

IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW, THE AGENDA WAS
POSTED AUGUST 11, 2016 AT 12:45 P.M. AT THE MUNICIPAL BUILDING,
723 SOUTH LEWIS, STILLWATER, OKLAHOMA

MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
AUGUST 15, 2016

PRESENT: VICE MAYOR PAT DARLINGTON,
COUNCILORS MIGUEL NAJERA, ALANE ZANNOTTI AND WILLIAM JOYCE
ABSENT: MAYOR GINA J. NOBLE

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Corey Lovern, son of Interim Transportation Director Sharla Lovern, led the audience in the Pledge of Allegiance.

3. CONSENT DOCKET

- a. Approval of minutes: August 1, 2016 Regular Meeting
- b. Sheerar Museum annual contract for services for FY 2016-17
- c. Budget amendment to fund the purchase of PCA cart and de-ice equipment to be used in commercial air service at Stillwater Regional Airport
- d. Bid recommendation for the Miscellaneous Waterlines – Chester, Fern, and Tucker Addition (12WC01 / 16DS01) project, 16467 CDBG 15 (CC-16-102)
- e. Memo to set October 3, 2016 as hearing date for closing of the alley between Stanley & Blakeley Streets
- f. Budget amendment to fund City of Stillwater portion of Western Road Project Phase II construction as authorized in Resolution No. CC-2016-22
<http://stillwater.org/agendas/2016/agenda.php?g=1&a=1783>
- g. Budget amendment to fund Western Road Project Phase III, STPW27 Airport Arterial Project for contract services with Olsson & Associates for study phase evaluation of realignment & improvements to Airport Industrial Road
- h. Budget amendments reflecting revenue & expenditure of Tobacco Settlement Trust grant funds for Friday Food Truck & Tunes bicycle event
- i. Budget amendment reflecting Operation & Maintenance carry forwards from FY 2016 budget to FY 2017 budget
- j. Authorize increase to expenditure limit for the Stillwater Regional Airport terminal modifications project from \$680,641 to \$749,715 to include the baggage carousel and freight doors (CC-16-103)
- k. Authorize the purchase of eight police vehicles allocated in the FY 2017 budget (project 17PD01101) in the amount of \$368,208 (CC-16-105)

MOTION BY COUNCILOR NAJERA, SECOND BY COUNCILOR ZANNOTTI TO APPROVE THE CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE.
MOTION CARRIED WITH FOUR YEA VOTES.

4. PUBLIC COMMENT ON AGENDA ITEMS NOT SCHEDULED FOR PUBLIC HEARING

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

5. ITEMS REMOVED FROM THE CONSENT DOCKET

None.

6. PUBLIC HEARINGS

- a. Receive public comment regarding a request from On Cue Marketing for property addressed as 2306 N. Washington Street currently zoned CS (Commercial Shopping) and O (Office) to CG (Commercial General) (CC-16-101)

Development Review Manager Mike Beaty reported that the applicant is requesting approval of a Map Amendment for property addressed as 2306 N. Washington Street, currently zoned CS (Commercial Shopping) and O (Office) to CG (Commercial General).

Discussion was held regarding the boundaries of the property to be purchased and the surrounding properties.

Vice Mayor Darlington opened the public hearing.

Dennis Beets, 20 Orchard Lane, Ponca City, OK, spoke in favor of the proposed Map Amendment and explained the type of car wash business they were proposing.

Vice Mayor Darlington closed the public hearing.

The Planning Commission recommended 5-0 to approve the proposed Map Amendment to rezone the subject property from CS (Commercial Shopping) and O (Office) to CG (Commercial General).

Additional discussion was held regarding buffering requirements, setback requirements, conditions permitted for a map amendment, types of businesses allowed in the different zoning districts, traffic control issues and the potential for a specific use permit.

Barden Kellum, 1321 Falls Drive, representing On Cue Marketing, spoke at the request of City Council regarding the plans for the property.

MOTION BY COUNCILOR ZANNOTTI, SECOND BY COUNCILOR NAJERA TO ACCEPT THE RECOMMENDATION MADE BY PLANNING COMMISSION TO APPROVE THE MAP AMENDMENT TO REZONE THE PROPERTY ADDRESSED AS 2306 N. WASHINGTON STREET FROM CS (COMMERCIAL SHOPPING) AND O (OFFICE) TO CG (COMMERCIAL GENERAL).

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

- b. Receive public comment regarding a request to close a portion of the right-of-way adjacent to 710 and 712 W. 9th Avenue (Cont'd from August 1, 2016) (CC-16-72)

Development Review Manager Mike Beaty stated that the request to close 15 feet of the public right-of-way was continued to allow applicant to request a variance for a fence constructed on the property. The applicant's request for a fence height variance was denied by the Board of Adjustments.

Vice Mayor Darlington opened the public hearing.

Randy Wilson, 408 Wildwood Acres Drive, spoke in favor of keeping the fence in the current location on the property.

Julie Couch, 901 S. Gray, spoke against the request to close a portion of the right-of-way.

Vice Mayor Darlington closed the public hearing.

Staff recommended denial of the request to close right-of-way adjacent to 710 and 712 West 9th Avenue. Mr. Beaty explained the actions that would occur if the request was denied.

MOTION BY COUNCILOR NAJERA, SECOND BY COUNCILOR JOYCE TO ACCEPT STAFF'S RECOMMENDATION TO DENY THE REQUEST TO CLOSE A PORTION OF THE RIGHT-OF-WAY ADJACENT TO 710 AND 712 W. 9TH AVENUE.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

7. GENERAL ORDERS

a. Avid Square Development Agreement, 410 S. Hester Street (CC-16-104)

Development Services Director Paula Dennison reported that the proposed development agreement with TR Inscore is for a student housing complex at 410 S. Hester (4th and Hester), which is in the Corridor Redevelopment Area and covered by the Form Based Codes (FBC). TR Inscore is requesting that they be permitted to build the structure prior to the completion and acceptance of the required public and public realm improvements. TR Inscore proposes to build the required improvements to their specific development and public realm improvements under the agreement. Ms. Dennison explained that the development agreement allows for the developer to post a financial guarantee with the City that the required improvements will be made. In addition, TR Inscore is offering to give the City funds for improvements that they are obligated to make that will not have been completed due to additional development in that area. Ms. Dennison exhibited drawings of the proposed development.

Discussion occurred regarding the development process, the performance bond that would be posted by TR Inscore, public and public realm improvements timing, and damage that has occurred to new public realm improvements by later development. Councilor Najera expressed his concern regarding the timely completion of required public and public realm improvements if the agreement was approved.

Ms. Dennison stated that the project does meet the intent of FBC and that conversation is still ongoing regarding street trees.

Jason Tompkins, representing the ownership group, described the plans for the development.

Staff recommended approval of the Avid Square Development Agreement and that the Mayor be authorized to sign the agreement.

MOTION BY COUNCILOR JOYCE, SECOND BY COUNCILOR ZANNOTTI TO APPROVE THE AVID SQUARE DEVELOPMENT AGREEMENT FOR 410 S. HESTER AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-NAY, ZANNOTTI-YEA, JOYCE-YEA. MOTION CARRIED WITH THREE YEA VOTES.

8. ORDINANCES

First Reading

a. **ORDINANCE No. 3347: AN ORDINANCE AMENDING THE STILLWATER CITY CODE, BY AMENDING CHAPTER 43, VEHICLES FOR HIRE, SECTION 43-3, REGISTRATION REQUIRED**

MOTION BY COUNCILOR JOYCE, SECOND BY COUNCILOR ZANNOTTI TO ADVANCE ORDINANCE NO. 3347 AS PRESENTED.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-NAY, ZANNOTTI-YEA, JOYCE-YEA. MOTION CARRIED WITH THREE YEA VOTES.

Second Reading

None.

9. RESOLUTIONS

- a. **RESOLUTION NO. CC-2016-24: A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING OWNERSHIP TO REAL PROPERTY AND PERMANENT AND TEMPORARY EASEMENTS ON CERTAIN TRACTS OF LAND HEREINAFTER DESCRIBED LOCATED IN SECTIONS 28 AND 33, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA FOR THE PURPOSE OF CONSTRUCTING A WATER LINE ADJACENT TO THE BOUNDARY LINE BETWEEN SECTIONS 28 AND 33 AND ADJACENT TO SOUTH WESTERN ROAD BETWEEN 32ND AND 44TH AVENUES**

MOTION BY COUNCILOR ZANNOTTI, SECOND BY COUNCILOR JOYCE TO APPROVE RESOLUTION NO. CC-2016-24 AS PRESENTED.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

- b. **RESOLUTION NO. CC-2016-25: A RESOLUTION DECLARING THE PUBLIC NECESSITY FOR ACQUIRING OWNERSHIP TO REAL PROPERTY AND PERMANENT AND TEMPORARY EASEMENTS ON CERTAIN TRACTS OF LAND HEREINAFTER DESCRIBED LOCATED IN SECTION 28, TOWNSHIP 19 NORTH, RANGE 2 EAST OF THE INDIAN MERIDIAN, PAYNE COUNTY, STATE OF OKLAHOMA FOR THE PURPOSE OF CONSTRUCTING A WATER LINE ADJACENT TO SOUTH SANGRE ROAD BETWEEN YELLOW BRICK DRIVE AND 32ND AVENUE**

MOTION BY COUNCILOR JOYCE, SECOND BY COUNCILOR ZANNOTTI TO APPROVE RESOLUTION NO. CC-2016-25 AS PRESENTED.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

10. REPORTS FROM OFFICERS & BOARDS

- a. Miscellaneous items from the City Attorney: None.
- b. Miscellaneous items from the City Manager: Mr. McNickle announced that the Chickasaw Boomer Blast has been rescheduled for Friday, September 2.
- c. Miscellaneous items from the City Council: Councilor Zannotti shared information regarding the Pedalpalooza events at the Friday Food Trucks & Tunes to be held Friday, August 19. Councilor Najera informed citizens of the Bicyclist and Pedestrian Ad Hoc Committee survey available online. Councilor Joyce announced the Lexicon 2016 event scheduled for Saturday, August 27, at the Stillwater Public Library.
 - i) Discussion about scheduling items for upcoming meetings

11. QUESTIONS & INQUIRIES

None.

12. APPOINTMENTS

a. Planning Commission

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR NAJERA TO APPOINT DR. GILBERT EMDE TO THE PLANNING COMMISSION FOR A TERM TO EXPIRE JUNE 2019.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

b. Board of Drainage Appeals

MOTION BY VICE MAYOR DARLINGTON, SECOND BY COUNCILOR JOYCE TO REAPPOINT DR. CHARLES RICE TO THE BOARD OF DRAINAGE APPEALS FOR A TERM TO EXPIRE JUNE 2019 AND APPOINT DR. DALE DANIEL TO THE BOARD OF DRAINAGE APPEALS FOR A TERM TO EXPIRE JUNE 2020.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

13. ADJOURN

MOTION BY COUNCILOR ZANNOTTI, SECOND BY COUNCILOR JOYCE TO ADJOURN THE AUGUST 15, 2016 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: DARLINGTON-YEA, NAJERA-YEA, ZANNOTTI-YEA, JOYCE-YEA. NAY-NONE. MOTION CARRIED WITH FOUR YEA VOTES.

The August 15, 2016 meeting of the Stillwater City Council adjourned at 6:48 p.m.

**GINA J. NOBLE, MAYOR
STILLWATER CITY COUNCIL**

**ELIZABETH CHRZ
CITY CLERK**