MUSTANG CITY COUNCIL
MAY 3, 2022

The Mustang City Council met in regular session on Tuesday, May 3, 2022, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, April 29, 2022, at 10:55 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

PLEDGE OF ALLEGIANCE/INVOCATION Austin Peace, Youth and Worship Minister, Lakehoma Church or Christ.

Pastor Peace led the assembly in the Pledge and Invocation. He stated he loved this Church led by Pastor Waugh stating they had an awesome youth and children ministry. He stated the Church loves to share the love of Christ and invited everyone to come visit.

C. ROLL CALL

Councilmembers Present:	**Ray**
	Teeples
	Wald
	Waugh
	McKenzie
	Sholund
	Grider
Councilmembers Absent:	**None**

D. PRESENTATION AND RECOGNITION

Mayor Grider recognized and thanked *Councilman Teeples* for his service and presented him with a plaque.

E. OATH OF OFFICE

E.1 Oath of Office for Ward II Councilmember Josh Leete and Ward IV Councilmember James Waugh.

Mayor Grider swore in Councilmembers:

Ward II Councilmember Josh Leete;
Ward IV Councilmember James Waugh

The new Councilmembers took their seat at this time.

E.2 Election of Vice-Mayor.

MOTION was made by **Mayor Grider,** seconded by **Councilman Sholund,** to Elect *Councilman Ray* as Vice Mayor.

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

F. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Teddy Parker, 620 Frisco Road, Mustang, OK, addressed the Council regarding the issues he was having with the Mustang Lions Club who owns a building and land adjoining his property and a lake, called Hidden Lake. He stated he is currently in litigation with the Lions Club, but stated his family is being harassed by them including Police involvement. He provided examples of the harassment as well as handed out pictures and copies of text messages between the Lions Club President and him stating he went out of his way to be helpful and nice, but has turned into this. He stated when he moved there three years ago, the lake was in bad condition so he cleaned and stocked it and he and his family enjoyed being on the water, but now he is told they are trespassing when there. He stated the Lions Club is holding events and renting out the place even though they are not zoned for this and stated the City Manager would not talk to him. He stated he has had items stolen from his property and finds cigarette butts and trash on his property as well.

Mayor Grider asked if he would be available tomorrow morning at 8:00 am to speak with the City Manager. He stated he could be there right after he dropped off his children at school.

Nadia Parker, 620 Frisco Road, Mustang, OK, wife of Teddy Parker, also addressed the Council regarding the issues and provided more examples of the problems they were having.

G. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

H. CONSENT AGENDA

H.1 Approval of 04/05/2022 City Council Minutes.
H.2 *Claims List for FY 2022
H.3 *Approval to Turn Past Due Utility Accounts over to Collection Agency.
H.4 Approval to Turn Past Due Library Accounts over to Collection Agency.

H.5 Approval to Declare Certain Items as Surplus and Authorize Disposal of Those Items.

H.6 *Approval to Amend the 2022 Schedule of Meetings Changing the July Regular Meeting Dates of the City Council, Mustang Improvement Authority, Planning Commission, and Board of Adjustment.

H.7 *Acceptance of Easement from Anderson Jackson, LLC, Syma Investments, LLC, Oakdale Holdings, LLC, JH Ventures, LLC, and Tedford Capital, LLC.

H.8 Consideration to Nominate Mr. Justin Battles and Ms. Vickie Patterson to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

H.9 Approval of Retirement from Oklahoma Municipal Retirement Fund (OkMRF) for Jean Heasley, Parks and Recreation Director.

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

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

I. INFORMATION/REPORTS

I.1 City Manager Report

City Manager Rooney reminded Council of the Special Budget Work Session on Monday, May 9th at 6:00 p.m. as well as the OMAG Recognition training on Tuesday, May 24th at 5:30 p.m.

I.2 City Council

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

Vice Mayor Ray stated it was an honor to serve with *Councilman Teeples* and welcomed *Councilman Leete*. He congratulated *Mayor Grider* for being selected as the Mustang Chamber of Commerce Ambassador of the Year at the Chamber's annual awards banquet as well as the City of Mustang being named the Outstanding Large Business at the banquet.

Councilman Leete thanked *Councilman Teeples* and stated he was happy to be here.

Councilman Wald stated he had received a few phone calls, but was able to work with *Assistant City Manager Battles* and *Community Development Director Helsel* to resolve.

Councilman Waugh stated he had met with the Parkers two weeks ago and thanked them for showing him around the property.

Councilman McKenzie stated Ward V was quiet, but he was heated. He stated he was grateful to work with *Councilman Teeples* and welcomed *Councilman Leete*. He stated to the Parkers, the fact they are providing jobs in Mustang is within itself enough said.

Councilman Sholund stated they would miss *Councilman Teeples* and stated he was looking forward to working with *Councilman Leete*. He also reminded everyone to stay weather aware.

Mayor Grider stated he has known *Councilman Teeples* for a long time and appreciated his service to the City and welcomed *Councilman Leete* back to the Council.

I.3 Appointment of One (1) Member and One (1) Alternate to the ACOG Board of Directors and its Committees, the OEMA Board of Directors, and the Traffic Commission.

MOTION was made by **Councilman Leete,** seconded by **Councilman Waugh,** to Appoint Mayor Grider as Member and Appoint Vice Mayor Ray as Alternate Member to the ACOG Board of Directors and its Committees; to Appoint City Manager Rooney as Member and Appoint Assistant City Manager Battles as Alternate Member to the OEMA Board of Directors; and to Appoint Councilman Waugh as Member to the Traffic Commission

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

I.4 Recognition of American Legion's Employees of the Year.

Mustang American Legion Post 353 presented awards for Employee of the Year representing Mustang Fire Department, Mustang Police Department, and Non-Uniformed Employees. The awards were presented to Captain Jonathan Sprague, Mustang Fire Department, Deputy Chief Mike Wallace, Mustang Police Department, and Ms. Breanna Cecil, Mustang Library.

Mayor Grider requested a brief recess in order to allow those not interested in staying for the rest of the meeting to leave without disturbing the discussion of upcoming items.

Meeting was recessed at **7:45 p.m.**

Mayor Grider called the meeting back into session at **7:51 p.m.**

J. DISCUSSION ITEMS

H.1 Public Hearing and Consideration of Ordinance No. 1259, 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 "R-E" Rural Estates District to "C-5 PUD", Commercial Intensive Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Community Development Director Helsel stated this application was for property on the east part of town, north of State Highway 152 stating the proposed PUD would have an underlying zoning of C-5 and allow only one use, a storage facility with possible future living quarters for a caretaker. She stated two variances have been requested: 1) an exception from the masonry wall requirement on the west, north and east sides of the property stating the developer is proposing a landscaped buffer and security fence; and 2) allow a septic system to be used for a commercial development stating the only sewer connection on the property would be for the office and possible future caretaker dwelling unit.

Helsel stated there are two dilapidated structures on this lot that will be removed. She provided the offered amenities, character of neighborhood, and the zoning and uses of property nearby. She stated the long-range plan calls for Rural Estates Zoning in this area so this PUD does not conform to the comprehensive plan.

Helsel stated Staff recommends approval stating no complaints have been received from the neighboring property owners and stated this would not generate as much traffic as other C-5 uses. She stated the Planning Commission approved the rezoning with two changes being required in their motion to enlarge the buffer stating the changes have been made.

Councilman Waugh asked if the septic tank would be able to serve future caretaker quarters with **Helsel** stating yes.

Vice Mayor Ray asked *Councilman Sholund* if he had received any calls regarding this rezoning request with **Sholund** replying no.

Councilman Wald asked if there was a certain requirement on the length of landscape buffers on what has to be landscaped, such as does it have to be ten foot high or is it ten foot from the property line with **Helsel** stating there is a requirement that trees be a two inch caliber at time of planting, but the City does not have a height requirement.

Waugh asked if all the residents were good after Planning Commission with **Helsel** stating yes.

Mayor Grider opened the Public Hearing.

Chris Lane, Grubbs Consulting, 1800 S. Sara Road, addressed the Council on behalf of the applicant and engineer and asked if anyone had any questions of him.

There being none, **Mayor Grider** Closed the Public Hearing.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1259.

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

MOTION was made by **Vice Mayor Ray,** seconded by **Councilman Leete,** to Declare an Emergency.

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

J.2 Consideration of Final Plat Application FP-4-5-22-1-35, Symes Commercial Park Section 2, Robert Symes, S. Symes Lane. Granting Extension After Preliminary Plat Filing.

Community Development Director Helsel stated the preliminary plat for this property was approved in June, 2019, stating at that time, water, sewer, paving and drainage infrastructure was installed, tested and approved as well as bonds accepted by Council. She stated the developer is now filing the final plat stating there is still a small amount of additional paving and drainage work to be completed and the developer has set up an escrow account for this.

Helsel stated the plat has been reviewed by all parties stating during the Planning Commission meeting, the City Attorney brought up several required changes and the developer has made those changes. She stated this property is an area of intensive commercial development, C-5, and provided zoning and uses of property nearby stating it conforms to the Long Range Plan. **Helsel** stated public water and sewer will be available to serve this property and stated the detention system will be the responsibility of the individual property owners stating there are no common areas.

Helsel stated the Planning Commission voted unanimously to approve the Final Plat with the changes made by the City Attorney. She stated there was one more bond to be accepted as the developer was waiting on testing of an additional small area stating it would come before Council before the plat is signed.

Councilman Waugh asked if the area to the east of this property where the Lift Station is located was being developed right now as R-1 with **Helsel** stating not yet.

Councilman Sholund asked if the National Guard had made any comment since the area is close to their location with **Helsel** stating no.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Wald,** to Approve the Final Plat Application.

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

J.3 Consideration of Final Plat Application FP-4-11-22, Wild Horse Canyon Commercial Addition, Phase 2, Sayo LLC.

Community Development Director Helsel stated the Final Plat for this addition has already been approved by Planning Commission and City Council stating, however, the ownership has changed since the approval. She stated the plat is being brought back before Council for approval of the corrected plat with the proper ownership information.

MOTION was made by **Councilman Leete,** seconded by **Vice Mayor Ray,** to Approve the Final Plat Application.

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

J.4 Consideration of Request for Speed Table on E. Mitchell Terrace, Requested by Property Owner at 1822 E. Mitchell Terrace.

Community Development Director Helsel stated a request for a speed table on E. Mitchell Terrace has been received stating this is a cut-through street between N. Country Club Terrance and N. Mitchell Terrace in Canadian Estates and stated reportedly, drivers can cut through at a fairly high rate of speed. She stated Staff will determine the best location for the speed table on that street preferably next to 1822 E. Mitchell Terrace which is the only home that takes access from that street. **Helsel** stated Traffic Commission voted unanimously to recommend approval of the speed table to City Council and if approved by City Council, will be installed in the next fiscal year budget.

City Manager Rooney stated if not opposed by Council, future speed table requests would be listed on the Consent Agenda with all information provided in the agenda packets.

MOTION was made by **Councilman Leete,** seconded by **Councilman Waugh,** to Approve the Speed Table.

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

J.5 *Consideration of Acceptance of Request for Proposals for Operation, Maintenance, and Management of the Water and Wastewater Treatment Facilities for the City of Mustang and Mustang Improvement Authority.

Assistant City Manager Battles stated the City and its engineering firm, Cowan Engineering, published public notice for companies interested in submitting qualifications and proposals for operations, maintenance, and management of the water and water reclamation facilities stating proposals were opened April 14^{th}. He provided background information stating the current contract was awarded five years ago and the City opted not to renew and instead go out for proposals. He stated four proposals were received and Staff recommends accepting all proposals.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Accept all the Proposals for the Operation, Maintenance, and Management of the Water and Wastewater Treatment Facilities for the City of Mustang and MIA.

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

J.6 *Consideration of Award of Services for the Operation, Maintenance, and Management of the Water and Wastewater Treatment Facilities for the City of Mustang and Mustang Improvement Authority.

Assistant City Manager Battles stated four proposals were received and interviews conducted stating Wright Water Corporation was the lowest bidder at $1,995,393 and met all specifications and requirements.

Battles commended Inframark employees stating they do a great job, are professional, and thanked them.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Award the Operation, Maintenance, and Management of the Water and Wastewater Treatment Facilities for the City of Mustang and MIA to Wright Water Corporation in the Amount of $1,995,393.00.

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

J.7 *Consideration of Acceptance of Request for Proposals for Maintenance and Operation of Public Streets and Mowing and Maintenance of Public Parks and Facilities.

Assistant City Manager Battles stated the current contract for Maintenance and Operation of Public Streets and Mowing and Maintenance of Public Parks and Facilities was in its final year stating public notice for proposals for a new contract was published and proposals opened on April 25th. He stated the City received one proposal from Silver Star Construction, the current contractor, stating the bid amount came in lower than what was currently being paid at $831,301 stating Staff recommends acceptance of the proposal.

City Manager Rooney commended *Battles* and *City Attorney Miller* on this process as well as the water and wastewater RFP stating proposals were received lower than what was currently being paid all at a time of an inflating market.

MOTION was made by **Vice Mayor Ray,** seconded by **Councilman Sholund,** to Accept the Proposal for the Maintenance and Operation of Public Streets and Mowing and Maintenance of Public Parks and Facilities.

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

J.8 *Consideration of Award of Services for Maintenance and Operation of Public Streets and Mowing and Maintenance of Public Parks and Facilities.

Assistant City Manager Battles stated Staff recommends awarding the proposal to Silver Star Construction, the only bidder, stating they are the current contractor for this service.

Councilman Waugh asked if this was a 10 year contract as well with **Battles** stating it was a five year contract with options to renew yearly up to five years.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Award the Maintenance and Operation of Public Streets and Mowing and Maintenance of Public Parks and Facilities to Silver Star Construction in the Amount of $831,301.00.

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

K. MATTERS FOR EXECUTIVE SESSION:

K.1 *Consideration of Potential Purchase and Acceptance of Permanent Easement 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 **Councilman Wald,** seconded by **Councilman Waugh** to adjourn to Executive Session.

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

TIME ADJOURNED to Executive Session: **8:13 p.m.**

Mayor Grider called the meeting back into Session.

TIME RETURNED from Executive Session: **8:20 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie** to Approve the Acceptance of Utility Easement from Life Covenant Church, Inc. and Authorization for the Mayor and Staff to Execute Necessary Documents to Complete Acceptance of the Easement.

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

J. ADJOURNMENT

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

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

The meeting was adjourned at **8:20 p.m.**

Brian Grider, Mayor

Attest:

Lisa Martin, City Clerk