MUSTANG CITY COUNCIL
SEPTEMBER 1, 2020

The Mustang City Council met in regular session on Tuesday, September 1, 2020, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, August 28, 2020, at 11:10 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 Ken Isom, Pastor, The Bridge Church.

Pastor Isom led the assembly in the Pledge and Invocation. He stated the church was doing well stating in person services had been held for a while now. He stated he was thankful for a great community with everyone working together stating if there's a will, there's a way.

C. ROLL CALL

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

E. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Robert Hand, 700 Songbird Way, addressed the Council regarding a neighbor's dog stating the dog attacked his 76 year old wife in January as she went to the mailbox. He stated the owners of the dog live across the street and the dog is behind a fence stating, however, the dog was known to scale it. He stated his wife is not able to walk in the neighborhood out of fear of being attacked. Mr. Hand stated he has been left out of the loop regarding anything to do with the dog and wants to know what is being done or going to be done about the situation.

Mayor Schweinberg requested Mr. Hand contact *City Manager Rooney* to meet with him and *Police Chief Groseclose* to discuss.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

City Manager Rooney requested Item H.7 be pulled from the agenda and be continued to the October 6th City Council meeting.

F. CONSENT AGENDA

F.1 Approval of 08/04/2020 City Council Minutes.

F.2 *Claims list for FY 2020.

F.3 *Claims list for FY 2021.

F.4 *Approval to Turn Past Due Utility Accounts over to the Collection Agency.

F.5 Approval to Turn Past Due Library Accounts over to the Collection Agency.

F.6 Approval of Resolution 21-007 making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $45,935.

F.7 Approval of Resolution No. 21-008 making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $15,896.

F.8 Approval of Resolution No. 21-009 making Changes in the Park & Recreation Donation Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Budget by $25,000.

F.9 Approval of Resolution No. 21-010 making Changes in the Street/Drainage Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $59,225.

F.10 Approval of Resolution No. 21-011 making Changes in the CDBG Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $38,450.

F.11 Approval of Resolution No. 21-012 making Changes in the Limited Purpose Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $579,267.

F.12 Approval of Resolution 21-017, Establishing the Nine-One-One (9-1-1) Emergency Telephone Fee Rate for Calendar Year 2021.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve the Consent Agenda Items F-1 thru F-12.

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

G. INFORMATION/REPORTS

1. City Manager

a. City Manager Report

City Manager Rooney introduced Jodi Cox, CEO/Executive Director of the Oklahoma Municipal Retirement Fund (OkMRF) who presented the George F. Wilkinson Award to *Human Resources Director Laura Anderson* for outstanding fiduciary and retirement services to the City of Mustang and its employees. She provided background regarding the award stating this was the 5th year to give this award.

2. City Council

a. City Council Reports

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

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

Vice Mayor Grider advised of a meeting regarding Oklahoma tourism conducted by Representative Brian Hill would be held on Thursday at 3:00 and was open to anyone interested.

Councilman Teeples did not have anything to report at this time

Councilman Ray stated it was good to have his wife and children here in support of Sgt. Hanson and K9 Officer Lex with his retirement and adoption.

Mayor Schweinberg congratulated *Human Resources Director Anderson* for being awarded the George Wilkinson award stating she was very deserving of it.

H. DISCUSSION ITEMS

H.1 Discussion, Consideration and Possible Action regarding Resolution 21-013, a Resolution of the City of Mustang, Approval of June 28, 2018 Weighted Voting Amendment to Agreement Creating the 9-1-1 Association of Central Oklahoma Governments (ACOG).

City Manager Rooney stated the agreement with 9-1-1 ACOG had been amended; however, the amendment should have been ratified by the member governments prior to the Attorney General's approval. He stated the Resolution is needed in order to legally complete the required amendment process.

MOTION was made by **Councilman McKenzie,** seconded by **Vice Mayor Grider,** to Approve Resolution 21-013.

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

H.2 Discussion, Consideration and Possible Action regarding Resolution No. 21-014, a Resolution concerning Funding Pursuant to the CARES Act and the Coronavirus Relief Fund, Confirming that it is the Policy of the City that all Public Safety Personnel Costs are "Substantially Dedicated" to the COVID-19 Response Efforts of the City throughout the Ongoing State of Emergency.

City Manager Rooney stated Cares Act funding is provided for unforeseen financial needs and risks created by COVID-19 public health emergency. He stated this is one step of many in the process stating *Finance Director Watts* and staff started working on paperwork in May.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve Resolution 21-014.

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

H.3 Discussion, Consideration and Possible Action regarding Resolution 21-018, a Resolution of the City of Mustang, Oklahoma Approving the Agreement for Adoption of Retiring K9 Officer, Commending the Retiring K9 Officer on its Service, and Authorizing Chief Rob Groseclose to Execute the Agreement on behalf of the City.

Police Chief Groseclose stated this Resolution was needed to approve an agreement between the City of Mustang and *Sergeant Hanson* to retire and adopt K-9 Officer Lex. He stated Lex was eight years old and starting to show signs of difficulty performing the service dog role stating Lex was assigned to Sergeant Hanson who has cared for him the entire time.

Sergeant Hanson thanked Council for their consideration stating this would allow Lex to remain with him and his family and be able to enjoy his retirement.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve Resolution 21-018.

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

H.4 *Discussion, Consideration and Possible Action regarding Change Order #5 for Project labeled Mustang Animal Welfare Center.

Police Chief Groseclose stated Change Order #5 included addition of steel flanges to dog door openings and changes to the outside wall for the total amount of $993 stating the additional expense would come from contingency. Discussion was also held regarding the designated area reserved for cats.

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman McKenzie,** to Approve Change Order #5 for project labeled Mustang Animal Welfare Center.

AYE: Ray, Teeples, Grider, McKenzie, Sholund, Schweinberg

H.5 *Discussion, Consideration, and Possible Action approving Changer Order #1 for Project labeled Rockwell Water Tank and County Line Improvements.

Assistant City Manager Battles stated Change Order #1 reflects quantity based change order to modify piping at County Line Tower stating it was included as an alternate in the original bid. He stated the change order amount was $467,027 and was included in the bond refinancing.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve Change Order #1 for project labeled Rockwell Water Tank and County Line Improvements.

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

H.6 Discussion, Consideration and Possible Action regarding Amended Contract for Project Labeled Community Development Software Services between the City of Mustang and Tyler Technologies, Inc., and authorizing City Staff to finalize negotiation of terms.

Community Development Director Helsel stated Council approved the contract between the City and Tyler Technologies a year ago for software services for building permitting, code enforcement, licensing and inspections stating it has been determined that it would be more cost effective for Tyler Technologies to host the program instead of the City. She stated for the City to host it, five additional servers would have to be purchased. **Helsel** also stated there were two areas of wording still being negotiated between the City Attorney and Tyler's Attorney.

Discussion was held regarding the fee to host the program after the initial fee with **Helsel** stating it would be approximately $1,800 per year.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve Amended Contract for project labeled Community Development Software Services and Authorize City Staff to Finalize Negotiation of Terms.

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

H.7 Hearing, Discussion, Consideration and Possible Action regarding Resolution No. 21-019, a Resolution Declaring that a Certain Structure in the City of Mustang is Dilapidated and Detrimental to the Health, Safety, Benefit and Welfare of the General Public and Constitutes a Fire Hazard by Virtue of such; Directing that the Dilapidated Structure be Torn Down, Razed and Removed by the Owner of Said Structure, Establishing the Dates for the Commencement and Completion of such Work and Ordering such Work Done by the City if Work is not Completed by the Owners within the Dates Specified; Directing that the Dilapidated Structure be Boarded and Secured Pending Demolition; Directing the City Clerk to Pursue Recovery of Costs for such Work if Done by the City; Directing the City Treasurer to Place any such Revenues Collected as Demolition Costs into the Specific City Fund from which said Revenues were Originally Appropriated; and Further Directing the Filing of a Notice of Lien in the County Clerk's Office.

MOTION was made by **Mayor Schweinberg,** seconded by **Councilman Ray,** to Continue Item H.7 to the October 6th meeting.

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

H.8 Public Hearing, Discussion, Consideration and Possible Action regarding Ordinance No. 1207, an Ordinance of the City of Mustang, Oklahoma, Vacating and Closing a Portion of Snyder Street between Block Sixteen (16) and Block Seventeen (17) in Mustang O.T. (Old Town), an Addition to the City of Mustang, Oklahoma, as more particularly described in the Ordinance; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Mayor Schweinberg declared the Public Hearing open.

There being none, **Mayor Schweinberg** closed the Public Hearing.

Community Development Director Helsel stated the initial reading for this Ordinance was held at the July 7, 2020 City Council meeting. She stated the applicant, Kevin Green, is requesting to close the public right-of-way easement to the east stating the current right-of-way is 60 feet wide with the property owner to the east already incorporating 30 feet of the easement into their property with a fence. She stated there were no negative responses to the required mailing notice and the City does not have any infrastructure in this area.

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman Ray,** to Approve Ordinance No. 1207.

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

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

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

H.9 Discussion, Consideration and Possible Action regarding Ordinance No. 1208, an Ordinance of the City of Mustang, Oklahoma Amending the Mustang Code of Ordinances by Amending: (1) Chapter 102, Article IV, Division 2, to Add Reservation of Sections; (2) Chapter 102 to Add New Article V, Sections 102-201 through 102-229 to Provide Regulations for the Collocation of Small Wireless Facilities and Installation or Replacement of Utility Poles for Collocating Small Wire Facilities; Defining Terms; Requiring Permits; Requiring Permit Applications and Establishing Application Procedures; Regulating Height and Requiring Standards for Installation of Small Wireless Facilities and Utility Poles; Requiring Labeling; Requiring Maintenance and Replacement; Providing for Relocation, Removal and Replacement; Providing Processes and Appeal Rights; Providing for Indemnification and Defense of City; Imposing Fees and Rates; Providing for Penalties and Enforcement; Providing for Severability; and Declaring an Emergency

Community Development Director Helsel stated the City has been contacted by entities wanting to locate small wireless facilities within the City limits as well as plans to install or replace utility poles for the specific purpose of collocating small wireless facilities by wireless providers in the right-of-way. She stated the City currently does not have a process or review of this type of business and stated this Ordinance does not prohibit small cell facilities, but does create a process for their establishment.

Discussion was held regarding an entity not following the process with **Helsel** stating the Ordinance provides for penalties and enforcement.

MOTION was made by **Councilman Sholund,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1208.

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

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

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

H.10 Discussion, Consideration and Possible Action regarding Ordinance No. 1209, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 118, Article IV, Section 118-278(b) to Require Powder Coating of Fire Hydrants with a Color Determined by the Fire Chief; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Community Development Director Helsel stated Code currently calls for red fire hydrants; however, the Fire Department requires yellow hydrants stating a developer recently installed red hydrants and cited the Code. She stated this Ordinance would resolve any conflicts as to color of hydrants.

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1209.

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

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

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

I. CITY ATTORNEY'S REPORT

I.1 *Discussion, Consideration and Possible Action on requested Amendment to Employment Agreement of City Attorney; and, proposed Executive Session as authorized by 25 Okla. Stat. § 307(B)(1).

I.2 Discussion, Consideration and Possible Action regarding City Manager's Evaluation and Employment Contract; and, proposed Executive Session as authorized by 25 Okla. Stat. 307(B)(1).

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

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

TIME ADJOURNED to Executive Session**: 7:42 p.m.**

Mayor Schweinberg called the meeting back to order.

TIME RETURNED from Executive Session: **7:57 p.m.**

In reference to Item I-1 –

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman McKenzie** to Approve the Amendment to Employment Agreement of City Attorney.

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

In reference to Item I-2 –

MOTION was made by **Councilman Sholund,** seconded by **Vice Mayor Grider** to Approve the Employment Contract of City Manager as discussed in Executive Session.

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

J. ADJOURNMENT

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

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

The meeting was adjourned at **7:58 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk