MUSTANG CITY COUNCIL
FEBRUARY 5, 2019

The Mustang City Council met in regular session on Tuesday, February 5, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, February 1, 2019, at 9:50 a.m. and Amended Agenda posted as required on Monday, February 4, 2019 at 10:35 a.m. both 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 Kirk Otto, Elder, Mustang Christian Church

Elder Otto led the assembly in the Pledge and Invocation. He stated the Mustang Christian Church was the little church with a big heart stating they believe in outreach and provided information regarding the Church's outreach and events.

C. ROLL CALL

Councilmembers Present:	**Leete**
	Grider
	Jones
	McKenzie
	Schweinberg
Councilmembers Absent:	**Pratt**
	Noblitt

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mayor Schweinberg introduced Ms. Licia Walters with Evany Clinic located in Mustang. Ms. Walters provided information regarding the non-profit organization and its pregnancy and wellness services provided free to the community as well as outreach to the schools.

Mayor Schweinberg presented a key to the City to Mr. Charles Bradley, Superintendent of Mustang Public Schools. Mr. Bradley thanked the City stating to have a successful school, you have to have a successful partnership with the community and City.

Item G.2.a. was moved to "D. Introduction of Guests"

City Manager Rooney introduced Boy Scout Troop 396 who were in attendance this evening to earn their Civics badge. He introduced each one and presented them with City of Mustang pins.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **01/02/2019** City Council Minutes.
2. Approval of **01/22/2019** 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 **Resolution No. 19-027** making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $11,080.
7. Approval of **Facility User Agreements** for City of Mustang Sports Facilities.
8. Approval of **Amended Agreement** between the City of Mustang and the Mustang Public School System for the Fy 2019 School year.

*9. Approval of **Inter-local agreement** between the City of Mustang and the Board of County Commissioners of Canadian County.
10. Approval of **Retirement** from Oklahoma Municipal Retirement Fund (OMRF) for Monte James, former City of Mustang Employee.

MOTION was made by **Councilman Leete,** seconded by **Councilman Jones,** to Approve Items F-1 thru F-10 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager Report

City Manager Rooney stated the City Manager report was posted online today and distributed to everyone this evening. He also stated an outline of the City's 50th birthday activities would be listed in the March report.

2. City Council Reports

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

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

Councilman Jones stated there was an Eagle Scout in attendance this evening stating the Boy Scouts was a wonderful organization.

Councilman Grider stated he was thankful OG&E had worked on the street lighting on Hwy. 152.

City Manager Rooney stated OG&E had started putting the wire in conduit to help protect them from rodents.

Councilman Grider also stated School Board and City Council Ward 6 elections were next Tuesday encouraging everyone to vote.

Councilman Leete thanked the Boy Scouts for attending and allowing him to take a picture with them.

Mayor Schweinberg stated he had participated in Eagle Scout projects stating it was a great organization instilling integrity in the young people's lives. He also introduced City Council candidates in attendance this evening – David Harper for Ward 6, Michael Ray for Ward 1 and stated Josh Leete for Ward 2.

a. Introduction of Boy Scout Troop 396.

This item was moved to D. Introduction of Guests

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding Acceptance of Resignation of Ward 1 Councilmember DeAnna Pratt effective February 5, 2019.

City Manager Rooney stated Councilwoman Pratt submitted her letter resigning as Ward 1 Councilmember stating the Council will need to formally accept her resignation.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones,** to Accept the Resignation of Ward 1 Councilmember DeAnna Pratt effective February 5, 2019.

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

2. **Discussion, Consideration and Possible Action** regarding Process for Appointment to fill Ward 1 Vacancy.

   City Manager Rooney summarized the policy followed in the past regarding appointment of a citizen to fulfill an unexpired Council seat stating in this case, instead of asking for letters of interest, it would be appropriate to appoint the only other citizen filing for the Ward 1 Council Seat, Michael Ray. He stated if Council chooses to accept letters of interest, then by Statute, a special election would have to be held.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones,** to Follow the Process as Outlined by the City Manager for Appointment of New Councilmember to Represent Ward I and the Appointment to be placed on the March 5, 2019 Council Meeting.

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

3. **Public Hearing, Discussion, Consideration and Possible Action** regarding **Ordinance No. 1182** 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 "A-1" General Agricultural and Oil and Gas District to "C-3/R-1 PUD" Commercial General and Single Family Planned Unit Development District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency. (Rezoning Application PUD-10-16-18-2-35, SW 74th & Monocoupe, Ellison Investments, LLC, A-1 to C-3 and R-1 PUD).

   Community Development Director Helsel stated the applicant, Ellison Investments, LLC, has submitted an application to rezone property from A-1 General Agricultural and Oil and Gas District to C-3/R-1 PUD Commercial General and Single Family Planned Unit Development District. She stated the concept involved Commercial General development on the north ¼ of the property and Residential Subdivision on the south ¾ of the property. She stated the applicant held meetings with the neighboring residents and made compromises from the original plan.

Helsel stated the applicant was requesting exceptions from the municipal code and listed those exceptions. She stated Planning Commission voted unanimously to recommend approval of this application subject to Staff comments at the January 8, 2019 meeting and Staff recommends approval.

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete**, to Open the Matter for Public Hearing.

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

Tim Johnson, Johnson & Associates, engineer for the applicant, addressed the Council regarding the applicant reaching out to neighbors and stated the Planning Commission supports the rezoning. He stated work should begin in the next six months.

MOTION was made by **Councilman Jones**, seconded by **Councilman Leete**, to Close the Public Hearing.

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

MOTION was made by **Councilman Grider,** seconded by **Councilman Leete,** to Approve Ordinance No. 1182, 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 "A-1" General Agricultural and Oil and Gas District to "C-3/R-1 PUD" Commercial General and Single Family Planned Unit Development District and, Declaring Repealer; Providing for Severability.

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

The Emergency Clause was not voted upon due to number of Councilmembers present.

4. **Discussion, Consideration and Possible Action** regarding **Ordinance No. 1181** an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 46, Article IV, Section 46-93 to Clarify Terms and include Restrictions on Sells of Fireworks by Minors; Providing for Severability; and Declaring an Emergency.

   City Manager Rooney stated the City's ordinances were vague regarding firework sales by a youth sports team not associated with Mustang Public Schools stating this ordinance makes it clear it would not be permitted. He also stated Staff would be requesting a permit fee increase in the March City Council meeting.

MOTION was made by **Councilman Leete,** seconded by **Councilman Jones,** to Approve Ordinance No. 1181 an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 46, Article IV, Section 46-93 to Clarify Terms and include Restrictions on Sells of Fireworks by Minors; Providing for Severability.

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

The Emergency Clause was not voted upon due to number of Councilmembers present.

*5. **Discussion, Consideration and Possible Action** regarding Approval of Contract between Elite Towers, Inc. and the City of Mustang and Approval of Bonds from Elite Towers Inc. for Project labeled Rockwell Water Tank.

   Assistant City Manager Battles stated bids were accepted at the January, 2019 meeting and contract awarded to Elite Towers Inc. for the construction of a new Rockwell Water Tank holding over 900,000 gallons of water stating it would provide additional storage and add future treatment of water at the location. He stated this item was to approve the contract and bonds.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Jones**, to Approve the Contract between Elite Towers, Inc. and the City of Mustang and to Approve Bonds from Elite Towers Inc. for Project labeled Rockwell Water Tank.

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

*6. **Discussion, Consideration and Possible Action** regarding Approval of Contract between TJ Campbell Construction Co. and the City of Mustang and Approval of Bonds for Project labeled S. Mustang Road Widening and Reconstruction Project.

Assistant City Manager Battles stated this project includes widening S. Mustang Road to three lanes from Highway 152 south to Carson Drive stating the contract amount of $2,269,647.01.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Leete,** to Approve the Contract between TJ Campbell Construction Co. and the City of Mustang and to Approve Bonds for Project labeled S. Mustang Road Widening and Reconstruction Project.

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

7. **Discussion, Consideration and Possible Action** regarding Approval of License Agreement between Youth Scoreboards, LLC and the City of Mustang for Video Boards at the Baseball and Softball Complex.

Assistant City Manager Battles stated Youth Scoreboards, LLC will place six video boards within the Baseball and Softball Complex at no cost to the City except for extension of power from existing scoreboards estimated to cost approximately $2,000. He stated the license agreement allows Youth Scoreboards, LLC to sell advertisements for the digital boards with revenue sharing being defined in the license agreement. **Battles** stated the license agreement also allows the City to place community related announcements on the video boards.

MOTION was made by **Councilman McKenzie**, seconded by **Councilman Jones,** to Approve the License Agreement between Youth Scoreboards, LLC and the City of Mustang for Video Boards at the Baseball and Softball Complex.

AYE: Leete, Grider, Jones, McKenzie, 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).

2. **Discussion, Consideration and Possible Action** 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 **Councilman Leete** to adjourn to Executive Session.

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

TIME ADJOURNED to Executive Session: **7:50 p.m.**

MOTION was made by **Councilman Jones,** seconded by **Councilman Grider** to return from Executive Session.

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

TIME RETURNED from Executive Session: **8:52 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 Oklahoma Gas & Electric, Douglas & Ruth Burkert, Victor W. Stephens, Jon J. Hines Trust, Kathi Sappington, Betty Port, Saleh Mohd Al-Zubi & Samar Alijinini and authorization for the Mayor and Staff to execute necessary documents to complete acceptance of the easements.

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

In reference to Item J-2 –

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Grider** to Approve the City Attorney Employment Agreement as discussed in Executive Session.

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

K. ADJOURNMENT

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

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

The meeting was adjourned at **8:53 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
FEBRUARY 5, 2019

The Mustang Improvement Authority met in regular session on Tuesday, February 5, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, February 1, 2019, at 9:50 a.m. and Amended Agenda posted as required on Monday, February 4, 2019 at 10:35 a.m. both 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 **8:53 p.m.**

B. ROLL CALL

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

Trustees Absent: **Pratt**
Noblitt

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **01/02/2019** MIA Minutes
*2. Claims List for **FY 2019**
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
*4. Approval of **Inter-local Agreement** between the City of Mustang and the Board of County Commissioners of Canadian County.

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

AYE: Leete, Grider, Jones, McKenzie, 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 Approval of Contract between Elite Towers, Inc. and the City of Mustang and Approval of Bonds from Elite Towers Inc. for Project labeled Rockwell Water Tank.

MOTION was made by **Trustee Grider,** seconded by **Trustee Leete,** to Approve the Contract between Elite Towers, Inc. and the City of Mustang and to Approve Bonds from Elite Towers Inc. for Project labeled Rockwell Water Tank.

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

*2. **Discussion, Consideration and Possible Action** regarding Approval of Ratification Agreement between the City of Mustang and the Mustang Improvement Authority regarding Solicitation of Bids, and Awarding of Contract between TJ Campbell Construction Co. and the City of Mustang and Approval of Bonds for Project labeled S. Mustang Road Widening and Reconstruction Project.

MOTION was made by **Trustee Grider,** seconded by **Trustee McKenzie,** to Approve the Ratification Agreement between the City of Mustang and the Mustang Improvement Authority regarding Solicitation of Bids, and Awarding of Contract between TJ Campbell Construction Co. and the City of Mustang and Approval of Bonds for Project labeled S. Mustang Road Widening and Reconstruction Project.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **8:55 p.m.**

Jess Schweinberg, Chairman

Attest:

Lisa Martin, Secretary