MUSTANG CITY COUNCIL
NOVEMBER 6, 2018

The Mustang City Council met in regular session on Tuesday, November 6, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, November 2, 2018, at 12:05 p.m. and Amended Agenda posted as required on Monday, November 5, 2018 at 4:55 p.m. both 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 Dave Owens, Pastor, Christ Lutheran Church

Pastor Owens led the assembly in the Pledge and Invocation. He stated the Church had recently held a craft show and picnic and are now preparing for Thanksgiving as well as their Thanksgiving baskets.

C. ROLL CALL

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

Councilmembers Absent: **Schweinberg**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

None.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **10/02/2018** City Council Minutes.
*2. Claims List for **FY 2019**.
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
4. Approval to Turn **Past Due Library Accounts** over to the Collection Agency.
5. Approval of **Resolution No. 19-018** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $489.

6. Approval of **Oklahoma Highway Safety Grant** PT-19-03-14-05 for Targeting Traffic Enforcement Efforts to Reduce the Number of Fatalities and Serious Injury Crashes, October 1, 2018 through September 30, 2019.
7. Approval of **Resolution No. 19-020** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $25,850.
8. Approval of **Resolution No. 19-019**, Calling for Municipal Election for Councilmembers for Wards One, Two, Four, Five and Six.
9. Approval of **Retirement** from Oklahoma Municipal Retirement Fund (OMRF) for Ruth Beal, former City of Mustang Employee.

*10. Acceptance of **Maintenance Bonds** for Water Lines, Sewer Lines and Paving/Drainage for Hunter's Springs Addition, Phase 2.

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

G. INFORMATION/REPORTS

1. City Manager Report

City Manager Rooney stated the City Manager's report was available online and reminded the Councilmembers there would be a Work Session on Tuesday, November 13, 2018 at 6:30 pm at the Police Department Community Room.

City Manager Rooney introduced members from American Legion Post 353 who presented *Police Chief Groseclose* a check for $2,000 for the Police Department's Shop with a Cop program.

b. City Council Reports

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

Councilwoman Pratt did not have anything to report at this time.

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

Vice Mayor Grider did not have anything to report at this time.

Councilman Jones stated the City Manager was working with a constituent regarding a street issue.

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

Councilman Noblitt stated he was contacted by Mr. Chris Lane with Lane Towing Service regarding the City's tow service policy and restrictions stating he would like to revisit this policy.

H. DISCUSSION ITEMS

1. **Discussion** regarding Proposed Appointment of Municipal Judge Steve Huddleston and Alternate Judge Chris Box in accordance with Chapter 26, Section 26-62 of the City of Mustang, Oklahoma Municipal Codes.

   City Manager Rooney stated in accordance with the City's codes, the municipal judges are appointed every two years stating the proposed appointment is to be placed on the next to last agenda before the appointment begins. He stated no action was needed this evening.

2. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1175**, an Ordinance of the City of Mustang, Oklahoma, Amending the Code of Ordinances of the City of Mustang, Oklahoma, by Vacating and Closing an Easement Lying on the South Side of Block 4 of Stewart's Addition, as more particularly described in the Ordinance; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   Community Development Director Helsel stated the initial reading for this ordinance was held two months ago with motion to approve or deny to be held in this meeting.

MOTION was made by **Councilman Noblitt,** seconded by **Councilman McKenzie,** to Approve Ordinance No. 1175, an Ordinance of the City of Mustang, Oklahoma, Amending the Code of Ordinances of the City of Mustang, Oklahoma, by Vacating and Closing an Easement Lying on the South Side of Block 4 of Stewart's Addition, as more particularly described in the Ordinance; Declaring Repealer; Providing for Severability.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Leete**, to Declare an Emergency.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

3. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1177**, an Ordinance of the City of Mustang, Oklahoma, Amending the Mustang Code of Ordinances by Amending (1) Chapter 22, Article V, Section 122-202 to Set the Maximum Fine for Certain Violations Relating to Medical Marijuana, and (2) Chapter 78, Article VI, Section 78-313 to Set the Maximum Fine for Certain Violations Relating to Medical Marijuana; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   City Attorney Miller stated this ordinance would amend the medical marijuana ordinance recently adopted by the City bringing all fines in accordance with the amount allowed by state law. Discussion was held regarding the fine in question.

MOTION was made by **Councilman Leete,** seconded by **Councilwoman Pratt,** to Approve Ordinance No. 1177, an Ordinance of the City of Mustang, Oklahoma, Amending the Mustang Code of Ordinances by Amending (1) Chapter 22, Article V, Section 122-202 to Set the Maximum Fine for Certain Violations Relating to Medical Marijuana, and (2) Chapter 78, Article VI, Section 78-313 to Set the Maximum Fine for Certain Violations Relating to Medical Marijuana; Declaring Repealer; Providing for Severability.

AYE: Pratt, Leete, Grider, Jones, McKenzie
NAY: Noblitt

MOTION was made by **Councilman Leete**, seconded by **Councilman Jones**, to Declare an Emergency.

AYE: Pratt, Leete, Grider, Jones, McKenzie
NAY: Noblitt

The Emergency Clause did not pass. **City Manager Rooney** advised the ordinance would be published in its entirety and would not go into effect for 30 days.

4. **Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1178**, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 2, Article V, Division 2 of the Mustang Code of Ordinances by: (1) Amending Section 2-191 to Add New Definitions; (2) Amending Section 2-195 to Clarify Existing and Add New Exemptions from Competitive Bidding Requirements; and (3) Adding New Section 2-199 to Allow Purchases through Cooperative Purchasing Plans; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   City Attorney Miller stated currently the City of Mustang codes do not contain a provision allowing purchases under a governmental cooperative purchasing program where contracts have been obtained through competitive bidding stating this ordinance includes this provision allowing those purchases to occur.

MOTION was made by **Councilman Noblitt,** seconded by **Councilman Jones,** to Approve Ordinance No. 1178, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 2, Article V, Division 2 of the Mustang Code of Ordinances by: (1) Amending Section 2-191 to Add New Definitions; (2) Amending Section 2-195 to Clarify Existing and Add New Exemptions from Competitive Bidding Requirements; and (3) Adding New Section 2-199 to Allow Purchases through Cooperative Purchasing Plans; Declaring Repealer; Providing for Severability.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Leete**, to Declare an Emergency.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

5. **Discussion, Consideration and Possible Action** regarding requested approval of Interlocal Contract for Cooperative Purchasing between the City of Mustang and the Houston-Galveston Area Council.

   Fire Chief Carruth stated a committee was formed consisting of Fire Department Lieutenants to develop specifications for the new aerial ladder/platform truck. He stated the committee, after developing the specifications, recommended the City enter into a purchase agreement with the Houston-Galveston Area Council stating the apparatus was selected from a pre-bid purchasing co-op list. **Carruth** stated using this contract would save the City approximately $14,000.

MOTION was made by **Councilman Leete**, seconded by **Councilman Noblitt**, to approve the Interlocal Contract for Cooperative Purchasing between the City of Mustang and the Houston-Galveston Area Council.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

6. **Discussion, Consideration and Possible Action** regarding Approval of a Purchase Agreement between the City of Mustang and Conrad Fire Equipment, Inc., as assignee of Pierce Manufacturing, Inc., to Purchase a New Velocity Chassis (Aerial Ladder/Platform Truck), including a Performance Bond.

   Discussion was held regarding the terms of the purchase agreement. **Fire Chief Carruth** stated the purchase amount was $1,318,464.81 with an estimated build time of 14.5 months.

MOTION was made by **Councilman Leete**, seconded by **Councilwoman Pratt**, to approve the Purchase Agreement between the City of Mustang and Conrad Fire Equipment, Inc., as assignee of Pierce Manufacturing, Inc., to Purchase a New Velocity Chassis (Aerial Ladder/Platform Truck), including a Performance Bond.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

7. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 19-021** authorizing the City of Mustang, Oklahoma (the "City") to Assign the Purchase Agreement between the City of Mustang and Conrad Fire Equipment, Inc. to Branch Banking and Trust Company, to execute a Lease Purchase Agreement, Series 2018 (the "Lease Purchase Agreement"), by and between the City and Branch Banking and Trust Company (the "Lessor") in the aggregate principal amount of $1,329,464.81; authorizing and directing the execution of the Lease Purchase Agreement and other documents relating to the transaction; establishing the City's reasonable expectation with respect to the issuance of tax-exempt obligations by the City in calendar year 2018, and designating the Lease Purchase Agreement as a qualified tax-exempt obligation; approving professional services agreements; and containing other provisions relating thereto.

Finance Director Watts stated quotes were requested from financial institutions to provide lending for a 15 year term for the aerial ladder/platform truck stating Branch Banking & Trust (BB&T) provided the lowest rate of 3.80%. Discussion was held regarding the terms of the agreement.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman McKenzie**, to approve Resolution No. 19-021 authorizing the City of Mustang, Oklahoma (the "City") to Assign the Purchase Agreement between the City of Mustang and Conrad Fire Equipment, Inc. to Branch Banking and Trust Company, to execute a Lease Purchase Agreement, Series 2018 (the "Lease Purchase Agreement"), by and between the City and Branch Banking and Trust Company (the "Lessor") in the aggregate principal amount of $1,329,464.81; authorizing and directing the execution of the Lease Purchase Agreement and other documents relating to the transaction; establishing the City's reasonable expectation with respect to the issuance of tax-exempt obligations by the City in calendar year 2018, and designating the Lease Purchase Agreement as a qualified tax-exempt obligation; approving professional services agreements; and containing other provisions relating thereto.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
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 Election of City of Mustang under Forced Pooling Order in *In re Roan Resources LLC*, Case CD No. 201806539, Before the Corporation Commission of the State of Oklahoma, 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)(4).

MOTION was made by **Councilman Noblitt**, seconded by **Councilman McKenzie** to adjourn to Executive Session.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

TIME ADJOURNED to Executive Session: **7:34 p.m.**

Vice Mayor Grider called the meeting back in session at **7:43 p.m.**

In reference to Item J-1 –

Informational purposes only, no action taken.

In reference to Item J-2 –

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Jones** to Authorize City Staff and Mayor to execute necessary documents to elect on behalf of the City to obtain a 1/5th royalty under the pooling order.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

K. ADJOURNMENT

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

The meeting was adjourned at **7:44 p.m.**

Jess Schweinberg, Mayor

Attest:

Angela R Hall
~~Lisa Martin~~, City Clerk, Deputy
Angela Hall

MUSTANG IMPROVEMENT AUTHORITY
NOVEMBER 6, 2018

The Mustang Improvement Authority met in regular session on Tuesday, November 6, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, November 2, 2018, at 12:05 p.m and Amended Agenda posted as required on Monday, November 5, 2018 at 4:55 p.m. both in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Vice Chairman Grider called the meeting to order at **7:44 p.m.**

B. ROLL CALL

Trustees Present: **Pratt**
Leete
Grider
Jones
McKenzie
Noblitt

Trustees Absent: **Schweinberg**

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **10/02/2018** City Council Minutes
*2. Claims List for **FY 2019**
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.
*4. Acceptance of **Maintenance Bonds** for Water Lines, Sewer Lines and Paving/Drainage for Hunter's Springs Addition, Phase 2.

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

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

E. <u>INFORMATION/REPORTS</u>

1. Trustee Manager
None.

2. Trustees
None.

F. DISCUSSION ITEMS

None.

G. ADJOURNMENT

MOTION was made by **Trustee Noblitt**, seconded by **Trustee Pratt**, to adjourn.

AYE: Pratt, Leete, Grider, Jones, McKenzie, Noblitt
NAY: None

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

Jess Schweinberg, Chairman

Attest:

Angela Hall

~~Lisa Martin~~, Secretary, Deputy
Angela Hall