MUSTANG CITY COUNCIL
NOVEMBER 3, 2020

The Mustang City Council met in regular session on Tuesday, November 3, 2020, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, October 30, 2020, at 10:40 a.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Vice Mayor Grider called the meeting to order at **7:00 p.m.**

B. PLEDGE OF ALLEGIANCE/INVOCATION Daniel Ross, Pastor, Christ Lutheran Church.

Pastor Ross led the assembly in the Pledge and Invocation. He stated this year had been rough with being shut down for Covid in March then had HVAC problems stating they just opened five weeks ago.

C. ROLL CALL

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

Councilmembers Absent: **Schweinberg**

E. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney stated there was one addition to the Claims List stating a copy has been provided to each Councilmember.

F. CONSENT AGENDA

F.1 Approval of 10/06/2020 City Council Minutes.
F.2 Approval of 10/20/2020 City Council Special Meeting Minutes (Work Session).
F.3 *Claims List for FY 2021
F.4 *Approval to turn Past Due Utility Accounts over to Collection Agency.
F.5 Approval to turn Past Due Library Accounts over to Collection Agency.
F.6 Approval of Resolution No. 21-020, Calling for Municipal Election for Mayor and Councilmembers for Wards One and Three.

F.7 *Acceptance of Water Line and Sanitary Sewer Line Easements to Serve Mustang Farms Addition, Phase 1.

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

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

G. INFORMATION/REPORTS

G.1 City Manager

G.1.a Recognition of American Legion's Employees of the Year.

Paul Ray, American Legion Mustang Post 353, presented the American Legion Mustang Post 353 Employees of the Year award to all employees of the City of Mustang. *Police Chief Groseclose, Fire Chief Carruth*, and *City Manager Rooney* accepted the awards on behalf of the City employees.

Mr. Ray also presented Military Challenge Coins to City Employee Veterans.

G.1.b Presentation to Warriors for Freedom.

Assistant Parks and Recreation Director Bailey presented a check from the proceeds of Warrior Weekend in the amount of $15,500 to Mr. Brett Dick, Founder of Warriors for Freedom Foundation. Mr. Dick thanked everyone and stated with this check, they surpassed $101,000 this year in donations.

G.1.c Recognition of City Employee Veterans

City Manager Rooney invited City Employee Veterans to the front thanking them for their service and presenting each with a cookie cake bearing the insignia of the military branch in which they served.

G.1.d City Manager Report

City Manager Rooney did not have anything to report in addition to the written report available on the City’s website.

2. City Council

G.2.a. City Council Reports

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

Councilman Sholund stated he had a constituent reach out regarding a drainage issue stating he spoke with the City Manager and is being addressed.

Councilman McKenzie stated he had been receiving calls regarding debris from the ice storm.

Councilman Jones stated he had been receiving calls regarding debris from the ice storm.

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

Councilman Ray stated he was proud to be in his neighborhood stating neighbors were working together and helping each other through the aftermath of the ice storm.

Vice Mayor Grider stated he was happy to see power, internet, cell phones, etc. coming back on line for most people in the City and requested everyone be patient with limb pickup stating details were being worked out and information would be disseminated. He stated today was an exciting day in our country with the election and thanked all the Veterans and Warrior for Freedom Foundation. **Grider** also announced that he would be running for Mayor.

H. DISCUSSION ITEMS

H.1 *Discussion, Consideration and Possible Action regarding Disaster Emergency Proclamation.

City Manager Rooney stated it was necessary for the City to adopt the Disaster Emergency Proclamation as a result of the recent ice storm event which occurred October 26–28, 2020, stating it would assist personnel in recouping costs incurred during the event itself as well as during the clean-up process. He stated Staff is operating under the assumption Canadian County will receive that designation from President Trump stating this would also allow Staff to forego certain bidding and quote requirements.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve the Proclamation.

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

H.2 Discussion, Consideration and Possible Action regarding Ordinance No. 1210, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 118 of the Mustang Code of Ordinances, Section 118-6(D), to Correct the Reference to the Deposit Amount for Temporary Flow Meters; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Manager Rooney stated currently, two different prices are listed in the Code regarding the deposit for temporary flow meters stating this ordinance would correct the discrepancy.

MOTION was made by **Councilman Ray,** seconded by **Councilman Jones,** to Approve Ordinance No. 1210.

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

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

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

H.3 Discussion, Consideration and Possible Action regarding Ordinance No. 1211, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 22 of the Mustang Code Of Ordinances, Section 122-222, to Remove the Prohibition on Days and Hours of Operation for Retailers of Medical Marijuana, and Renumbering Remaining Subsections; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Manager Rooney stated he received a letter from Mr. Christopher Parnell regarding days and hours in which a Medical Marijuana Pharmacy can be open stating the City does not place restrictions on any other type of medical pharmacy. He stated the Cities of Bethany, Oklahoma City, Edmond, Norman, Moore and Midwest City all allow Medical Marijuana Pharmacies to operate without date and time restrictions and stated Staff recommended approval.

Discussion was held regarding the time restrictions and there being no restrictions on other medical pharmacies, only what is restricted by the State.

Discussion was also held regarding the Emergency Clause with it being stated if not approved, the ordinance would go into effect 30 days after it is published.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve Ordinance No. 1211.

AYE: Ray, Teeples, Grider, Jones, Sholund
NAY: McKenzie

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Declare an Emergency.

AYE: Ray, Teeples, Grider, Jones, Sholund
NAY: McKenzie

The Emergency Clause did not pass.

H.4 Proposed Reappointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box.

City Manager Rooney stated on even number years, it is required by Code to submit names for Judge and Alternate Judge, with the appointment to take place in December. He stated Steve Huddleston and Chris Box currently fill those roles as Judge and Alternate Judge, respectively, and each have expressed interest in continuing as such.

No action is needed.

H.5 Discussion, Consideration and Possible Action regarding Request for Speed Table in Savannah Lakes Addition between 237 E Raleigh Terrace and 1309 N Savannah Terrace.

Community Development Director Helsel stated a speed table application was received from residents of Savannah Lakes Addition stating the application met the City's requirements for submittal. She stated it was brought before the Mustang Traffic Commission and was unanimously recommended for approval. **Helsel** stated if approved by Council, the approximate cost would be $3,600 and would be included in the Fiscal Year 21-22 budget as well as installed in that fiscal year.

MOTION was made by **Councilman Jones,** seconded by **Councilman McKenzie,** to Approve the Request for Installation of Speed Table on E. Raleigh Terrace and Savannah Terrace.

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

H.6 Discussion, Consideration and Possible Action regarding Request for Speed Table in Savannah Lakes Addition between 1100 and 1109 N Savannah Terrace.

Community Development Director Helsel stated a second speed table application was received from residents of Savannah Lakes Addition stating the application met the City's requirements for submittal. She stated it was brought before the Mustang Traffic Commission and was unanimously recommended for approval. **Helsel** stated if approved by Council, the approximate cost would be $3,600 and would be included in the Fiscal Year 21-22 budget as well as installed in that fiscal year.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve the Request for Installation of Speed Table on N. Savannah Terrace.

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

H.7 *Discussion, Consideration and Possible Action regarding Acceptance of Bids for Project labeled Ground Water Treatment Units for Arsenic Removal.

Assistant City Manager Battles stated one bid was received from Wright Water Corporation for the project labeled Ground Water Treatment Units for Arsenic Removal. He provided background on the project stating Staff recommended acceptance of the bid.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Accept the Bid for the Project labeled Ground Water Treatment Units for Arsenic Removal.

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

H.8 *Discussion, Consideration and Possible Action regarding Award of Bids for Project labeled Ground Water Treatment Units for Arsenic Removal.

Assistant City Manager Battles stated one bid was received for this project in the amount of $654,652 stating it was below the budgeted amount of $675,000. He stated Staff recommended award stating the contract and bonds would be presented at the next City Council meeting.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Award the Project labeled Ground Water Treatment Units for Arsenic Removal to Wright Water Corporation in the Amount of $654,652.

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

H.9 *Discussion, Consideration and Possible Action regarding Resolution No.21-021, a Resolution of the City of Mustang, Oklahoma (the "City") approving the incurrence of indebtedness by The Mustang Improvement Authority (the "Authority") issuing its Utility System and Sales Tax Revenue Note, Series 2020A (the "Note"); providing that the organizational document creating the Authority is subject to the provisions of the Indenture authorizing the issuance of said Note; waiving competitive bidding and approving the proceedings of the Authority pertaining to the sale of said Note; ratifying and confirming a Lease Agreement, as amended between the City and the Authority whereby the City leases its water and sanitary sewer systems to the Authority; ratifying and confirming a Sales Tax Agreement pertaining to the year-to-year pledge of certain sales tax revenues; establishing the City's reasonable expectation with respect to the issuance of tax-exempt obligations by or on behalf of said City in calendar year 2020, and designating the Note as a qualified tax-exempt obligation; and containing other provisions relating thereto.

City Manager Rooney stated this item was discussed in March and was postponed due to Covid and banks no longer offering refinancing opportunities. He stated refinancing opportunities are now available once again stating the Mustang Improvement Authority (MIA) is in a position to refinance its 2014B Revenue Bonds' outstanding balance of $6,332,772.50 at an interest rate of 1.35% (current interest rate is 2.70%). **Rooney** stated based on the reduction in interest rate, the MIA is in a position to save approximately $177,415 over a five and half year period.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve Resolution No. 21-021.

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

I. CITY ATTORNEY'S REPORT

I.1 Krista Rushing v. City of Mustang, Case No. CJ-2020-448, District Court, Canadian County, State of Oklahoma; and, Proposed Executive Session as Authorized by 25 Okla. Stat. § 307(B)(4).

I.2 In re Mallinkrodt, PLC, et al, Debtors, Case No. 20-12522 (U.S. Bankr. D. Delaware); , Mallinkrodt, PLC, et al, v. State of Connecticut, et al. (including the City of Mustang), Adversary Proceeding No. 20-50850, (U.S. Bankr. D. Delaware); and, Proposed Executive Session as Authorized by 25 Okla. Stat. § 307(B)(4).

I.3 In re Purdue Pharma, L.P., et al., Case No, 19-023649 (Bankr. S.D.N.Y.); and, National Prescription Opiate Litigation, Case No. 17-md-2804, multidistrict litigation (MDL); and, Proposed Executive Session as Authorized by 25 Okla. Stat. § 307(B)(4).

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman Jones** to adjourn to Executive Session.

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

TIME ADJOURNED to Executive Session**: 7:43 p.m.**

Vice Mayor Grider called the meeting back into session.

TIME RETURNED from Executive Session: **7:52 p.m.**

In reference to Item J-1 –

No Action taken, informational purposes only.

In reference to Item J-2 –

No Action taken, informational purposes only.

In reference to Item J-3 –

No Action taken, informational purposes only.

J. ADJOURNMENT

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

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

The meeting was adjourned at **7:52 p.m.**

____
Jess Schweinberg, Mayor

Attest:

____
Lisa Martin, City Clerk