

IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE \*\*AMENDED AGENDA  
WAS POSTED MARCH 4, 2016 AT 4:55 P.M. AT THE MUNICIPAL BUILDING,  
723 SOUTH LEWIS, STILLWATER, OKLAHOMA

MINUTES  
STILLWATER CITY COUNCIL  
REGULAR MEETING  
COUNCIL HEARING ROOM  
723 S. LEWIS  
MARCH 7, 2016

PRESENT: MAYOR GINA J. NOBLE, VICE MAYOR PAT DARLINGTON,  
COUNCILORS JOE WEAVER, MIGUEL NAJERA AND ALANE ZANNOTTI  
ABSENT: NONE

1. CALL MEETING TO ORDER

Mayor Noble called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

The Stillwater City Council led the audience in the Pledge of Allegiance.

3. PROCLAMATIONS & PRESENTATIONS

- a. Stillwater Public Library presents Two Books, One Community: Great Gatsby and Fire in Beulah

Mayor Noble recognized the collaboration of the City of Stillwater, Sheerar Museum of Stillwater History, Mt. Zion Church, Town and Gown, Oklahoma State University Library and many other community and university partners to present the series, *"Two Books, One Community: Great Gatsby and Fire in Beulah"*. Mayor Noble encouraged all community members to participate in the event by reading and discussing the novels and attending programs during March and April. Stillwater Public Library Director Lynda Reynolds thanked everyone for their support of the programs and invited the community to attend the upcoming events.

- b. DeMolay Month March 2016

Mayor Noble recognized the 97<sup>th</sup> anniversary of the Order of DeMolay and proclaimed March 2016 as DeMolay Month in the City of Stillwater. Representatives from the Stillwater Order of DeMolay were introduced.

4. CONSENT DOCKET

- a. Approval of minutes:
- |                   |                   |
|-------------------|-------------------|
| Regular Meeting   | February 1, 2016  |
| Special Meeting   | February 5, 2016  |
| Executive Session | February 5, 2016  |
| Special Meeting   | February 8, 2016  |
| Executive Session | February 8, 2016  |
| Special Meeting   | February 9, 2016  |
| Executive Session | February 9, 2016  |
| Special Meeting   | February 10, 2016 |
| Executive Session | February 10, 2016 |

Special Meeting February 11, 2016  
Executive Session February 11, 2016  
Executive Session February 11, 2016

- b. Accept electric easement, 1600 N. Jackson Place (CC-16-24)
- c. Budget amendment to address increased cost of West 9<sup>th</sup> Avenue culvert repair (CC-16-27)
- d. Contract for construction and installation of an incinerator at Animal Welfare
- e. **\*Employment contract – City Manager Norman McNickle**

MOTION BY COUNCILOR NAJERA, SECOND BY VICE MAYOR DARLINGTON TO APPROVE THE CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

#### **5. PUBLIC COMMENT ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING**

There were no public comments on agenda items not scheduled for public hearing.

#### **6. ITEMS REMOVED FROM THE CONSENT DOCKET**

None.

#### **7. PUBLIC HEARINGS**

- a. Receive public comment regarding the contract acceptance and close out of 2013 Community Development Block Grant project, request Council acceptance of the #15655 CDBG 13 project, and authorize the Mayor to sign the closeout documents (CC-16-26)

Development Services Director Paula Dennison reported that the CDBG 13 project included the repair and replacement of stormwater projects located at 19<sup>th</sup> Avenue and Sangre Road and culvert replacement at Stonegate. There were 122 properties served by these projects and 247 direct beneficiaries. Total project costs for 19<sup>th</sup> and Sangre were \$53,181 and \$157,617 for Stonegate. Total funds expended were \$210,798.

Mayor Noble opened and closed the public hearing as no one was present for or against.

Staff recommended that City Council accept the closeout of #15655 CDBG and authorize the Mayor to sign the closeout documents.

MOTION BY COUNCILOR WEAVER, SECOND BY COUNCILOR ZANNOTTI TO APPROVE THE CLOSEOUT OF #15655 CDBG AND AUTHORIZE THE MAYOR TO SIGN THE CLOSEOUT DOCUMENTS.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. Receive public comment regarding a request for a Specific Use Permit for property addressed as 3014 S. Main Street to allow a Health and Social Assistance use in the RTM (Two-Family and Multi-Family Residential) zoning district (CC-16-25)

Development Services Director Paula Dennison reported that the applicant has requested review and approval of a Specific Use Permit (SUP) for property addressed as 3014 S. Main Street to allow a Health and Social Assistance use in the RTM (Two-Family and Multi-Family Residential) zoning district. The applicant plans to open a branch of Teen Challenge, a residential faith-based counseling

and rehabilitation service in the structure. There are two structures on the property. The applicant plans to install a privacy fence on the south side of the property between the facility and the adjacent apartment complex. There will be no violent offenders allowed, residents will not have cars at the facility and any off-site activities will be supervised. Staff has not received any notice of opposition to the SUP.

Mayor Noble opened the public hearing.

Richard Buchanan, 417 South Orchard, Stillwater, OK, on behalf of the First United Methodist Church Board of Trustees, spoke in favor of the request for a SUP.

Wayne Gray, 1524 W. Wellington Way, Mustang, OK, on behalf of Teen Challenge of Oklahoma, explained how the faith-based recovery program is operated.

Discussion occurred regarding the number of program participants expected, length of participation in the recovery program, staff numbers, parking, Teen Challenge's contribution to the community, Teen Challenge's definition of "violent offender", property fencing, lighting, landscaping, and safety issues.

Mayor Noble closed the public hearing.

The Planning Commission voted 6-0 to recommend approval of the request as presented.

MOTION BY COUNCILOR WEAVER, SECOND BY COUNCILOR NAJERA TO APPROVE THE SPECIFIC USE PERMIT WITH ADEQUATE LIGHTING; FENCING ALONG THE SOUTH AND WEST SIDES OF THE PROPERTY; AND VEGETATIVE BUFFERING ALONG THE SOUTH AND WEST SIDES OF THE PROPERTY.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- c. **Proposed Increment District No. 2, City of Stillwater and Stillwater West 51 Development District Project Plan Public Hearing #1:** Public hearing and presentation of the proposed Increment District No. 2, City of Stillwater and Stillwater West 51 Development District Project Plan for the purpose of providing the citizens and other interested parties an opportunity for questions and answers regarding the proposed Increment District and Project Plan.

City Attorney John Dorman reviewed the statutory basis for the Tax Increment Financing (TIF) district, the purpose of a TIF and the different forms of TIFs. Mr. Dorman explained that it is City Council's decision to decide which TIF program is best for the community. The TIF is established by the development and approval of a project plan. Mr. Dorman detailed the TIF process. Councilor Weaver commended the current Review Committee for the work they have performed over the past two months. Mr. Dorman stated that the public hearing being held is the first of two with the second public hearing scheduled for Monday, March 21.

Review Committee member Russell Bass displayed a zoning map of the proposed West TIF and explained that there is nothing in the proposed project plan that changes zoning. Mr. Bass stated that the Review Committee evaluated other areas west of Range Road and determined that they would require significant updates to the infrastructure. If the proposed TIF district is approved, there would be no up-front financial obligation to the City. Mr. Bass stated that all future individual project proposals would be reviewed and approved by City Council. Upon approval of a project, the business would be built; sales would be made by the business with sales tax collected and remitted to the City; and the City would be permitted to reimburse the business up to one (1) percent of the sales tax for the agreed to timeframe. Mr. Bass further explained that after full reimbursement, the City would then retain all the sales tax due the City.

Review Committee member John Bartley presented the potential impacts of the proposed TIF district. Mr. Bartley displayed an example of how a new development might affect the City's sales tax receipts, reiterated that the recommendation does not include changes to ad valorem taxes, and shared how development of the properties would increase ad valorem tax collections. Mr. Bartley detailed the benefits of the proposed TIF district. City Council would have the authority to approve or deny support of a project and decide how much to reimburse a business up to one (1) percent of the sales tax collected.

Mr. Bass stated that redevelopment of property was also a consideration in the discussion held by the Review Committee. Discussion occurred regarding how the process would operate if the proposed TIF district is approved.

Mayor Noble opened the public hearing.

John Killam, 1024 Woodcrest Drive, Stillwater, OK, spoke against the proposed Tax Increment Financing District No. 2 and how it would affect existing businesses. Mr. Killam questioned how much would be new sales tax and how much would come from existing businesses.

Councilor Weaver expressed that the desire is to bring in businesses that are complementary or offer something new to the community. City Attorney John Dorman stated that whether it is new or old sales tax will depend on the type of development that occurs and that there are various ways to determine this information. Councilor Weaver expressed that the purpose of the TIF district is to grow the community and increase sales tax collections. In response to Councilor Najera's question regarding restaurant leakage, Economic Development Director Angela McLaughlin explained that leakage reports are obtained annually from Retail Strategies and described how those reports are used in attracting businesses to Stillwater.

Robert Roth, 4720 West Eighth Avenue, Stillwater, OK, stated he has no opposition to development in the area; he desired more restaurants in the area and requested clarification on where the TIF district would be in respect to his property. Review Committee member Roger Gose verified that Mr. Roth's property is not in the proposed TIF district boundary.

Mayor Noble closed the public hearing.

No action was taken on Item c.

- d. Text Amendment to Form Based Codes (**Please see Memo to Dismiss FBC Text Amendment**)

No action was taken on Item d.

## 8. GENERAL ORDERS

- a. Natural disaster preparedness presentation

Emergency Management Director Rob Hill reviewed emergency preparedness responses in various situations and presented public safety videos highlighting electric and water shut-off procedures in the event of an emergency. Mr. Hill shared that these videos may be viewed on the public access channel and the City's website.

- b. Presentation of 2016-17 Fiscal Operating Budget

Chief Financial Officer Melissa Reames presented an overview of the proposed 2016-2017 fiscal year operating budget and proposed budget changes since January 25, 2016. Ms. Reames presented a

revenue analysis of the City's sales tax, use tax and lodging tax. Capital improvements for the Stillwater Regional Airport and streets were highlighted. Ms. Reames stated that police and fire compensation amounts; health insurance costs; General Fund beginning cash; amendments from City Council; and public input still remain to update the proposed budget. The budget approval timeline was displayed.

c. Water 2040 Package A: Resolution of Reimbursement (CC-16-23)

Water Utilities Director Bill Millis reported that in order to be reimbursed with the Water 2040 Package A loan for certain project expenses that are incurred prior to the loan closing, a Resolution of Reimbursement must be passed by City Council. Staff recommends that City Council approve the Resolution of Reimbursement for Water 2040 Package A.

d. Summary of modifications to complete streets draft policy in Multi-Modal Transportation Policy Resolution (CC-16-29)

Operations Director John McClenny reported that the proposed Multi-Modal Transportation Policy Resolution is on the Agenda this evening for approval. Mr. McClenny stated that the modifications made to the proposed policy did not change the intent, but consolidated and clarified information. Staff recommends approval of the resolution.

e. **\*\*Approval of engineering contract for construction of main runway stubs at Stillwater Regional Airport**

Stillwater Regional Airport Director Gary Johnson reported that during the current budget, airport staff has been proceeding with a design-only grant for the parallel taxiway project completion. Since the announcement of air service beginning on August 23, 2016, staff has re-evaluated the project and determined that part of the construction for the connecting taxiways (stubs) would occur in the runway safety area. To work in the runway safety area, the primary runway would need to be closed or the construction work performed at night. The Oklahoma Aeronautics Commission (OAC) and Federal Aviation Administration (FAA) have worked with staff and created a process to get the work completed in a timely manner. The estimated cost of the project is \$631,579. Staff will need City Council's approval on the proposal tonight and then it would go before the OAC on March 10.

Airport staff recommends approval of Alternative #1 which would approve the engineering contract and authorize the engineering firm to move forward quickly with the design, bid, and construction of the project.

MOTION BY COUNCILOR WEAVER, SECOND BY COUNCILOR ZANNOTTI TO APPROVE THE ENGINEERING CONTRACT AND AUTHORIZE THE ENGINEERING FIRM TO MOVE FORWARD WITH THE DESIGN, BID AND CONSTRUCTION OF THE PROJECT.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

## 9. RESOLUTIONS

a. **RESOLUTION 2016-7: A RESOLUTION NOTIFYING THE PUBLIC OF THE COMPILING AND PUBLISHING OF THE CODE SUPPLEMENT NO. 4 TO THE CODE OF THE CITY OF STILLWATER, OKLAHOMA**

MOTION BY COUNCILOR ZANNOTTI, SECOND BY VICE MAYOR DARLINGTON TO APPROVE RESOLUTION 2016-7 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. **RESOLUTION 2016-9: A RESOLUTION TO SUPPORT A TRANSPORTATION ALTERNATIVES PROGRAM (TAP) APPLICATION BY OKLAHOMA STATE UNIVERSITY FOR IMPROVEMENT OF BOOMER CREEK GATEWAY AREA LOCATED AT 423 W. MCELROY ROAD, STILLWATER, OKLAHOMA (CC-16-28)**

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR ZANNOTTI TO APPROVE RESOLUTION 2016-9 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- c. **RESOLUTION 2016-10: A RESOLUTION STATING THE STILLWATER UTILITIES AUTHORITY'S INTENT TO REIMBURSE CAPITAL EXPENDITURES**

MOTION BY COUNCILOR WEAVER, SECOND BY COUNCILOR NAJERA TO APPROVE RESOLUTION 2016-10 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- d. **RESOLUTION 2016-11: A RESOLUTION ADOPTING A MULTI-MODAL TRANSPORTATION POLICY**

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR ZANNOTTI TO APPROVE RESOLUTION 2016-11 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

## 10. ORDINANCES

### First Reading

- a. **ORDINANCE NO. 3336: AN ORDINANCE CLOSING A PORTION OF THE RIGHT-OF-WAY OF RAMSEY STREET ADJACENT TO PROPERTY ADDRESSED AS 616 SOUTH RAMSEY STREET**

MOTION BY COUNCILOR NAJERA, SECOND BY COUNCILOR ZANNOTTI TO ADVANCE ORDINANCE NO. 3336 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

### Second Reading

- a. **ORDINANCE NO. 3334: AN ORDINANCE PROPOSING AMENDMENT OF ARTICLE VI OF THE STILLWATER CITY CHARTER, BY AMENDING SECTION 6.1 ANNUAL ELECTIONS, THREE YEAR TERMS, ELECTION AT LARGE, NONPARTISAN ELECTIONS; AND PROVIDING FOR SUBMISSION THEREOF TO THE QUALIFIED VOTERS OF SAID CITY AT THE NEXT CITY GENERAL ELECTION**

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR ZANNOTTI TO ADOPT ORDINANCE NO. 3334 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. **ORDINANCE NO. 3335: AN ORDINANCE PROPOSING AMENDMENT OF ARTICLE VI OF THE STILLWATER CITY CHARTER, BY AMENDING SECTION 6-1, ANNUAL ELECTIONS, THREE YEAR TERM, ELECTION AT LARGE, NONPARTISAN ELECTIONS; REPEALING SECTION 6-3, PRIMARY ELECTION: TIME, VOTING, WHO NOMINATED OR ELECTED, ETC; AMENDING SECTION 6-4, GENERAL ELECTION: TIME, VOTING, WHO ELECTED; AND SECTION 6-6 WHEN PRIMARIES AND GENERAL ELECTIONS ARE NOT HELD; PROVIDING FOR SUBMISSION THEREOF TO THE QUALIFIED VOTERS OF SAID CITY AT THE NEXT CITY GENERAL ELECTION**

MOTION BY COUNCILOR ZANNOTTI, SECOND BY VICE MAYOR DARLINGTON TO ADOPT ORDINANCE NO. 3335 AS PRESENTED.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

## **11. REPORTS FROM OFFICERS & BOARDS**

- a. Miscellaneous items from the City Attorney
  - i) Request for an Executive Session pursuant to 25 O.S. 307 (B)(4) for the purpose of confidential communication with the City Attorney regarding the pending workers' compensation claim of Morris German. It is the opinion of the City Attorney that public disclosure of this matter will seriously impair the ability of the City Council to process this claim and/or conduct an investigation and/or to prosecute/defend any resulting litigation or proceeding in the public interest.
  - ii) Request for an Executive Session pursuant to 25 O.S. §307 (B)(3) for the purpose of confidential communication regarding the purchase or appraisal of real property
- b. Miscellaneous items from the City Manager: Mr. McNickle announced that construction would begin the week of March 14 in an area bounded by Fourth Avenue, Sixth Avenue, Walnut Street and Jefferson Street.
- c. Miscellaneous items from the City Council: Councilor Zannotti reminded residents of City Codes regarding temporary signs. Vice Mayor Darlington announced that Parks and Recreation would be sponsoring 5 Parks in 5 Days Spring Break Challenge. Councilor Najera announced that City Council has initiated a public awareness campaign regarding the law changes regarding texting and driving and the Sister City Council is sponsoring the SCI Young Artist/Author Showcase. Councilor Najera stated that Country Club Road from McElroy to Lakeview would be closed for construction beginning March 14. Mayor Noble announced the weekly radio schedule.
  - i) Discussion about scheduling items for upcoming meetings

## **12. QUESTIONS & INQUIRIES**

None.

Stillwater City Council recessed at 7:31 p.m. and reconvened at 7:34 p.m.

**13. EXECUTIVE SESSION**

- a. Confidential communication regarding the Workers' Compensation claim of Morris German.
- b. Confidential communication regarding the purchase or appraisal of real property.

MOTION BY COUNCILOR ZANNOTTI, SECOND BY COUNCILOR NAJERA TO ENTER INTO EXECUTIVE SESSION.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

The Stillwater City Council entered into Executive Session at 7:34 p.m. and returned to open session at 7:54 p.m.

**14. RETURN FROM EXECUTIVE SESSION**

MOTION BY COUNCILOR ZANNOTTI, SECOND BY COUNCILOR NAJERA TO RECONVENE THE MARCH 7, 2016 MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- a. Possible action regarding the Workers' Compensation claim of Morris German.

No action was taken on Item a.

- b. Possible action regarding the purchase or appraisal of real property.

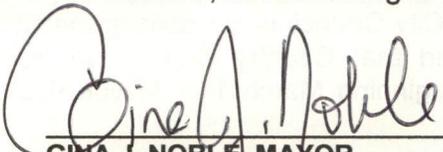
No action was taken on Item b.

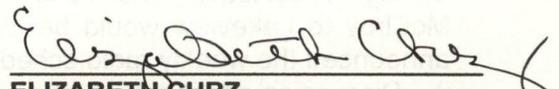
**15. ADJOURN**

MOTION BY COUNCILOR ZANNOTTI, SECOND BY VICE MAYOR DARLINGTON TO ADJOURN THE MARCH 7, 2016 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: NOBLE-YEA, DARLINGTON-YEA, WEAVER-YEA, NAJERA-YEA, ZANNOTTI-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

The March 7, 2016 meeting of the Stillwater City Council adjourned at 7:55 p.m.

  
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GINA J. NOBLE, MAYOR  
STILLWATER CITY COUNCIL

  
\_\_\_\_\_  
ELIZABETH CHRZ  
CITY CLERK