MUSTANG CITY COUNCIL
MAY 1, 2018

The Mustang City Council met in regular session on Tuesday, May 1, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, April 27, 2018, at 4:09 p.m in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

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

B. PLEDGE OF ALLEGIANCE/INVOCATION (Jim Harris, Pastor, Clear Springs Church).

Pastor Harris led the assembly in the Pledge and Invocation. He stated since he was here last month, did not have a lot to add stating he appreciated all the Council does and for them listening and caring as they do.

C. ROLL CALL

Councilmembers Present:	**Leete** **Grider** **Jones** **Adams**
Councilmembers Absent:	**Pratt** **Hagan** **Noblitt**

D. CONSENT AGENDA

1. Approval of **04/03/18** City Council Minutes
2. Approval of **04/17/18** City Council Special Meeting (Work Session) Minutes.

MOTION was made by **Councilman Grider,** seconded by **Councilman Jones,** to approve Items D-1 thru D-2 of the Consent Agenda.

AYE: Leete, Grider, Jones, Adams
NAY: None

E. PRESENTATION AND RECOGNITION

1. Presentation of Plaque and Recognition of Outgoing Mayor Jay Adams.

   Mayor-Elect Schweinberg presented a plaque and gavel to *Mayor Adams* thanking him for his years of service, leadership and friendship.

   Mayor Adams thanked everyone stating *Mayor-Elect Schweinberg* will do a great job and listed some of the accomplishments over the years he was proud to be a part of such as the new baseball fields, storm shelter grant, expanded library and wastewater/treatment plant improvements. He stated the most important advice he wanted to leave Council was "It's OK not to agree on everything, just remember to respect each other".

F. OATH OF OFFICE

1. Oath of Office for Mayor Jess Schweinberg and Ward III Councilmember Brian Grider.

   Mayor Adams swore in Councilmembers:

   - Brian Grider, Ward III; and
   - Jess Schweinberg, Mayor

   At this time, the newly elected Councilmembers took their seats.

2. Election of **Vice-Mayor**

MOTION was made by **Councilman Leete,** seconded by **Councilman Jones,** to Nominate *Councilman Grider* for Vice Mayor.

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

Mayor Schweinberg stated **Councilman Grider** is the Vice-Mayor.

G. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Pastor Harris stated he failed to pray for *City Manager Rooney* and his family in his opening prayer for the loss of his father and asked everyone to keep Mr. Rooney and his family in their prayers.

H. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

Assistant City Manager Battles stated Item K.1.b., Recognition of the American Legion's Employees of the Year, would be pulled from this agenda and added to the next agenda as *City Manager Rooney* would like to be here for this item.

J. CONSENT AGENDA

*1. Claims List for FY 2018
*2. Approval to Turn **Past Due Utility Accounts** over to Collection Agency.
3. Approval to Turn **Past Due Library Accounts** over to Collection Agency.
4. Approval of **Resolution No. 18-039** to Establish the New Police Narcotics Enforcement Fund by making a Supplemental Appropriation to Increase the 2017-2018 Fiscal Year Budget by $1,000.
5. Approval of **Resolution No. 18-040** making Changes in the Park Improvement Fund Budget by making a Supplemental Appropriation to Increase the 2017-2018 Fiscal Year Budget by $11,000.
6. Approval of **Resolution No. 18-041** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2017-2018 Fiscal Year Budget by $12,500.
7. Approval of **Resolution No. 18-042** making Changes in the Park and Recreation Fund Budget by making a Supplemental Appropriation to Increase the 2017-2018 Fiscal Year Budget by $5,000.
8. Approval of **Agreement** between the City of Mustang and Mustang Public School System Providing Two (2) School Resource Officers for the FY 2019 School Year.
9. Approval of **Memorandum of Understanding** between the City of Mustang and Mustang Public Schools for the Use of Two (2) District Owned School Buses for "Camp Mustang" Field Trips.
10. Approval of **Agreement** between the City of Mustang and Heartland for Gateway and Internet Services.
*11. Acknowledgement of **Receipt of DEQ Permit** No. WL000009180173 to Construct Water Lines for Hunter's Hill Addition, Phase 4.
*12. Acknowledgement of **Receipt of DEQ Permit** No. SL000009180174 to Construct Sewer Line for Hunter's Hill Addition, Phase 4.
13. Approval to **Nominate** Mr. Justin Battles and Mr. Jason Orr to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

MOTION was made by **Councilman Leete,** seconded by **Councilman Jones,** to approve Items J-1 thru J-13 of the Consent Agenda.

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

K. INFORMATION/REPORTS

1. City Manager

a. Presentation of Mustang Fire Department's Life Saving Award

Assistant City Manager Battles read the Life Saving Award recommendation letter from the Mustang Fire Department Member Awards and Recognition Committee. The following Firefighters received the Life Saving Award for the successful resuscitation of Mr. Mark Hutchinson:

- Chief Craig Carruth
- Deputy Chief Roy Widmann
- Lieutenant Tom Lewis
- Corporal Buddy Corbin
- Corporal Chris Barton
- Corporal Paul Smith

Mr. Hutchinson pinned the badge on each of the Firefighters.

b. Recognition of the American Legion's Employees of the Year

Pulled from this agenda.

c. City Manager Report

Assistant City Manager Battles stated a Budget Work Session would be held on Monday, May 7, 2018, starting at 6:00 p.m. in Rooms C & D at Town Center. He also stated he and Staff's thoughts and prayers were with *City Manager Rooney* and thinking of him as his father's funeral will be held on Saturday.

2. City Council

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

MOTION was made by **Mayor Schweinberg**, seconded by **Councilman Grider**, to Appoint Past Mayor Adams to the COWRA Board.

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

MOTION was made by **Mayor Schweinberg,** seconded by **Councilman Grider,** to Appoint: (1) Councilman Grider as primary, Mayor Schweinberg as alternate, to the ACOG Board of Directors and its Committees; (2) Councilwoman Hagan as primary, Councilman Jones as alternate, to the OEMA Board of Directors; and (3) Josh Leete to the Traffic Commission.

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

b. City Council Reports

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

Councilman Jones stated it was wonderful to see *Mayor Schweinberg's* grandchildren stand with him while he took his Oath of Office and thanked the Firefighters for making a difference in a citizen's life. He thanked *Past Mayor Adams* for his service and also thanked his wife, Mindy, for her support during his time of service.

Councilman Leete thanked the Firefighters stating he was very proud of them and the work they do every day. He also thanked *Past Mayor Adams* for his leadership stating it was a pleasure to serve under him, and congratulated *Mayor Schweinberg* for being elected Mayor.

Councilman Grider told *Past Mayor Adams* he appreciated his leadership and for his willingness in allowing him to reach out and explaining in ways he could understand and stated he was excited to have *Mayor Schweinberg* back on the Council. He stated he was very appreciative of the Firefighters as well as Police Officers. He also stated he had been working on a side project over the past few weeks stating he had the opportunity to be at the Fire Station and Police Station as well as the Waste Water Treatment Plant and stated he was amazed at the quality of family around here stating it was overwhelming and was proud to be a part of it. **Grider** stated he had a handful of people reach out to him regarding flyers being placed on vehicles in parking lots and has requested the *City Manager* look into this to see if anything can be done or perhaps create an ordinance similar to the No Knock ordinance where those placing flyers on vehicles would have to have a permit.

Mayor Schweinberg stated he had to resign as Councilman for Ward VI due to Charter requirements stating it was the longest four months of his life and that he really missed it. He stated he was looking forward to the next three years and promised to try and lead as *Past Mayor Adams* stating it would be difficult. He stated *Adams* set the groundwork on many projects and we are where we are due to his hard work. He stated it was a great City to live in and praised the Fire Department, Police Department and all City Staff. He told *Adams* it was an honor and privilege to work with him and he had taught them all a lot.

K. DISCUSSION ITEMS

1. **Public Hearing, Discussion, Consideration and Possible Action** regarding Renewal of Conditional Use Permit Application CUP-3-19-15-1-27, Saleh M. Al-Zubi, 201 N. Pine Terrace, Mini-Storage.

Community Development Leader Helsel stated it was time to review and renew the Conditional Use Permit (CUP) for the Red Roof Mini Storage stating this should have been done last May, but the construction was just recently completed, so this was a better time for the review. She stated a CUP was issued in May, 2015, for a mini storage located at 201 N. Pine Terrace, just north of the Bronco 66 Service Station and containing almost three acres. She stated they are now open for business.

Helsel stated they have conformed to the CUP stating a six foot masonry fence was installed as well as drainage infrastructure, and have widened N. Pine Terrace up to their entrance and the facility is being used for inside storage only, which was one of the conditions placed on the CUP. **Helsel** provided the general character and zoning of the surrounding area and stated it conforms to the long range plan.

Helsel stated Staff had received some calls during construction and those issues were addressed and inspectors made certain construction was performed as required.

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

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

There being none, **MOTION** was made by **Councilman Leete**, seconded by **Councilman Jones**, to Close the Public Hearing.

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

MOTION was made by **Councilman Leete**, seconded by **Councilman Grider,** to Approve the Renewal of Conditional Use Permit Application CUP-3-19-15-1-27, Saleh M. Al-Zubi, 201 N. Pine Terrace, Mini-Storage.

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

2. **Discussion, Consideration and Possible Action** regarding Approval of Agreement between The Oklahoma Turnpike Authority, The City of Oklahoma City, and The City of Mustang.

   Assistant City Manager Battles stated this agreement was between the Oklahoma Turnpike Authority, the City of Oklahoma City and the City of Mustang for the purpose of defining and outlining responsibilities as they relate to the Sara Road Widening Project. He stated the total cost for the City of Mustang for the one mile section was $4,261,836 which includes utility relocation, design, construction, inspection, and right-of –way acquisition. **Battles** stated the timeline for this project was at 50% for the design stating a meeting to review the 50% design drawing is scheduled for June 5, 2018. He stated Staff recommends approval.

MOTION was made by **Councilman Grider,** seconded by **Councilman Jones,** to Approve the Agreement between The Oklahoma Turnpike Authority, The City of Oklahoma City, and The City of Mustang.

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

*3. **Discussion, Consideration and Possible Action** regarding Acceptance of Bids and Awarding Lowest Qualified Bid for Project Labeled Mustang Wastewater Treatment Plant Improvements Phase II C & D.

   Assistant City Manager Battles stated Staff and Cowan Group Engineering published a Notice to Bidders for the Mustang Wastewater Treatment Plant Improvements Phase II C&D stating it includes expanding the current treatment capacity to three million gallons per day.

Battles stated four bids were received stating Staff recommends accepting all bids and awarding the Base Bid plus the three Alternates to the lowest bidder, Wynn Construction in the amount of $4,995,316. He stated the first alternate was for reuse and would pay for itself in time with alternates two and three being revenue generating. He stated the contract and bonds would be presented at the next Council meeting in June. **Battles** also stated this project was budgeted at $6 M and this project is currently under budget about $0.5 M.

MOTION was made by **Councilman Leete,** seconded by **Councilman Grider,** to Accept all bids for the Project Labeled Mustang Wastewater Treatment Plant Improvements Phase II C & D.

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

MOTION was made by **Councilman Grider,** seconded by **Councilman Leete,** to Award the Base Bid plus the Three Alternates to the Lowest Qualified Bidder Wynn Construction in the amount of $4,995,316.00 for the Project Labeled Mustang Wastewater Treatment Plant Improvements Phase II C & D.

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

4. **Public Hearing, Discussion, Consideration and Possible Action** regarding Approval of **Ordinance No. 1165**, 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 "C-2" Commercial Neighborhood District to "C-3" Commercial General District and, Declaring Repealer; Providing for Severability; and Declaring an Emergency.

Community Development Director Helsel stated the applicant, Rebecca Biorato, is interested in moving her practice to Mustang stating the property she is requesting to rezone used to be the Sid Vaught property west of Taco Mayo. She stated the applicant will be bringing the building into compliance with ADA requirements as well as wiring and other improvements stating even though the property has been used as a medical facility for at least 20 years, it was not zoned C-3 which is required for this use.

Helsel provided surrounding zoning information and the character of the neighborhood stating it does conform to the long range plan. She stated public water and sewer are available to serve this development and there will be no ingress/egress changes on the property. She stated Planning Commission voted unanimously to recommend approval and Staff recommends approval as well.

Councilman Grider asked if the property had been zoned C-3 in the past and a new business coming in, would the masonry fence still be required. **Helsel** answered yes.

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

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

There being none, **MOTION** was made by **Councilman Grider**, seconded by **Councilman Jones**, to Close the Public Hearing.

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

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones,** to Approve **Ordinance No. 1165**, 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 "C-2" Commercial Neighborhood District to "C-3" Commercial General District and, Declaring Repealer; Providing for Severability.

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

There was no vote on the Emergency Clause as there were not enough Councilmembers present to pass.

Councilman Grider asked if the Emergency Clause could be placed on the agenda for Monday when the Budget Session was held.

City Attorney Miller stated the Emergency Clause is usually heard at the same time as the Ordinance, plus the Ordinance must be published within ten days of the date it is approved. He stated he was not sure it was appropriate since the Ordinance had been acted upon, but would research and let Staff know.

5. **Discussion, Consideration and Possible Action** regarding Approval of Interlocal Agreement between the City of Harrah and the City of Mustang for Oklahoma Municipal Management Services (OMMS).

   Assistant City Manager Battles stated the City Management Association of Oklahoma (CMAO) and the Oklahoma Municipal Assurance Group (OMAG) have been working on this program for several years to provide Municipal Management Services to those cities who have a vacancy in the City Manager position. He stated the first step in the process is for two municipalities to enter into a proposed Interlocal Agreement and once this is accomplished, the proposed agreement is reviewed by the State Attorney General's office for approval stating if approved, it would allow other cities throughout Oklahoma to join the Interlocal Agreement. **Battles** stated the Cities of Harrah and Mustang are the two communities entering into the agreement stating neither City is providing the service.

   Battles stated the City Attorney had not seen the contract, so the signature page for the City Attorney has been changed to the OMAG Attorney. He stated this was how OMAG was formed years ago stating the Interlocal Agreement will provide a valuable service.

MOTION was made by **Councilman Grider**, seconded by **Councilman Jones**, to Approve the Interlocal Agreement between the City of Harrah and the City of Mustang for Oklahoma Municipal Management Services (OMMS).

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

M. CITY ATTORNEY'S REPORT

1. **Discussion, Consideration and Possible Action** on *John D. Gatliff and Joetta E. Gatliff v. City of Mustang, et al.*, Case No. CJ-2015-217, District Court, Canadian County, Oklahoma, and consideration of settlement parameters for court-ordered settlement conference; and, proposed executive session as authorized by 25 Okla. Stat. §307(B)(4).

2. **Discussion, Consideration and Possible Action** regarding the Requested Approval of the Proposed Agreement between the City of Mustang and The Fraternal Order of Police, Lodge 163, for Fiscal Year 2018-19; and, proposed Executive Session as authorized by 25 Okla. Stat. §307(B)(1).

MOTION was made by **Councilman Grider,** seconded by **Councilman Jones** to adjourn to executive session.

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

TIME ADJOURNED to Executive Session: **7:52 p.m.**

MOTION was made by **Mayor Schweinberg,** seconded by **Councilman Grider** to return to general session.

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

The meeting was back in session at **8:13 p.m.**

In reference to Item M-1 –

MOTION was made by **Councilman Leete,** seconded by **Councilman Grider** to Proceed as Discussed.

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

In reference to Item M-2 –

MOTION was made by **Councilman Grider,** seconded by **Councilman Leete** to Approve the Agreement between the City of Mustang and The Fraternal Order of Police, Lodge 163, for Fiscal Year 2018-19

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

N. ADJOURNMENT

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

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

The meeting was adjourned at **8:13 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
MAY 1, 2018

The Mustang City Council met in regular session on Tuesday, May 1, 2018, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, April 27, 2018, at 4:09 p.m 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 **8:13 p.m.**

B. ROLL CALL

Trustees Present: **Leete**
Grider
Jones
Schweinberg

Trustees Absent: **Pratt**
Hagan
Noblitt

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **04/03/18** MIA Minutes.
*2. Claims List for **FY 2018**
*3. Approval to Turn **Past Due Utility Accounts** over to Collection Agency.
*4. Acknowledgement of **Receipt of DEQ Permit** No. WL000009180173 to Construct Water Lines for Hunter's Hill Addition, Phase 4.
*5. Acknowledgement of **Receipt of DEQ** Permit No. SL000009180174 to Construct Sewer Line for Hunter's Hill Addition, Phase 4.

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

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

E. INFORMATION/REPORTS

1. **Trustee Manager**
   None.

2. **Trustees**
   None.

F. DISCUSSION ITEMS

*1. **Discussion, Consideration and Possible Action** regarding Acceptance of Bids and Awarding Lowest Qualified Bid for Project Labeled Mustang Wastewater Treatment Plant Improvements Phase IIC and IID.

MOTION was made by **Trustee Grider,** seconded by **Trustee Jones,** to Accept all bids for the Project Labeled Mustang Wastewater Treatment Plant Improvements Phase II C & D.

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

MOTION was made by **Trustee Leete,** seconded by **Trustee Grider,** to Award the Base Bid plus the Three Alternates to the Lowest Qualified Bidder Wynn Construction in the amount of $4,995,316.00 for the Project Labeled Mustang Wastewater Treatment Plant Improvements Phase II C & D.

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **8:16 p.m.**

Jess Schweinberg, Chairman

Attest:

Lisa Martin, Secretary