MUSTANG CITY COUNCIL
DECEMBER 4, 2018

The Mustang City Council met in regular session on Tuesday, December 4, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, November 30, 2018, at 9:45 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 James Waugh, Pastor, Lakehoma Church of Christ

Pastor Waugh led the assembly in the Pledge and Invocation. He stated the Church was a community of faith and partners with different areas of the City stating they love to serve.

C. ROLL CALL

Councilmembers Present:
Pratt
Leete
Grider
Jones
McKenzie
Noblitt
Schweinberg

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mayor Schweinberg introduced those in the audience who have filed, or are planning to file, for Council: Michael Ray, Nathan Sholund, and David Harper.

Mr. Randy Nelson, Lane's Towing, 200 S. Cedar Springs Lane, addressed the Council regarding the City's wrecker service resolution asking the City to consider expanding the area a wrecker service must be located.

Councilman Noblitt requested this item be placed on the next agenda.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney requested Item H-5 be pulled from the agenda.

F. CONSENT AGENDA

1. Approval of **11/06/2018** City Council Minutes.
2. Approval of **11/13/2018** City Council Special Meeting (Work Session) Minutes.
*3. Claims List for FY 2019.
*4. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
5. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
6. Approval of **Oklahoma Humanities – Let's Talk About It**, Oklahoma Book Discussion Grant.
7. Approval of **Resolution No. 19-022** making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $1,000.
*8. Approval of **Schedule of Meetings** for City Council, Boards and Commissions, and Holidays for the City of Mustang/MIA for the Year 2019.

Councilman Grider requested Item F-8 be pulled for discussion.

MOTION was made by **Councilman Noblitt,** seconded by **Councilman Leete,** to Approve Items F-1 thru F-7 of the Consent Agenda.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

Item *F-8 Approval of **Schedule of Meetings** for City Council, Boards and Commissions, and Holidays for the City of Mustang/MIA for the Year 2019.

Discussion was held regarding the pros and cons of meeting one time per month as opposed to twice per month including input from Staff.

MOTION was made by **Councilman Grider,** seconded by **Councilman Noblitt,** to Approve Item F-8 of the Consent Agenda as presented.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

G. INFORMATION/REPORTS

1. City Manager Report

City Manager Rooney introduced his mother, Del McKenna, who was visiting from New Jersey. He stated he did not have anything else to report in addition to the City Manager's report which is available online.

2. City Council Reports

   a. Approval of **Proclamation** in Support of Decennial Census 2020 and Complete Count Committee.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Grider,** to Approve the Proclamation in Support of Decennial Census 2020 and Compete Count Committee.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

   b. Appointment of Two (2) Members to the **Mustang Planning Commission.**

MOTION was made by **Councilman Jones,** seconded by **Councilwoman Pratt,** to Appoint Jay Adams and James Waugh to the Mustang Planning Commission.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

Mayor Schweinberg 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 Leete did not have anything to report at this time.

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

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

Councilman McKenzie asked about his neighborhood's application brought to Staff for a speed table.

City Manager Rooney stated Staff would review the application and if approved, would be budgeted in next year's budget.

Councilman Noblitt requested an item regarding concealed carry at the ballparks be added to the next Work Session.

Mayor Schweinberg thanked *Assistant Parks and Recreation Director Heasley* and her staff for a great job with the Tree Lighting ceremony. He also wished everyone a Merry Christmas.

Assistant City Manager Battles informed everyone of the preparations being taken for any bad weather over the weekend.

H. DISCUSSION ITEMS

*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, 2018.

Finance Director Watts introduced Anne Marie Elfrink, MS, CPA, with Elfrink and Associates, PLLC who provided the annual audit report for FY2018.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones,** to Accept the Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year ending June 30, 2018.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

2. **Discussion, Consideration and Possible Action** regarding Appointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box in accordance with Chapter 26, Section 26-62 of the City of Mustang, Oklahoma Municipal Codes.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones,** to Appoint Municipal Judge Steve Huddleston and Alternate Judge Chris Box in accordance with Chapter 26, Section 26-62 of the City of Mustang, Oklahoma Municipal Codes.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

3. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 19-024**, Supporting the Nomination of Timothy Rooney to the District 8 Seat on the Board of Directors of the Oklahoma Municipal League; Declaring said Appointment to be for the Benefit of the City of Mustang and Other Municipalities within the District; and Declaring the Mission of the Oklahoma Municipal League to be for the Public Purpose.

MOTION was made by **Councilman Noblitt,** seconded by **Councilman McKenzie,** to Approve **Resolution No. 19-024**, Supporting the Nomination of Timothy Rooney to the District 8 Seat on the Board of Directors of the Oklahoma Municipal League; Declaring said Appointment to be for the Benefit of the City of Mustang and Other Municipalities within the District; and Declaring the Mission of the Oklahoma Municipal League to be for the Public Purpose.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

4. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 19-023**, a Resolution of the City Council of the City of Mustang, Oklahoma, Amending Resolution No. 16-037; Changing the Rates for Recreation Center Facilities; Declaring Repealer; Establishing Severability; and Declaring an Effective Date.

   Assistant City Manager Battles provided information regarding the new proposed rates stating the Recreation Center rates had not been increased since 2006.

MOTION was made by **Councilman Noblitt,** seconded by **Councilman McKenzie,** to Approve **Resolution No. 19-023**, a Resolution of the City Council of the City of Mustang, Oklahoma, Amending Resolution No. 16-037; Changing the Rates for Recreation Center Facilities; Declaring Repealer; Establishing Severability; and Declaring an Effective Date.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

5. **Discussion, Consideration and Possible Action** regarding Approval of Fitness Passport Service Agreement between the City of Mustang and OptumHealth Care Solutions, LLC.

   This item was removed from the agenda under Item E – "New Business."

*6. **Discussion, Consideration and Possible Action** regarding:
   a. Acceptance of Bids for Project Labeled Rockwell Water Tank and County Line Tank Improvements.
   b. Awarding Lowest Qualified Bid for Project Labeled Rockwell Water Tank and County Line Tank Improvements.

   Assistant City Manager Battles stated Staff recommends accepting the three bids received for the above named project as well as recommends awarding to the low bidder, Elite Towers, Inc. in the amount of $1,348,236.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Grider**, to Accept all Bids for Project Labeled Rockwell Water Tank and County Line Tank Improvements.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete** to Award to the low bidder, Elite Towers, Inc., in the amount of $1,348,236 for Project Labeled Rockwell Water Tank and County Line Tank Improvements.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

*7. **Discussion, Consideration and Possible Action** regarding:
   a. Acceptance of Bids for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.
   b. Awarding Lowest Qualified Bid for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.

   Assistant City Manager Battles stated Staff recommends accepting the two bids received for the above named project as well as recommends awarding to the low bidder, MTZ Construction, Inc. in the amount of $118,416.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Accept all Bids for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

MOTION was made by **Councilman Leete**, seconded by **Councilman Noblitt** to Award to the low bidder, MTZ Construction, Inc., in the amount of $118,416 for Project Labeled S. Mustang Road Storm Sewer Project – Phase I

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

*8. **Discussion, Consideration and Possible Action** regarding Approval of Contract and Bonds for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Noblitt** to Approve the Contract and Bonds for Project Labeled S. Mustang Road Storm Sewer Project – Phase I

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

J. CITY ATTORNEY'S REPORT

City Attorney Miller stated only Items 1 through 5 would be heard in Executive Session with Item 6 being heard in Open Session.

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 S.W. 89th Street Widening Project; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

3. **Discussion** of *Cottonwood Development, L.L.C. v. City of Mustang*, Case No. CJ-2018-142, District Court, Canadian County, Oklahoma; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

4. **Discussion** of *Otis A. Guthrie v. CPL Daniel T. Hall and City of Mustang*, Case No. CIV-16-1148, United States District Court, Western District of Oklahoma; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

5. **Discussion** regarding Evaluation of and Employment Agreement with City Attorney; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(1, 2).

MOTION was made by **Councilman Grider,** seconded by **Councilwoman Pratt** to adjourn to Executive Session.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

TIME ADJOURNED to Executive Session**: 8:01 p.m.**

Mayor Schweinberg called the meeting back in session at **9:00 p.m.**

In reference to Item J-1 –

MOTION was made by **Councilman Leete,** seconded by **Councilman Grider** to Approve the Acceptance of Permanent and Temporary Easements from Tania and David Landgraf, Western Farmers Electric Co-op Inc. and authorization for the Mayor and Staff to execute necessary documents to complete acceptance of the easements.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

In reference to Item J-2 –

Informational purposes only.

In reference to Item J-3 –

Informational purposes only.

In reference to Item J-4 –

Informational purposes only.

In reference to Item J-5 –

Informational purposes only.

Item J-6 was heard in open session.

6. **Discussion Consideration and Possible Action** regarding Approval of **Resolution No. 19-025**, a Resolution of the City Council of the City of Mustang, Oklahoma, Declaring the Necessity for Acquiring Certain Permanent and Temporary Easements Located in Section 34, Township 11 North, Range 5 West, and Section 3, Township 10 North, Range 5 West, Indian Meridian, Mustang, Canadian County, State of Oklahoma; Authorizing, Instructing, and Directing the City Manager to Acquire said Permanent and Temporary Easements for Public Street Purposes and Uses Incidental Thereto, for City of Mustang Street and Traffic Improvements for the S.W. 89th Street 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 and Temporary Easements cannot be Reasonably Purchased and the Damages Settled by Agreement with the Land Owners.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones** to Approve **Resolution No. 19-025**, a Resolution of the City Council of the City of Mustang, Oklahoma, Declaring the Necessity for Acquiring Certain Permanent and Temporary Easements Located in Section 34, Township 11 North, Range 5 West, and Section 3, Township 10 North, Range 5 West, Indian Meridian, Mustang, Canadian County, State of Oklahoma; Authorizing, Instructing, and Directing the City Manager to Acquire said Permanent and Temporary Easements for Public Street Purposes and Uses Incidental Thereto, for City of Mustang Street and Traffic Improvements for the S.W. 89th Street 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 and Temporary Easements cannot be Reasonably Purchased and the Damages Settled by Agreement with the Land Owners.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

K. ADJOURNMENT

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

The meeting was adjourned at **9:02 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
DECEMBER 4, 2018

The Mustang Improvement Authority met in regular session on Tuesday, December 4, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, November 30, 2018, at 9:45 a.m. 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 **9:02 p.m.**

B. ROLL CALL

Trustees Present: **Pratt**
Leete
Grider
Jones
McKenzie
Noblitt
Schweinberg

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **11/06/2018** MIA Minutes
*2. Claims List for **FY 2019**
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
*4. Approval of **Schedule of Meetings** for City Council, Boards and Commissions, and Holidays for the City of Mustang/MIA for the Year 2019.

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

E. <u>INFORMATION/REPORTS</u>

1. Trustee Manager
None.

2. Trustees
None.

F. DISCUSSION ITEMS

*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, 2018.

MOTION was made by **Councilman Grider,** seconded by **Councilman Noblitt,** to Accept the Comprehensive Annual Financial Report and Report on Internal Control and Compliance with Government Auditing Standards for Fiscal Year ending June 30, 2018.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

*2. **Discussion, Consideration and Possible Action** regarding:
   a. Acceptance of Bids for Project Labeled Rockwell Water Tank and County Line Tank Improvements.
   b. Awarding Lowest Qualified Bid for Project Labeled Rockwell Water Tank and County Line Tank Improvements.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman McKenzie**, to Accept all Bids for Project Labeled Rockwell Water Tank and County Line Tank Improvements.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

MOTION was made by **Councilman Grider**, seconded by **Councilman Noblitt** to Award to the low bidder, Elite Towers, Inc., in the amount of $1,348,236 for Project Labeled Rockwell Water Tank and County Line Tank Improvements.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

*3. **Discussion, Consideration and Possible Action** regarding:
   a. Acceptance of Bids for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.
   b. Awarding Lowest Qualified Bid for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman McKenzie**, to Accept all Bids for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Noblitt** to Award to the low bidder, MTZ Construction, Inc., in the amount of $118,416 for Project Labeled S. Mustang Road Storm Sewer Project – Phase I

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

*4. **Discussion, Consideration and Possible Action** regarding Approval of Contract and Bonds for Project Labeled S. Mustang Road Storm Sewer Project – Phase I.

MOTION was made by **Councilman Grider**, seconded by **Councilman McKenzie** to Approve the Contract and Bonds for Project Labeled S. Mustang Road Storm Sewer Project – Phase I

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

G. ADJOURNMENT

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt, Schweinberg
NAY: None

Meeting was adjourned at **9:05 p.m.**

Jess Schweinberg, Chairman

Attest:

Lisa Martin, Secretary