MUSTANG CITY COUNCIL
AUGUST 6, 2019

The Mustang City Council met in regular session on Tuesday, August 6, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, August 2, 2019, at 10:30 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 Dave Bryan, Pastor, Chisholm Heights Baptist Church.

Pastor Bryan led the assembly in the Pledge and Invocation. He stated it was an honor and privilege to be here and apologized for missing last time. He stated a new Executive Pastor had been hired at Chisholm Heights and provided information of upcoming activities at the church.

C. ROLL CALL

Councilmembers Present: **Ray**
Teeples
Grider
Jones
McKenzie
Sholund
Schweinberg

Councilmembers Absent: **None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney requested Item J-1 under City Attorney's Report be removed from the agenda.

F. CONSENT AGENDA

1. Approval of **07/02/2019** City Council Minutes.
2. Approval of **07/16/2019** City Council Special Meeting (Work Session) Minutes.
*3. Claims List for **FY 2019**.
*4. Claims List for **FY 2020**.
*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 **Resolution No. 20-003** making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2019-2020 Fiscal Year Budget by $1,231.
8. Approval of **Resolution No. 20-004** making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2019-2020 Fiscal Year Budget by $9,585.
9. Approval of **Resolution No. 20-006** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2019-2020 Fiscal Year Budget by $34,533.
10. Acceptance of **Donation** from Roan Resources in the amount of $4,853.45 for the Mustang Fire Department to Purchase a Gas Monitor.
11. Approval of **Resolution No. 20-007** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2019-2020 Fiscal Year Budget by $4,854.
12. Approval of Renewal of the Inter-Local Governmental Cooperation Agreement between the City of Mustang and **Canadian County Sheriff's Office** to Hold Excess Prisoners.

*13. Ratification and Approval of **Settlement Agreement and Release** dated July 17, 2019 between the City of Mustang and Kathryn Merritt relating to Sewer Backup Claim.

*14. Acknowledgement of **Receipt of DEQ Permit** No. WL000009190514 to Construct Water Lines for Symes Commercial Park Addition, Phase 2.

*15. Acknowledgement of **Receipt of DEQ Permit** No. SL000009190513 to Construct Sanitary Sewer Lines for Symes Commercial Park Addition, Phase 2.

MOTION was made by **Councilman Grider,** seconded by **Councilman Jones,** to Approve the Consent Agenda Items F-1 thru F-15.

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

G. INFORMATION/REPORTS

1. City Manager Report

City Manager Rooney stated voting would not be conducted electronically this evening as a new system is being installed. He provided some high points of the new system stating it should begin September or October.

Rooney stated tomorrow is an ozone alert day stating the City of Mustang is a participant through ACOG stating none of the City contractors mow on these days. He also stated his written City Manager report is available online.

2. City Council Reports

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

Councilman Sholund stated he had received two or three calls, one from Clendon Rice who has the request under Item H.1. to vacate a portion of Spring Road as well as from Mark Brown from Twin Brooks Addition regarding drainage issues stating he contacted *Community Development Director Helsel* who is reviewing the issue.

Councilman McKenzie stated there had been a leak at Highlands and Heights that was resolved by *Assistant City Manager Battles* thanking him for his assistance. He stated he spoke with a constituent on Cedar Court regarding ways to slow traffic and also stated they were waiting on the speed table approved in this budget to be installed on a street in his ward.

Councilman Jones stated he was still receiving calls regarding drainage issues including a call regarding a retaining pond smelling bad. He stated *Community Development Director Helsel* and he were working with them.

Councilman Grider stated he had received several calls stating one was from a lady excited about the Embark agreement and is thankful to the City for this service

Councilman Teeples stated he was on the Traffic Commission Board stating they would be meeting soon to discuss issues with Mustang Elementary school and S. Mustang Road construction.

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

Mayor Schweinberg cautioned Councilmembers to be careful what they say in regards to drainage issues as some of the drainage channels, etc., are the responsibility of the property owner and not the City.

H. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1188** an Ordinance of the City of Mustang, Oklahoma, Vacating a Portion of Spring Road, which Road is Located West of and Adjacent to Lot 8, Block 4 and Lot 7, Block 5 of Farris Springs Addition to the City of Mustang, Canadian County, Oklahoma, According to the Recorded Plat Thereof, as more particularly described in the Ordinance; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   Community Development Director Helsel stated the First Reading of this item was completed in the July meeting with it now coming before Council for Public Hearing for approval or denial. She stated the right-of-way was dedicated in 1961, but the City has never utilized it nor does it show any indication it will be utilized. She stated letters were sent to property owners within 300 feet and utility franchises stating no protests were received.

   Mayor Schweinberg opened the matter for Public Hearing.

   Mr. Clendon Rice, 609 S. Spring Lane, Applicant, addressed the Council stating he had been there 34 years and he and his neighbors were the only ones using the property as well as maintaining it. He stated he spoke with *Councilman Sholund* and thanked him and *Community Development Director Helsel* for all her help and guidance.

   Mayor Schweinberg closed the Public Hearing.

MOTION was made by **Councilman Grider,** seconded by **Councilman Sholund,** to Approve Ordinance No. 1188.

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

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones,** to Declare an Emergency for Ordinance No. 1188.

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

2. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1189**, an Ordinance 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 "I-3" Heavy Industrial District to "R-1" Single-Family District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   Community Development Director Helsel stated an application had been received from Crafton Tull & Associates to rezone property located between Industrial Gasket and Armory properties on the north and the railroad tracks to the south from I-3 to R-1. She stated the rezoning does not exactly match the idea of a Main Street Village concept, but will be a combination of residential and commercial property providing a large area of housing development behind a large commercial area which is appropriate for South Sara Road. She stated the property has been zoned I-3 for 17 or 18 years with no interest and stated as Sara Road is widened north to the new Turnpike extension, traffic will increase on this road and provide higher traffic counts to support commercial development along the frontage. **Helsel** provided property and long range plan information stating Planning Commission voted unanimously to approve the rezoning.

   Mayor Schweinberg opened the matter for Public Hearing.

   Mr. Brad Reid, 300 Pointe Parkway Blvd, representing Crafton Tull & Associates addressed the Council asking if they had any questions.

   Councilman Sholund asked if there could be any issues of people from the residential area being able to get on to National Guard property.

   Mr. Reid stated it might actually help security as currently, there is not anything there.

   City Manager Rooney asked *Community Development Director Helsel* if the Armory was notified.

   Helsel stated yes and no comments were received.

   Mayor Schweinberg closed the Public Hearing.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Ray,** to Approve Ordinance No. 1189.

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

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones,** to Declare an Emergency for Ordinance No. 1189.

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

3. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1190**, an Ordinance 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 "I-3" Heavy Industrial District to "C-5" Commercial Intensive District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   Community Development Director Helsel stated this property has the same owner and developer as Item H.2. in the same location stating there would be a harmonious flow between the residential and commercial property stating commercial development was needed in Mustang. She stated the commercial property would have a masonry fence where needed and stated Planning Commission voted unanimously to approve it.

   Mayor Schweinberg opened the matter for Public Hearing.

   Mr. Brad Reid, 300 Pointe Parkway Blvd, representing Crafton Tull & Associates addressed the Council stating Planning Commission had some concerns regarding C-5 businesses, turn lanes off Sara Road, and fencing requirements. He stated only appropriate uses would be allowed stating there would be two access points off of Sara Road only and all fencing requirements would be met.

   Councilman Grider asked which development would be completed first.

   Mr. Reid stated he was not sure, but would guess the residential one would be first.

   Mayor Schweinberg closed the Public Hearing.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1190.

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

MOTION was made by **Councilman Jones,** seconded by **Councilman Sholund,** to Declare an Emergency for Ordinance No. 1190.

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

4. **Discussion, Consideration and Possible Action** regarding **Ordinance No. 1191**, an Ordinance of the City of Mustang, Oklahoma, Amending the Mustang Code of Ordinances by Amending: (1) Chapter 22, Article V, Division 1, Section 22-204(a) to Change Terms; (2) Chapter 22, Article V, Division 2, Section 22-220(a) to Change Terms; (3) Chapter 22, Article V, Division 2, Section 22-204(b) to Change Terms; (4) Chapter 22, Article V, Division 3, Section 22-241(a) to Remove a Location Restriction; (5) Chapter 22, Article V, Division 4, Section 22-261(a) to Remove a Location Restriction; (6) Chapter 22, Article V, Division 5, to Repeal Division 5 Requiring Personal Use Permits in its Entirety; (7) Chapter 42, Section 42-22(d) to Remove Fee for Personal Use Permits; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   City Attorney Miller stated this item had been discussed in July's Work Session stating the changes were necessitated by recent legislation enacted by the Oklahoma Legislature. He stated the proposed ordinance will revise some language in the Mustang ordinances, will remove a restriction prohibiting certain marijuana business from operating at the same location, will repeal in its entirety the ordinances regulating personal permits, and will remove the personal use permit fees.

MOTION was made by **Councilman Ray,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1191.

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

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Declare an Emergency for Ordinance No. 1191.

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

*5. **Discussion, Consideration and Possible Action** regarding **Ordinance No. 1192**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 42, Section 42-118(b)(1), of the Mustang Code of Ordinances to Increase Fees for Certain Water Meter Installations; Declaring Repealer, Providing for Severability; and Declaring an Emergency

City Manager Rooney stated as discussed in the July Work Session, there is a need to address the fees charged for the installation of water meters, especially the 3 and 4 inch meters stating the fees currently being assessed are not covering the cost of the meter purchase. He stated this ordinance would change those fees and address the shortfall.

MOTION was made by **Councilman Grider,** seconded by **Councilman Sholund,** to Approve Ordinance No. 1192.

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

MOTION was made by **Councilman Grider,** seconded by **Councilman McKenzie,** to Declare an Emergency for Ordinance No. 1192.

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

*6. **Discussion, Consideration and Possible Action** regarding Change Orders #1 and #2 for project labeled S. Mustang Road Widening and Reconstruction Project.

City Manager Rooney stated the change orders were for the S. Mustang Road Widening and Reconstruction project stating Change Order #1 increased surge rock for bedding structures during the wet months and Change Order #2 increases the quantity of delivered dirt due to phasing changes during preconstruction meetings. He stated the change orders increased the contract by approximately $55,000 stating the project was still within budget.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve the Change Orders #1 and #2 between the City of Mustang and TJ Campbell Construction in the total amount of $55,032 for project labeled S. Mustang Road Widening and Reconstruction project.

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

7. **Discussion, Consideration and Possible Action** regarding Interlocal Agreement for Participation in the Share-A-Fare Program between the City of Mustang and the Central Oklahoma Transportation and Parking Authority (COTPA) dba EMBARK.

City Manager Rooney stated this was discussed in the July Work Session stating this was a transportation program for residents over 60 or individuals with a disability. He stated the program provides a discounted transportation program that provides fifty-two (52) trip subsidies per year in the amount of $4.00 each with the participants responsible for paying the balance of the trip fare after the $4.00 trip subsidy is applied. He provided information regarding the requirements to qualify stating the maximum participation would be 50 individuals in the first year stating the hotel tax fund would be utilized.

Rooney stated recommended changes by *City Attorney Miller* were provided to the COTPA stating it was not known at this time if the changes are acceptable to COTPA stating Staff would ask that Council approve the agreement as presented and also allow Staff to make any necessary additional changes that may be necessary.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Ray,** that the City Manager be authorized to finalize negotiation of the Interlocal Agreement with COPTA, subject to City Attorney approval, and that the Agreement between the City of Mustang and COPTA dba EMBARK for Participation in the Share-A-Fare Program be Approved.

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

*8. **Discussion, Consideration and Possible Action** regarding **Resolution No. 20-005,** a Resolution of the City of Mustang, Oklahoma, Casting a Vote for Trustee of the Oklahoma Municipal Retirement Fund (OkMRF) to Fill the Expiring Term of At-Large Trustee Representing the Entire Membership.

City Manager Rooney stated the City was a member of the Oklahoma Municipal Retirement Fund (OMRF) stating the OMRF Board of Trustees consists of nine (9) members with one (1) member being elected at-large. He stated the City of Mustang is located within District 6 which he currently serves as Trustee. He stated three (3) people expressed interest in this position and Staff recommends casting the ballot for Mr. Robert Johnston with the City of Frederick.

Councilman McKenzie asked why Mr. Johnston was being recommended.

Rooney stated he is the incumbent and was the only one who submitted a letter to us requesting our vote.

MOTION was made by **Councilman Grider,** seconded by **Councilman McKenzie,** to Approve Resolution No. 20-005.

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

J. CITY ATTORNEY'S REPORT

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).

ITEM J-1 WAS REMOVED FROM THE AGENDA UNDER "NEW BUSINESS".

K. ADJOURNMENT

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

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

The meeting was adjourned at **7:36 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG CITY COUNCIL
JULY 16, 2019
SPECIAL MEETING

The Mustang City Council scheduled a Special Meeting on Tuesday, July 16, 2019, at 6:30 p.m. at Mustang Town Center, Library Education Room, 1201 N. Mustang Road, Mustang, Oklahoma. Notice of the meeting was posted as required on Friday, July 12, 2019, at 8:46 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 6:30 p.m.

B. ROLL CALL

Councilmembers Present:	**Grider** **Teeples** **Jones** **McKenzie** **Sholund** **Schweinberg**
Councilmembers Absent:	**Ray**

C. DISCUSSION ITEMS

Discussion was held regarding the following items:

1. Exemption from Residential Code Requirements.
2. Property Maintenance Code Adoption.
3. Ordinance regarding Water Meter Prices.
4. Ordinance regarding Medical Marijuana.
5. Proposed addition to Municipal Code of Ordinances to Allow Municipal Prosecutor to Agree to Limit Amount of Fines on Municipal Charges.
6. Embark Service for Senior Citizens.
7. ONG Franchise.

E. UPDATE ON MANAGEMENT RELATED ISSUES

City Manager Rooney briefed Council regarding Employee Appreciation Week to be held July 15th through the 19th, as well as provided information regarding the City's 50th Birthday celebration in October.

F. ADJOURNMENT

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

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

The meeting was adjourned at **7:30 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
AUGUST 6, 2019

The Mustang Improvement Authority met in regular session on Tuesday, August 6, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, August 2, 2019, at 10:30 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 **7:36 p.m.**

B. ROLL CALL

Trustees Present: **Ray**
Teeples
Grider
Jones
McKenzie
Sholund
Schweinberg

Trustees Absent: **None**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **07/02/2019** MIA Minutes.
*2. Claims List for **FY 2019**
*3. Claims List for **FY 2020**.
*4. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
*5. Ratification and Approval of **Settlement Agreement and Release** dated July 17, 2019 between the City of Mustang and Kathryn Merritt relating to Sewer Backup Claim.
*6. Acknowledgement of **Receipt of DEQ Permit** No. WL000009190514 to Construct Water Lines for Symes Commercial Park Addition, Phase 2.
*7. Acknowledgement of **Receipt of DEQ Permit** No. SL000009190513 to Construct Sanitary Sewer Lines for Symes Commercial Park Addition, Phase 2.

MOTION was made by **Trustee Grider,** seconded by **Trustee Jones,** to Approve the Consent Agenda Items D-1 through D-7.

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

E. INFORMATION/REPORTS

1. **Trustee Manager**
   None.

2. **Trustees**
   None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding **Ordinance No. 1192**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 42, Section 42-118(b)(1), of the Mustang Code of Ordinances to Increase Fees for Certain Water Meter Installations; Declaring Repealer, Providing for Severability; and Declaring an Emergency.

MOTION was made by **Councilman Grider,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1192.

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

MOTION was made by **Councilman Grider,** seconded by **Councilman Sholund,** to Declare an Emergency for Ordinance No. 1192.

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

*2. **Discussion, Consideration and Possible Action** regarding Change Orders #1 and #2 for project labeled S. Mustang Road Widening and Reconstruction Project.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Sholund,** to Approve the Change Orders #1 and #2 between the City of Mustang and TJ Campbell Construction in the total amount of $55,032 for project labeled S. Mustang Road Widening and Reconstruction project.

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

H. ADJOURNMENT

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

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

Meeting was adjourned at **7:38 p.m.**

Jess Schweinberg, Chairman

Attest:

Lisa Martin, Secretary