

**MUSTANG CITY COUNCIL
NOVEMBER 4, 2014**

The Mustang City Council met in regular session on Tuesday, November 4, 2014, at 7:00 p.m. in the Mustang Municipal Building Council Chambers. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, October 31, 2014, at 3:40 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 (Dave Owens, Pastor, Christ Lutheran Church)

Dave Owens, Pastor, led the assembly in the Pledge and Invocation. He stated things were going as well as God allows them to go with all churches having their struggles, saying they were blessed. He stated the Church held their 10th annual community picnic and had a great turnout. He also stated he attended a meeting where one of the spokespersons had converted from Islam and stated he was going to do some teaching at the church.

C. ROLL CALL

Councilmembers Present:	Staples
	Jones
	Schweinberg
	Adams

Councilmembers Absent:	Taylor
	Bowers
	Hagan

D. INTRODUCTION OF GUESTS/HEARING OF CITIZENS OR DELEGATES

Mr. John Burris, 208 N. Carol Terrace, addressed the Council regarding the building code discussion items, asking them to also consider how medical waste and biohazards would be disposed in order to ensure the safety of the citizens, especially now with the new hospital.

E. NEW BUSINESS, DELETIONS OR CONTINUANCES TO THE AGENDA

None.

F. CONSENT AGENDA

1. Approval of **10/21/14** City Council Minutes.
- *2. Claims List for **FY'15**
- *3. Approval to Turn **Past Due Utility Accounts** over to Collection Agency.
4. Approval of **Resolution No. 15-024** Calling for Municipal Election for Mayor and Councilmembers for Wards One and Three.
5. Approval to **Deny Tort Claim** by Russell Moen, date of incident August 2, 2014, in the Amount of \$1,288.69.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to approve Items F-1 thru F-5 of the Consent Agenda.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

G. INFORMATION/REPORTS

1. City Manager

City Manager Rooney stated lighting on Thunderbird Lane should occur by the third week of November.

Councilman Jones asked if there would be a dedication of the street.

Rooney stated one had not been planned, but would get with the Armory and see if they would want one.

Mayor Adams asked about the status of the OG&E ticket regarding the lights on West Highway 152.

Assistant City Manager Battles stated the ticket was still pending.

Adams asked when the recognition of the Mustang High School Girls Softball team (State Champs) would be held.

Rooney stated it was planned for December 2, 2014 and he was in the process of obtaining names of players, coaches, trainers, managers, etc.

2. City Council

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

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

Councilman Jones stated he had received a call regarding an issue in one the subdivisions in his Ward and was in the process of helping to resolve it.

Councilwoman Staples stated she had received a call regarding the traffic when trying to exit or enter the Dollar General store with it being so close to a busy intersection.

Adams stated a change has been made where the entrance and exit drives can no longer be within so many feet of an intersection; however, this was done after Dollar General was constructed.

Mayor Adams did not have anything to report at this time.

H. DISCUSSION ITEMS

1. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1111**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 18, Article II, By Repealing In Their Entirety Sections 18-31 Through 18-33 And: (1) Enacting Section 18-31.A **Adopting The 2009 International Building Code**, As It May From Time To Time Be Amended; (2) Enacting Section 18-31.B Adopting City And State Amendments To The 2009 International Building Code; (3) Enacting Section 18-32.A Adopting The 2009 International Existing Building Code, As It May From Time To Time Be Amended; (4) Enacting Section 18-32.B Adopting City And State Amendments To The 2009 International Existing Building Code; (5) Enacting Section 18-33.A Adopting The 2009 International Residential Code For One And Two Family Dwellings, As It May From Time To Time Be Amended; And (6) Enacting Section 18-33.B Adopting City And State Amendments To The 2009 International Residential Code For One And Two Family Dwellings; All For The Purpose Of Regulating And Governing The Conditions And Maintenance Of All Property, Buildings And Structures By Providing The Standards For Supplied Utilities And Facilities And Other Physical Things And Conditions Essential To Ensure That Structures Are Safe, Sanitary And Fit For Occupancy And Use, And The Condemnation Of Buildings And Structures Unfit For Human Occupancy And Use, And The

1. (Cont'd.)

Demolition Of Such Structures In The City Of Mustang, Providing For The Issuance Of Permits And Collection Of Fees Therefore, As Herein Provided And Including Amendments As May From Time To Time Be Made To Such Codes By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. § 1000.23; Providing For Repealer And Severability; And Declaring An Emergency.

Acting Community Development Director Helsel stated the next seven items all relate to needed building codes advising adoption of all the codes simultaneously was important because they all work together and there are often cross-references between them. She also stated local utility companies require building inspections to a certain standard for release of service and closing on properties.

Helsel stated the City's current building codes are out of date, inconsistent, and may not reflect the latest safety measures for residential and commercial structures advising the *1995 CABO One and Two Family Residential Code* was not even in publication any longer.

Helsel stated she had received a call this week from one of the construction companies stating they needed written notification of the codes adopted by the City of Mustang due to an insurance company denying a homeowner's claim based on the City's building codes including the *1995 CABO One and Two Family Residential Code* which is no longer used. She stated this really bothered her to think a homeowner would have their claim denied because the City's building codes were not up to date.

Helsel stated in May, 2009, the State of Oklahoma formed a board called the Oklahoma Uniform Building Code Commission (OUBCC) to help solve the problem of different cities across the State having different codes which created problems for the contractors. She stated in 2011, the Commission completed its review of the 2009 International Residential Code (IRC) and created a list of recommended amendments; and in 2012, it did the same for the International Building Code (IBC) and other "trade" codes. She stated the State of Oklahoma has mandated that all cities adopt these as the minimum allowable construction standards. She also stated the City of Mustang submits \$4.00 per permit to the OUBCC.

Councilman Schweinberg stated it was his understanding the OUBCC codes were the minimum standards required and the building inspectors currently use these standards when making inspections. He stated the Council needed to adopt the recommended codes to back up the City's inspections and if they are not adopted, it could mean a lawsuit for the City.

Helsel stated yes, they were the minimum standards and being used now. She stated the City has been lucky to not have been challenged in court already. She also stated building codes adopted by the City affects the insurance rates of properties in Mustang.

Councilwoman Staples asked if this would address the issues Mr. Burris addressed earlier.

Helsel stated biohazard materials are not addressed in the building codes and stated there were State regulations that must be met when dealing with biohazard materials and medical waste.

City Manager Rooney advised with only four Councilmembers in attendance, the Council will not be able to vote on the Emergency Clause.

Helsel stated that would give Staff more time to inform the Contractors of the newly adopted codes stating most of the notifications and communication would be done electronically; therefore, would not be a large printing expense.

Discussion was held regarding the last time the building codes were addressed with **Helsel** stating she felt most of the objections had been addressed this time.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones**, to Approve **Ordinance 1111**.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

2. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1112**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 18, Article III, Division 1, Section 18-61 Of The Code Of Ordinances Of The City Of Mustang, By **Adopting The 2011 Edition Of The National Electrical Code**, As Published By The National Fire Prevention Association, And As It From Time To Time May Be Amended, Providing Standards For And Governing Electrical Systems, Wiring Design, Protection, And Installation Methods, Regulating Electrical Materials, Equipment, Special Equipment And Other Physical Things And Conditions Essential To Ensure That Such Systems Are Safe And Fit For Use As Herein Provided, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; Repealing All Ordinances And Parts Of The Ordinances In Conflict Therewith; Providing For Severability; And Declaring An Emergency.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones** to Approve **Ordinance 1112**.

AYE: Staples, Jones, Schweinberg, Adams

NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

3. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1113**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 18, Section IV, Division 1 Of The Code Of Ordinances Of The City Of Mustang, By (1) Repealing Existing Section 18-171 And Enacting New Section 18-171 **Adopting The International Mechanical Code, 2009 Edition**, And As It From Time To Time May Be Amended, Regulating And Governing The Design, Construction, Quality Of Materials, Erection, Installation, Alteration, Repair, Location, Relocation, Replacement, Addition To, Use Or Maintenance Of Mechanical Systems As Herein Provided, And As Currently And As It From Time To Time May Be Amended By

3. (Cont'd.)
The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; And (2) Repealing Existing Section 18-172 And Enacting New Section 18-172 To Identify Amendments To The International Mechanical Code, 2009 Edition, As Adopted By The City Of Mustang, Oklahoma; Providing For Repealer And Severability; And Declaring An Emergency.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones** to Approve **Ordinance No. 1113**.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

4. **Discussion, Consideration And Possible Action** Regarding Approval Of **Ordinance No. 1114**, An Ordinance Of The City Of Mustang, Oklahoma Amending Chapter 18, Article V, Division 1 Of The Code Of Ordinances Of The City Of Mustang, By (1) Amending Section 18-221 To **Adopt The 2009 Edition Of The International Plumbing Code**, And As From Time To Time Amended, Regulating And Governing The Standards For All Plumbing Fixtures, Piping, Appurtenances And Facilities And Other Physical Things And Conditions Essential To Ensure That Such Systems Are Safe, Sanitary And Fit For Use As Herein Provided, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; And (2) Adding New Section 18-222 To Identify Amendments To The 2009 Edition Of The International Plumbing Code As Adopted By The City Of Mustang, Oklahoma; Providing For Repealer And Severability; And Declaring An Emergency.

MOTION was made by **Councilman Schweinberg**, seconded by **Councilman Jones** to Approve **Ordinance No. 1114**.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

5. **Discussion, Consideration And Possible Action** Regarding Approval Of **Ordinance No. 1115**, An Ordinance Of The City Of Mustang, Oklahoma Amending Chapter 18 Of The Code Of Ordinances Of The City Of Mustang, By (1) Creating Article VII, Fuel Gas Code, And Adding New Section 18-317 **Adopting The 2009 Edition Of The International Fuel Gas Code**, As It May Be From Time To Time Be Amended, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, Regulating And Governing Fuel Gas Systems And Gas-Fired Appliances, And Providing For The Issuance Of Permits And Collection Of Fees Therefore; And (2) Creating New Section 18-318 To Identify Amendments To The International Fuel Gas Code, 2009 Edition, As Adopted By The City Of Mustang, Oklahoma; Providing For Repealer And Severability; And Declaring An Emergency.

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Schweinberg** to Approve **Ordinance 1115**.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

6. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1116**, An Ordinance Of The City Of Mustang, Oklahoma, Amending Chapter 46, Article III Of The Code Of Ordinances Of The City Of Mustang, By (1) Amending Section 46-61 To **Adopt The 2009 Edition Of The International Fire Code**, Including Appendix Chapters B And C, As It May From Time To Time Be Amended, And As Currently And From Time To Time May Be Amended By The Oklahoma Uniform Building Code Commission Pursuant To 59 O.S. §1000.23, Regulating And Governing The Safeguarding Of Life And Property From Fire And Explosion Hazards Arising From The Storage, Handling And Use Of Hazardous Substances, Materials And Devices, And From Conditions Hazardous To Life Or Property In The Occupancy Of Buildings And Premises In

6. (Cont'd.)
The City Of Mustang, Oklahoma, Providing For The Issuance Of Permits And Collection Of Fees Therefore; (2) Amending Section 18-62 To Identify Amendments To The 2009 Edition Of The International Fire Code As Adopted By The City Of Mustang, Oklahoma; (3) Amending Section 46-63 Adopting Certain Geographic Limits For The 2009 International Fire Code; (4) Repealing Chapter 46, Article III Section 46-64 In Its Entirety; And (5) Renumbering Section 46-65 To Section 46-64; Providing For Repealer And Severability; And Declaring An Emergency.

MOTION was made by **Councilman Jones**, seconded by **Councilman Schweinberg** to Approve **Ordinance 1116**.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

7. **Discussion, Consideration and Possible Action** Regarding Approval of **Resolution No. 15-025**, a Resolution of the City Council of the City of Mustang, Oklahoma, hereby Officially Certifying the Adoption of the 2009 International Code Council Codes as recommended by the Oklahoma Uniform Building Code Commission.

MOTION was made by **Mayor Adams**, seconded by **Councilman Jones** to Approve **Resolution 15-025**.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

8. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1117**, an Ordinance of the City of Mustang, Oklahoma, Amending the Code of Ordinances, City of Mustang, Oklahoma, by adding New Chapter 52, **Food Services**; Adding New Section 52-101 Defining Terms; Adding New Section 52-102 Providing for License, Fee and Penalty; Adding New Section 52- 103 Providing Application Procedure; Adding New Section 52-104 Providing Conditions of License Issuance; Adding New Section 52-105 Providing License Term; Adding New Section 52-106 Imposing Restrictions on Food Sales from Vehicles; Adding New Section 52-107 Providing for Vehicular Sanitation; Adding New Section 52-108 Providing for Special Event Food Licenses; Adding New Section 52-109 Providing for Revocation or Suspension of License; Adding New Section 52-110 Providing for Violations and Penalties; Adding New Section 52-111 Providing Exemptions; Adding New Section 42-52 Providing for Mobile Food Service License Fees; Providing for Repealer and Severability; and Declaring an Emergency.

Acting Community Development Director Helsel stated as discussed in the October Work Session, Staff developed an Ordinance providing for licensure for mobile food vendors which requires the applicant to complete an application, and show proof of insurance, health license, tax commission registration and property owner permission. She stated the fee will be \$150 per truck per year and \$25 for special events, stating a fee of \$200 will cover operation within the city limits and unlimited special events.

Helsel stated the trucks cannot stop on state highways, arterial streets or within public parks stating the truck must be kept in clean and attractive condition and can only park on commercially-zoned lots. She stated the Ordinance provides for a Board of Appeals for license revocation which would consist of a representative from the County Health Department, Mayor, and designee of the Mayor.

City Attorney Miller advised of one change being needed in Section 4, 52-103(e)(1)(B) changing "Fixed Temporary Food Service License" to "Mobile Food Service License".

MOTION was made by **Mayor Adams**, seconded by **Councilwoman Staples** to Approve **Ordinance 1117** with the amendment requested by the City Attorney.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

9. **Discussion, Consideration and Possible Action** Regarding Approval of **Ordinance No. 1118** an Ordinance of the City of Mustang, Oklahoma, Amending Chapter 42 of the Code of Ordinances, City of Mustang, Oklahoma, by Amending Section 42-18(a)(4) to Increase Reinspection Fees; Providing for Repealer and Severability; and Declaring an Emergency.

Acting Community Development Director Helsel stated this item was discussed in the October Work Session stating the current reinspection fee in the City's code is \$10 which was set in 1977; however, somewhere along the way, the fee was increased to \$15. She stated the fee does not appear to be enough incentive for contractors to do the work correctly the first time.

Helsel stated Staff is suggesting two options for Council's consideration:

- 1) \$30 for first time offense; \$40 for second offense; and \$50 for third offense
- 2) \$30 for first time offence; \$45 for second offense; and \$60 for third offense

Helsel stated Staff is recommending the second option stating this should give the contractors more incentive to get the job done right the first time and would help save inspectors' time.

Councilman Schweinberg asked how many inspections were performed last year.

Helsel stated 210 inspections were completed, but did not have an exact number of how many of those were for reinspections, but did state the City has their share of repeat offenders.

MOTION was made by **Mayor Adams**, seconded by **Councilman Schweinberg** to Approve **Ordinance 1118** utilizing the second option of \$30 for first time offence; \$45 for second offense; and \$60 for third offense.

AYE: Staples, Jones, Schweinberg, Adams

NAY: None

A vote was not taken on the Emergency Clause due to having an insufficient number of Council Members present for approval.

10. **Discussion, Consideration and Possible Action** Regarding Employee Compensation for Non-Bargaining Unit Employees in the Amount of \$650.

City Manager Rooney stated this item was discussed in the October Work Session advising a one-time payment of \$650 had been approved for the Fraternal Order of Police and the International Association of Fire Fighters in their contract and felt, to be equitable, it should be provided to the non-bargaining full time employees as well. He stated if approved, the payment would be made in the first pay period of January, 2015, with the total cost to the City being \$30,755.60 which includes the \$650 one-time payment and the City's portion of FICA and retirement contributions based on that payment. **Rooney** stated Sales Tax and Use Tax are exceeding budget estimates, thus Reserves would not be needed to fund this item.

MOTION was made by **Councilwoman Staples**, seconded by **Councilman Schweinberg** to Approve Employee Compensation for Non-Bargaining Unit Employees in the Amount of \$650.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

J. CITY ATTORNEY'S REPORT

1. **Discussion** of a Lawsuit styled *Richard D. Sutton and Allison Sutton vs. the City of Mustang, Oklahoma, Severn Trent Environmental Services, Inc. and Bamaco, Inc.*, Case No. CJ-2014-546, District Court, Canadian County, Oklahoma; and **Proposed Executive Session as Authorized by 25 O.S., Section 307(B)(4).**
2. **Discussion** of a Lawsuit styled *Quail Lake Estates Homeowners Association, an Oklahoma Not for Profit Corporation vs. City of Mustang, Oklahoma; Huntington Acres Homeowners Association; Huntington Acres, LLC; Design Engineering, Inc.; and City of Oklahoma City, Oklahoma*, Case No. CJ-2011-348, District Court, Canadian County, Oklahoma; and **Proposed Executive Session as Authorized by 25 O.S., Section 307(B)(4).**

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

AYE: Staples, Jones, Schweinberg, Adams

NAY: None

TIME ADJOURNED to Executive Session: **7:40 p.m.**

Mayor Adams called the meeting back in session at **7:56 p.m.**

In reference to Item J-1 –

No motion taken, information purposes only.

In reference to Item J-2 –

No motion taken, information purposes only.

K. ADJOURNMENT

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

AYE: Staples, Jones, Schweinberg, Adams

NAY: None

The meeting was adjourned at **7:56 p.m.**


Matthew Taylor, Vice Mayor

Attest:


Lisa Martin, City Clerk

**MUSTANG IMPROVEMENT AUTHORITY
NOVEMBER 4, 2014**

The Mustang Improvement Authority met in regular session on Tuesday, November 4, 2014, at 7:00 p.m. in the Mustang Municipal Building Council. Notice of the meeting was posted on the Bulletin Board outside the Mustang Municipal Building on Friday, October 31, 2014, at 3:40 p.m. in compliance with the Open Meeting Law, 25 O.S., Section 301, et. seq.

A. CALL TO ORDER

Chairman Adams called the meeting to order at **7:57 p.m.**

B. ROLL CALL

Trustees Present: Staples
Jones
Schweinberg
Adams

Trustees Absent: Taylor
Bowers
Hagan

C. NEW BUSINESS

None.

D. CONSENT AGENDA

1. Approval of **10/21/14** MIA Minutes
- *2. Claims List for **FY '15**
- *3. Approval to Turn **Past Due Utility Accounts** over to Collection Agency.

MOTION was made by **Chairman Adams**, seconded by **Trustee Jones**, to approve Items D-1 thru D-3 of the Consent Agenda.

AYE: Staples, Jones, Schweinberg, Adams
NAY: None

E. INFORMATION/REPORTS

1. Trustee Manager

None.

2. Trustees

None.

F. DISCUSSION ITEMS

None.

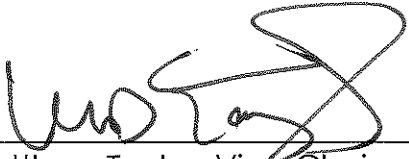
G. ADJOURNMENT

MOTION was made by **Chairman Adams** and seconded by **Trustee Staples** to adjourn.

AYE: Staples, Jones, Schweinberg, Adams

NAY: None

Meeting was adjourned at **7:58 p.m.**


Matthew Taylor, Vice Chairman

Attest:


Lisa Martin, Secretary