MUSTANG CITY COUNCIL
APRIL 6, 2021

The Mustang City Council met in regular session on Tuesday, April 6, 2021, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Thursday, April 1, 2021, at 4:00 p.m. and 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 Jim Harris, Pastor, Clear Springs Church

Pastor Harris led the assembly in the Pledge and Invocation. He thanked Mayor Schweinberg for his service and leadership stating the cooperation between the City, schools, businesses and churches have never been better.

C. ROLL CALL

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

E. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Matthew Whittington, 1945 E. Sherwood Terrace, addressed the Council regarding issues with OEC and their contractors in the area and their disregard to residents, leaving out pets, cutting other utility lines, leaving property in disrepair, etc. He stated he understands they have an easement and are allowed to perform necessary work, but wanted to bring the issues to the Council's attention.

Mayor Schweinberg advised Mr. Whittington to contact the City Manager to discuss and the City will reach out to OEC regarding the issues.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

F.1 Approval of 03/02/2021 City Council Minutes.

F.2 Claims List for FY 2021

F.3 Approval to Turn Past Due Utility Accounts over to Collection Agency

F.4 Approval to Turn Past Due Library Accounts over to Collection Agency.
F.5 Approval of Resolution No. 21-035 making Changes in the Library Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $789.
F.6 Approval of Resolution No. 21-036 making Changes in the Library Fund Budget by Making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $673.
F.7 Approval of Resolution No. 21-037 making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2020-2021 Fiscal year Budget by $544,000.
F.8 Approval of Resolution No. 21-038 making Changes in the General Fund Budget by Making a Supplemental Appropriation to Increase the 2020-2021 Fiscal year Budget by $500,000 Transfer to Deferred Contribution Fund.
F.9 Approval of Resolution No. 21-039 making Changes in the Deferred Compensation Plan Fund Budget by Making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $500,000.
F.10 Approval of Resolution No. 21-040 making Changes in the Traffic Enforcement Fund Budget by making a Supplemental Appropriation to Increase the 2020-2021 Fiscal Year Budget by $10,000.
F.11 *Acceptance of Maintenance Bonds for Water Lines, Sewer Lines and Lift Station for Mustang Farms Addition, Phase 1.
F.12 *Acceptance of Two (2) Sanitary Sewer Easements and Two (2) Storm Sewer Easements for Wild Horse Canyon Commercial Addition.

Councilman Ray requested Item F.12 be pulled from the Consent Agenda.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve the Consent Agenda Items F-1 thru F-11.

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

Item F.12:

City Attorney Miller stated this agenda item included four (4) easements – two (2) Storm Sewer Easements and (2) Sanitary Sewer Easements stating the City does not need nor desire the Storm Sewer Easements and recommended the Council move to accept the two (2) Sanitary Sewer Easements and reject the two (2) Storm Sewer Easements.

MOTION was made by **Councilman Ray,** seconded by **Vice Mayor Grider,** to Accept the Recommendation provided by *City Attorney Miller*.

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

G. INFORMATION/REPORTS

G.1 City Manager Report

City Manager Rooney introduced Paul Ray and John Sears, Commander, with the American Legion Post #353 to present the Employees of the Year awards:

- Mr. Ray introduced Fire Chief Carruth to present the Firefighter Employee of the Year, presented to Corporal Josh Moore;
- Mr. Ray introduced Police Chief Groseclose to present the Police Officer Employee of the Year, presented to Lieutenant Bailey;
- Mr. Ray introduced Finance Director Watts to present the Non-Uniform Employee of the Year, presented to Court Clerk Gayla Early.

City Manager Rooney stated the Mayor's award will now be presented by Mayor Schweinberg.

Mayor Schweinberg stated he could not decide between the two so would be presenting two awards this year:

- Heather Huff, Program Coordinator and Swimming Pool Manager, stating the swimming pool opened the summer of 2020 amid Covid regulations stating not one case of Covid could be traced back to exposure at the swimming pool. He stated Ms. Huff worked hard to maintain a safe and enjoyable environment.
- Fire Captain Sprague and Fire Corporal Setliff, stating they responded to numerous calls from residents involving Covid as well as advised City Staff on protocols and Federal/State requirements. He stated they did a great job keeping on top of cases and all the CDC requirements.

Item G.3 was heard at this time.

G.3 Discussion, Consideration and Possible Action regarding Proclamation declaring April, 2021 as "World Autism Month" and April 2, 2021 as "World Autism Awareness Day" in the City of Mustang.

Vice Mayor Grider read the Proclamation aloud.

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman Jones,** to Approve the Proclamation.

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

G.2 City Council

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

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

Councilman Teeples stated the Traffic Commission would be meeting Wednesday, April 7th at 11:00 am stating a Public Hearing would be held for questions regarding new procedures.

Vice Mayor Grider congratulated all those recognized earlier stating this could be done all day long and the City of Mustang was very fortunate. He also congratulated Fire Lieutenant Lewis upon his retirement and thanked Mayor Schweinberg for his service stating he would be missed.

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

Councilman Sholund stated he had received a couple of phone calls from a citizen in regards to OEC and the issues brought up earlier by Mr. Whittington stating he had been in contact with *Community Development Director Helsel* in regards to that. He also stated he had received a few phone calls regarding storm limb pickup and stated he was able to address those calls.

Mayor Schweinberg thanked everyone stating it had been an interesting nine or ten years stating the employees are the rock stars.

H. DISCUSSION ITEMS

H.1 Public Hearing, Discussion, Consideration and Possible Action regarding Vacation of Plat, Winchester Commercial Addition, Lots 2 and 3, requested by Johnson & Associates for Steven Vo, DSKS, LLC, Application PV-2-16-21-1-33.

Community Development Director Helsel stated in order to create a PUD for storage and business condos, the applicant must vacate two lots previously platted as part of Winchester Commercial Addition. She stated lots 2 and 3 will be vacated and later combined into one lot for rezoning and development.

Mayor Schweinberg opened the Public Hearing.

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

MOTION was made by **Vice Mayor Grider,** seconded by **Councilman Sholund,** to Approve the Vacation of Plat.

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

H.2 Discussion, Consideration and Possible Action regarding Ordinance No. 1221, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 22, Article V, Section 22-221 to Change Location Restrictions for Medical Marijuana Dispensaries; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

City Attorney Miller stated City Council recently revised the Mustang Medical Marijuana ordinances for retailers and growers requiring the use of a Specific Use Permit process stating as part of that process, an applicant could request a change to the distance requirement set by ordinance from certain businesses. He stated after discussing with Staff, it was decided to bring to Council an amendment removing all location requirements for retail locations other than the 1,000 foot distance requirement from schools which is a requirement imposed under State law.

MOTION was made by **Councilman Sholund,** seconded by **Councilman Jones,** to Approve Ordinance Number 1221.

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

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

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

H.3 *Discussion, Consideration and Possible Action regarding Change Order #10 for Project labeled Mustang Animal Welfare Center

Police Chief Groseclose stated Change Order #10 was to add stainless steel flashing to the interior border of the sally port as well as stainless steel doors to exposed trench drain valves in the amount of $1,880 stating this latest change leaves a remaining $16,167.37 in contingency. **Groseclose** stated the overall project is still within the $1,644,275.14.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve Change Order #10 for project labeled Mustang Animal Welfare Center.

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

H.4 Discussion, Consideration and Possible Action regarding Municipal Lease/Purchase of Eight (8) Police Vehicles with RCB Bank for a Three (3) Year Term; documents to include, but not limited to, Lease/Purchase Agreement, Resolution No. 21-041, and Statement of Essential Use; and Authorizing Staff to Execute Documents.

Police Chief Groseclose stated the FY2021 Limited Purpose Fund budget included funding in the amount of $164,381.23 for the lease/purchase of eight (8) police vehicles including necessary emergency equipment and installation for the vehicles. He stated research has shown RCB Bank to offer the lowest finance rate of 2.69% for a three (3) year lease/purchase agreement stating the lease/purchase documents are included in the packet for Council consideration.

Vice Mayor Grider asked if one vehicle was different from the other seven with **Groseclose** stating seven vehicles were for patrol and one to detectives.

MOTION was made by **Councilman Sholund,** seconded by **Councilman Ray,** to Approve the Lease/Purchase of Eight Police Vehicles with RCB Bank for a Three Year term; documents to include, but not limited to, Lease/Purchase Agreement, Resolution No. 21-041, and Statement of Essential Use; and Authorizing Staff to Execute Documents.

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

H.5 *Discussion, Consideration and Possible Action regarding Resolution No. 21-042, a Resolution of the City Council of the City of Mustang and the Mustang Improvement Authority Amending the Ambulance Assessment Fee and Providing for an Effective Date.

Finance Director Watts stated in 2004, a resolution was adopted to create an ambulance service fee in the amount of $1.50 stating that fee was later raised to $2.50. She stated the fee is included on the utility bill regardless of the number of living units serviced stating there are several multifamily residential housing facilities that pay one ambulance service fee, but include more than forty living units. **Watts** stated for example, four multifamily residential housing facilities pay a single ambulance service fee each and include more than 240 living units in total stating in 2019, these 240 living units accounted for 124 ambulance calls or approximately 12% of the total calls. She stated the City believes it would be more appropriate to assess the fee based on the number of living units included for service within the utility bill stating if approved, it would take effect July 1, 2021.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve Resolution Number 21-042.

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

H.6 Discussion, Consideration and Possible Action regarding Resolution No. 21-043, a Resolution Requesting the Oklahoma Department of Transportation to Consider Funding a Traffic Signal on SH-4 (Mustang Road) at E. Plantation Terrace/Morrell Way in Mustang, Oklahoma.

City Manager Rooney stated in 2016, City Council approved a resolution for a traffic signal for the southernmost entrance/exit in and out of Wild Horse Park from Mustang Road due to increased traffic from the ballfields. **Rooney** stated the Oklahoma Department of Transportation (ODOT) denied this request and the City is in various stages of appeal stating in order to formally appeal the decision, it was recommended a new resolution be adopted by City Council and call upon Legislative representation (Senator Rosino and Representative Hill) to become involved and hopefully assist in obtaining the ODOT approval.

MOTION was made by **Councilman Ray,** seconded by **Councilman Sholund,** to Approve Resolution Number 21-043.

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

I. CITY ATTORNEY'S REPORT

I.1 Discussion, Consideration and Possible Action regarding potential Economic Incentive Agreement with Atwoods Distributing, L.P.; and, proposed Executive Session as authorized by 25 O.S. §307(C)(11).

I.2 Discussion, Consideration and Possible Action regarding Amendment to Employment Agreement of City Manager; and, proposed Executive Session as authorized by 25 Okla. Stat. § 307(B)(1).

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

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

TIME ADJOURNED to Executive Session: **7:46 p.m.**

MOTION was made by **Mayor Schweinberg,** seconded by **Vice Mayor Grider,** to return from Executive Session.

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

TIME RETURNED from Executive Session: **8:06 p.m.**

In reference to Item I.1 –

MOTION was made by **Councilman Sholund,** seconded by **Councilman Ray,** to Approve the Economic Incentive Agreement between the City of Mustang and Atwoods Distributing, L.P. as discussed.

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

In reference to Item I.2 –

MOTION was made by **Councilman Sholund,** seconded by **Councilman Ray,** to Approve the Amendment to Employment Agreement of City Manager as discussed.

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

J. ADJOURNMENT

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

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

The meeting was adjourned at **8:07 p.m.**

Brian Grider, Mayor

Attest:

Lisa Martin, City Clerk