MUSTANG CITY COUNCIL
MARCH 5, 2019

The Mustang City Council met in regular session on Tuesday, March 5, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, March 1, 2019, at 9:50 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 Randy Sholund, Pastor, Empowered Church.

Pastor Sholund led the assembly in the Pledge and Invocation. He stated he was blessed to be with the church for 27, going on 28 years stating it started small with about 15 people. He stated one of the 15 people was a 10 year old boy, Michael Ray, who later married his daughter and is now being appointed to the Council to represent Ward I stating he is blessed to have him as a son in law and he will do a wonderful job for the City.

C. ROLL CALL

Councilmembers Present:	**Ward I - Vacant**
	Leete
	Grider
	Jones
	McKenzie
	Noblitt
	Schweinberg
Councilmembers Absent:	**None**

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Jack and Wendy Howard, 130 E. Perry Lane, addressed the Council regarding the assigned time slots available for little league baseball and softball teams to practice in the City parks. They stated there were too many teams trying to squeeze into those time slots and the older teams have a later time slot stating the parks do not have lights and difficult to practice in the dark. He stated he had spoken with Parks and Recreation staff and have been told they could be kicked out of the park for breaking rules.

Mayor Schweinberg asked them to contact *City Manager Rooney* and *Assistant City Manager Battles* to discuss stating no action could be performed this evening since this was a non-agenda item.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **02/05/2019** 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. 19-028** making Changes in the Police Narcotics Enforcement Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $5,000.
6. Approval of **Resolution No. 19-030** making Changes in the Juvenile Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $25,000.
7. Approval of **Resolution No. 19-032** making Changes in the Park & Recreation Donation Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $10,000.
8. Approval of **Resolution No. 19-033** making Changes in the General Fund Budget by making a Supplemental Appropriation to Increase the 2018-2019 Fiscal Year Budget by $25,000

MOTION was made by **Councilman Leete,** seconded by **Councilman Jones,** to Approve Items F-1 thru F-8 of the Consent Agenda.

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

G. INFORMATION/REPORTS

1. City Manager Report

   a. **Oath of Office** for Police Officer Seth Roecker

   Police Chief Groseclose administered the Oath of Office to new Police Officer Seth Roecker

   b. **City Manager Report**

   City Manager Rooney stated the City Manager report was posted online today and distributed to everyone this evening.

2. City Council Reports

a. Presentation and Recognition of Public Service

Mayor Schweinberg presented a plaque to former Councilwoman DeAnna Pratt for her service to the City serving as Ward 1 Councilwoman.

City Manager Rooney presented a plaque to Leslie Osborn for her service to the citizens of District 4 as a member of the House of Representatives.

b. City Council Reports

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

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

Councilman Grider reminded everyone of the Ward II and Ward VI election April 2nd encouraging citizens in those Wards to come out and vote.

Councilman Jones stated the City Manager's "State of the City" address at the Chamber of Commerce meeting was outstanding and reminded everyone of the Town Center Expansion ribbon cutting on Thursday, March 7th.

Councilman McKenzie advised that his Ward has some street lights out and have had some car break-ins stating he spoke with *Chief Groseclose* and working towards setting up a neighborhood watch. He also mentioned the speed table application a neighborhood in his ward had submitted and waiting for funding.

Councilman Noblitt apologized for not being able to make the February Council meeting stating he was ill.

Mayor Schweinberg agreed with Councilman Jones stating the City Manger's "State of the City" address was well presented and also reminded others of the ribbon cutting on Thursday. He also encouraged those in Wards II and VI to vote.

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** regarding Appointment of Councilmember to Represent Ward 1.

   City Manager Rooney stated due to former Councilwoman Pratt's resignation, there was a vacancy for the Ward I Councilmember seat. He stated Michael Ray filed in December to be considered for election to represent Ward 1 beginning at the first City Council meeting in May, 2019, and would be appropriate to appoint him to the vacant Ward 1 seat.

MOTION was made by **Councilman Noblitt,** seconded by **Councilman Jones,** to Appoint Michael Ray to serve as Councilmember to Represent Ward 1 until the first meeting in May.

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

2. **Oath of Office** for Ward I Councilmember.

   City Manager Rooney administered the Oath of Office to newly appointed Ward I Councilmember Ray.

   At this time, the newly appointed Councilmember will take his seat.

   Councilman Ray introduced his family and thanked them, his friends, and the Council stating he looked forward to working with them.

3. **Discussion, Consideration and Possible Action** regarding Nomination of Trustee to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

   City Manager Rooney stated the City was a member of the Oklahoma Municipal Assurance Group (OMAG) stating there is an opening on the OMAG Board of Trustees. He stated Staff would like to nominate *Assistant City Manager Battles* for this position stating he would be a good addition to the Board as he is familiar with many of the insurance difficulties municipalities and customers experience through the Tort Claim process as a result of his supervision of water and wastewater operations and project management.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Leete**, to Nominate Justin Battles as Trustee to the Oklahoma Municipal Assurance Group (OMAG) Board of Trustees.

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

4. **Discussion, Consideration and Possible Action** regarding Approval of **Resolution No. 19-029**, a Resolution of the City of Mustang, Oklahoma, Approving the Attached Interlocal Cooperation Agreement for Municipal Court Jurisdiction concerning Juveniles Authorizing the City of Mustang to Enter into said Agreement and Directing the Mayor and City Staff to Execute the Same; Authorizing and Directing the Finance Director to Establish a Restricted Account as Required by such Interlocal Agreement and Oklahoma Law.

   City Attorney Miller stated the City renews annually an Interlocal Cooperation Agreement for Municipal Court Jurisdiction concerning Juveniles with the Canadian County District Court stating this agreement allows the City to assume jurisdiction of certain specified juvenile misdemeanor offenders. He stated the Resolution approves execution of the Interlocal Agreement and authorizes the Finance Director to create the restricted fund required under the terms of the Interlocal Agreement and Oklahoma law.

MOTION was made by **Councilman McKenzie,** seconded by **Councilman Leete,** to Approve **Resolution No. 19-029**, a Resolution of the City of Mustang, Oklahoma, Approving the Attached Interlocal Cooperation Agreement for Municipal Court Jurisdiction concerning Juveniles Authorizing the City of Mustang to Enter into said Agreement and Directing the Mayor and City Staff to Execute the Same; Authorizing and Directing the Finance Director to Establish a Restricted Account as Required by such Interlocal Agreement and Oklahoma Law.

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

5. **Discussion, Consideration and Possible Action** regarding Approval of Ordinance No. 1183, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 42, Section 42-46 of the Code of Ordinances of the City of Mustang to Increase Fees for Permits for Sales of Fireworks and for Fireworks Displays; Declaring Repealer; Providing for Severability; and Declaring an Emergency.

   City Manager Rooney stated this ordinance changes the fee charged and collected by the City to obtain a Fireworks Sales permit from $15 per permit to $200 stating Staff feels this amount is appropriate considering the amount of staff time involved by members of the Community Development Department, Police and Fire Departments that have to review the permits and sites, as well as the time spent by the City Clerk each year in administering the permit process and the permits themselves.

MOTION was made by **Councilman Noblitt**, seconded by **Councilman McKenzie**, to Approve Ordinance No. 1183, an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 42, Section 42-46 of the Code of Ordinances of the City of Mustang to Increase Fees for Permits for Sales of Fireworks and for Fireworks Displays; Declaring Repealer; Providing for Severability.

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

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

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

*6. **Discussion, Consideration and Possible Action** regarding:

   a. Acceptance of Bids for Project Labeled Wild Horse Park Splash Pad.

   b. Awarding Lowest Qualified Bid for Project Labeled Wild Horse Splash Pad.

Assistant City Manager Battles stated a Notice to Bidders was published for project labeled Wild Horse Park Splash Pad stating the splash pad will be located in Wild Horse Park just southwest of Brittany's Playground. He stated seven companies attended the pre-bid meeting and one bid was submitted for consideration by RJR Enterprises, Inc. **Battles** stated this company is working in conjunction with Vortex Aquatic Structures and Power Play stating they are leaders in this industry. He stated the bid amount is $296,189.00 and this project was included as part of the 2016 sales tax extension approved by voters.

MOTION was made by **Councilman Grider**, seconded by **Councilman Leete,** to Accept the Bid for Project Labeled Wild Horse Park Splash Pad.

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

MOTION was made by **Councilman Noblitt**, seconded by **Councilman Jones,** to Award Bid for Project Labeled Wild Horse Park Splash Pad to RJR Enterprises, Inc. in the amount of $296,189.00

AYE: Ray, Leete, Grider, Jones, McKenzie, Noblitt, 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 request by McAfee & Taft for Waiver of Potential Conflict of Interest; and, proposed Executive Session as Authorized by 25 O.S. §307(B)(3).

3. **Discussion, Consideration and Possible Action** regarding Potential Litigation against the Manufacturers and Distributors of Opioid Prescription Drugs and other Potential Related Defendants, including consideration of Resolution No. 19-031 Authorizing Litigation and a Fee Agreement with Outside Counsel to Represent the City of Mustang; and, proposed Executive Session as authorized by 25 O.S. §307(B)(4).

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

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

TIME ADJOURNED to Executive Session**: 7:54 p.m.**

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

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

TIME RETURNED from Executive Session: **8:20 p.m.**

In reference to Item J-1 –

MOTION was made by **Councilman Leete,** seconded by **Councilman Noblitt** to Approve the Acceptance of Permanent and Temporary Easements from Jason Berndt, Wes and Diana Allen, Borneman-Mustang LLC, and Karen and John Keckler and authorization for the Mayor and Staff to execute necessary documents to complete acceptance of the easements.

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

In reference to Item J-2 –

MOTION was made by **Mayor Schweinberg,** seconded by **Councilman Grider** to Approve Waiver Agreement.

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

In reference to Item J-3 –

MOTION was made by **Councilman Grider,** seconded by **Councilman Jones** to Approve Resolution No. 19-031 Authorizing Litigation and a Fee Agreement with Outside Counsel to Represent the City of Mustang regarding Potential Litigation against the Manufacturers and Distributors of Opioid Prescription Drugs and other Potential Related Defendants.

AYE: Ray, Leete, Grider, Jones, Schweinberg
NAY: McKenzie, Noblitt

K. ADJOURNMENT

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

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

The meeting was adjourned at **8:22 p.m.**

Jess Schweinberg, Mayor

Attest:

Lisa Martin, City Clerk

MUSTANG IMPROVEMENT AUTHORITY
MARCH 5, 2019

The Mustang Improvement Authority met in regular session on Tuesday, March 5, 2019, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted as required on Friday, March 1, 2019, at 9:50 a.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 **8:22 p.m.**

B. ROLL CALL

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

Trustees Absent: **None**

C. NEW BUSINESS

City Manager Rooney requested Item D-4 be removed from the Consent Agenda:

D-4 - Approval of February 5, 2019 Employment Agreement with City Attorney; and, if pulled from Consent Agenda for discussion, Executive Session as Authorized by 25 O.S. §307(B)(1,2), be removed from the Consent Agenda.

MOTION was made by **Trustee Noblitt,** seconded by **Trustee McKenzie,** to remove Item D-4 from the Consent Agenda and Table to a later date.

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

D. CONSENT AGENDA

1. Approval of **02/05/2019** City Council Minutes
*2. Claims List for **FY 2019**
*3. Approval to Turn **Past Due Utility Accounts** over to the Collection Agency.

MOTION was made by **Trustee Grider,** seconded by **Trustee Leete,** to approve Items D-1 through D-3 of the Consent Agenda.

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

E. INFORMATION/REPORTS

1. Trustee Manager
None.

2. Trustees
None.

F. DISCUSSION ITEMS

*6. **Discussion, Consideration and Possible Action** regarding:

a. Acceptance of Bids for Project Labeled Wild Horse Park Splash Pad.

b. Awarding Lowest Qualified Bid for Project Labeled Wild Horse Splash Pad.

MOTION was made by **Trustee Grider**, seconded by **Trustee Noblitt,** to Accept Bid for Project Labeled Wild Horse Park Splash Pad.

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

MOTION was made by **Trustee Noblitt**, seconded by **Trustee McKenzie,** to Award Bid for Project Labeled Wild Horse Park Splash Pad to RJR Enterprises, Inc. in the amount of $296,189.00

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

G. ADJOURNMENT

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

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

Meeting was adjourned at **8:24 p.m.**

Jess Schweinberg, Chairman

Attest:

Lisa Martin, Secretary