meeting City Code. He stated the tower would be a full tower height away from the property lines stating the City's code was the most stringent he had ever seen. He provided property information and site description stating Verizon would be utilizing the tower with there being room for others.

Mayor Grider closed the Public Hearing.

MOTION was made by **Councilman Waugh**, seconded by **Councilman McKenzie** to Approve the Specific Use Permit.

AYE: Ray, Leete, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.3 Consideration of Preliminary Plat Application, PP-6-20-23-2-26, Hidden Lake Estates, Cedar Creek Consulting, INC, North of Walmart-Mustang Marketplace Area, 78.23 Acres – 213 Single-Family Lots.

Senior City Planner Conner stated Cedar Creek Consulting, INC submitted a Preliminary Plat for Hidden Lake Estates, property located within the Borneman PUD for a section zoned R-1, Single Family. He provided property description and information as well as surrounding property information. **Conner** stated Planning Commission voted unanimously to recommend approval.

Discussion was held regarding any traffic concerns.

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

AYE: Ray, Leete, Waugh, McKenzie, Sholund, Grider

NAY: None

- H.4 Consideration of Municipal Lease/Purchase of Eleven (11) Police Vehicles with RCB Bank for a Three (3) Year Term; documents to include, but not limited to, Lease/Purchase Agreement, Resolution No. 24-002, and Statement of Essential Use; and Authorizing Staff to Execute Documents.

Police Chief Groseclose stated this was the lease purchase agreement for eleven Police Tahoes through RCB Bank stating they were the only bank who had a low interest and would lock it in until after the Council meeting.

City Manager Rooney stated *Chief Groseclose* came to *Finance Director Watts* and him with a plan a few years ago to sale used vehicles and purchase new ones stating they were skeptical, but has turned out to be a great plan for the City and keeping our Police Officers in good quality vehicles.

MOTION was made by **Councilman Sholund**, seconded by **Councilman Leete** to Approve the Lease/Purchase of Eleven Police Vehicles with RCB Bank for a Three Year term, documents to include, but not limited to, Lease/Purchase Agreement, Resolution No. 24-002, and Statement of Essential Use, and Authorize Staff to Execute Documents.

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

- H.5 Consideration of Ordinance No. 1289, (A) an Ordinance of the City of Mustang, Oklahoma, Declaring Certain Police Vehicles Surplus, Authorizing the Sale of such Vehicles to Other Public Agencies and Authorizing and Directing the City Manager to Execute Documents to Complete the Transfers, and Providing for Severability; and (B) an Agreement for Sale of Surplus Police Vehicles to the Canadian County Sheriffs Office, Oklahoma.

Police Chief Groseclose stated this ordinance provided for the surplus of Police Unit 232 and authorize the sale of the vehicle to the Canadian County Sheriff's office in the amount of \$24,995.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Sholund** to Approve Ordinance No. 1289 and the related Agreement for Sale.

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

- H.6 Consideration of Ordinance No. 1290, (A) an Ordinance of the City of Mustang, Oklahoma, Declaring Certain Police Vehicles Surplus, Authorizing the Sale of such Vehicles to Other Public Agencies and Authorizing and Directing the City Manager to Execute Documents to Complete the Transfers, and Providing for Severability; and (B) an Agreement for Sale of Surplus Police Vehicles to the City of Jones, Oklahoma.

Assistant Police Chief Wallace stated this ordinance provided for the surplus of Police Unit 235 and authorize the sale of the vehicle to the City of Jones in the amount of \$25,000.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Leete** to Approve Ordinance No. 1290 and the related Agreement for Sale.

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

- H.7 Consideration of Submission of Comments to Federal Communications Commission Notice of Proposed Rulemaking regarding Proposed Truth in Billing and Advertising Rule.

City Attorney Miller stated the Federal Communications Commission (FCC) is looking at issuing a broadband and cable rule regarding advertising cost for services stating bills received contain added fees and consumers think they are government related which is not always the case. He stated if the new rule is established, the FCC would require cable operators and DBS providers to specify an "all-in" price for their service.

Miller stated the FCC has invited franchising authorities to comment on this rule. He stated if authorized by the City, the City would join other franchising authorities in submitting group comments to the FCC in support of this new rule.

MOTION was made by **Vice Mayor Ray**, seconded by **Councilman McKenzie** to Submit the Proposed Comments to the Federal Communications Commission.

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

- H.8 Consideration of Resolution No. 24-001, a Resolution of the City Council of the City of Mustang, Oklahoma, Amending Resolution Nos. 13-051 and 16-022; Establishing a Minimum Fine Schedule for Violations of the City of Mustang Ordinances; Providing for Effective Dates; and Providing for Repealer.

City Attorney Miller stated Resolution 24-001 sets forth a fine schedule for violations of the Code of Ordinances stating this is completed periodically stating he worked with *Court Clerk Wood* and *Police Lieutenant Dylan Wilson* thanking them for their assistance.

Discussion was held regarding fine amounts and time limits to pay.

MOTION was made by **Councilman Waugh**, seconded by **Councilman Leete**, to Approve Resolution No. 24-001.

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

- H.9 Approval of an Inter-Governmental Agreement for a Regional Household Hazardous Waste Collection. and Management Project between the City of Mustang and The City of Oklahoma City.

Assistant City Manager Battles stated a citizen had requested to dispose of gasoline which is an item not accepted by the City's contractor, OEMA, who operates a hazardous waste collection. He stated he found where the City of Oklahoma City allows for some items our current contractor is unable to take stating several cities around the metro utilize an inter-governmental agreement to provide citizens with a place to dump hazardous items.

Discussion was held regarding what a citizen would need as proof of residency as well as this being the Oklahoma City location on Portland. Other discussion included whether or not this would be a fee-based service with **Battles** stating it would be fee based for the City during the pilot program and may be addressed in the future.

MOTION was made by **Councilman Sholund**, seconded by **Councilman McKenzie**, to Approve the Inter-Governmental Agreement for a Regional Household Hazardous Waste Collection and Management Project between the City of Mustang and the City of Oklahoma City and that City Staff and the City Attorney be Authorized to Final and Incorporate Language for Implementation in paragraph six.

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

- H.10 Consideration of Contract and Bonds Project Labeled Emergency Traffic Signal for Fire Station No. 2.

Assistant City Manager Battles stated bids were accepted and awarded in the July City Council meeting with contracts and bonds being brought to Council this evening. He stated the contract references Mustang Improvement Authority and should state City of Mustang stating Staff recommends approval of the contract and bonds upon changing Mustang Improvement Authority verbiage to City of Mustang.

MOTION was made by Councilman Sholund, seconded by Councilman McKenzie, to Approve the Contract and Bonds for Project labeled Emergency Traffic Signal for Fire Station No. 2 between the City of Mustang and Traffic Signals, Inc., in the Amount of \$180,000, contingent upon the verbiage change from Mustang Improvement Authority to City of Mustang.

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

I. MATTERS FOR EXECUTIVE SESSION:

- I.1 *Consideration of Potential Purchase and Acceptance of Permanent 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).

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

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

TIME ADJOURNED to Executive Session: **8:32 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED from Executive Session: **8:38 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Sholund**, seconded by **Vice Mayor Ray** to Approve the Acceptance of Permanent Easements from The Louis III and Lacey Kirvanek Living Trust, James H. McKay and Ashley Nicole McKay, Melanie V. Rivera and Brandon Marl Rivera, HB Enterprises, LLC, Kenneth Joseph Genzer, Jr., and The Louis Jr. and Marilyn Kirvanek Living Trust, and Authorization for the Mayor and Staff to Execute necessary Documents to Complete Acceptance of the Easement.

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

J. ADJOURNMENT

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

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

The meeting was adjourned at **8:39 p.m.**


Brian Grider, Mayor

Attest:


Lisa Martin, City Clerk