

IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED AUGUST 16, 2023 AT 3:45 P.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA

MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
AUGUST 21, 2023

PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR AMY DZIALOWSKI,
COUNCILORS CHRISTIE HAWKINS, KEVIN CLARK AND TIM HARDIN
ABSENT: NONE

1. CALL MEETING TO ORDER

Mayor Joyce 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. International Overdose Awareness Day, August 31, 2023 - Scott Haywood, PIO, Payne County Health Department and Kristy Kitsman, Drug Overdose Coordinator

Mayor Joyce read the proclamation declaring August 31, 2023 as International Overdose Awareness Day in the City of Stillwater. Scott Haywood and Kristy Kitsman with Payne County Health Department accepted the proclamation.

4. CONSENT DOCKET

- a. Approve regular meeting minutes of August 7, 2023 and executive session minutes of August 7, 2023
- b. Approve emergency repairs in the amount of \$58,386.46 to Global ARFF Services for emergency repairs performed on the Airport Rescue Fire Fighting Vehicle (AARF Engine 50 serves as the back-up) which were required to ensure FAA compliance and uninterrupted commercial airline service
- c. Approval of Utilities Assistance Agreement with Stillwater Medical Center Authority for the development and operation of sports facilities

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO APPROVE THE CONSENT DOCKET AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

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

Caleb Kamarunas, Johnson Controls Representative, spoke in favor of the City approving the Johnson Controls Performance contract.

Roy Layes, 2609 S. MarVista Street, spoke against the Johnson Controls Performance Contract.

6. ITEMS REMOVED FROM CONSENT DOCKET

None.

7. GENERAL ORDERS

- a. Consideration, discussion, and possible action regarding the performance-based efficiency contract with JCI and project financing, including possible action to terminate Performance Contract and authorize payment to JCI for the Performance Development Agreement or other direction to staff related to the performance-based efficiency improvements project

Interim City Manager Brady Moore stated that all directors and managers met to review the scope of the project and to determine if an alternative path forward for project implementation was available. He stated he asked the internal team to come with a conservative cost estimate for hiring out the work or for using City crews to complete the work laid out in the project scope. Mr. Moore stated that he challenged staff to come with a realistic implementation schedule and corresponding funding plan to phase in the work. Mr. Moore presented the project scope, timeline and funding for internally implementing the energy saving project.

City Attorney Kimberly Carnley gave a legal update related to the financing of this project.

Discussion was held amongst City Council and staff.

MOTION BY COUNCILOR HARDIN, SECOND BY COUNCILOR CLARK TO TERMINATE THE PERFORMANCE CONTRACT WITH JCI AND AUTHORIZE PAYMENT UNDER THE PERFORMANCE DEVELOPMENT AGREEMENT AND DIRECT STAFF TO COME BACK WITHIN A MONTH TO COUNCIL WITH A PLAN.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

8. RESOLUTIONS

- a. Resolution No. CC-2023-26: A resolution authorizing signatories for depositaries

Finance Director Christy Cluck reported that with the recent turnover in staff it is necessary to change the authorizing signatories for depositaries with the City's banking institutions and Resolution No. CC-2023-26 accomplishes that change.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-26 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. Resolution CC-2023-27: A resolution of the Stillwater City Council authorizing the execution and delivery of an equipment lease/purchase agreement, and related instruments, and determining other matters in connection therewith

Finance Director Christy Cluck reported that on November 1, 2021, City Council approved the purchase of two fire engines and financing through the SUA master lease agreement with Bank of America (BOA). On May 3, 2023, Oklahoma State Treasurer Todd Russ published a list of financial

institutions that boycott oil and gas companies as required by the Energy Discrimination Elimination Act. Ms. Cluck stated that BOA is on the restricted financial companies list which prevents the City from entering into any further contracts with them. She stated that to find a new lending partner to finance the fire engines, the City sent out a request for proposals (RFP) on June 1, 2023. Five RFP's were received. Staff recommends adopting Resolution No. CC-2023-27 authorizing the equipment lease purchase agreement with the Bank of Oklahoma.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-27 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- c. Resolution CC-2023-28: A resolution adopting a record retention schedule and process for the City of Stillwater, Oklahoma and related entities

Assistant City Attorney Ashlyn Garis stated she is going to introduce the next two resolutions on the agenda for the adoption of a record retention schedule and an updated fee schedule for open records search, inspection and reproduction fees pursuant to the Open Records Act.

Ms. Garis stated the records retention schedule establishes minimum time periods for retention pursuant to State law and City code. Adopting the schedule will provide the City with a tool for more efficient operation of records management.

Ms. Garis stated that the new fee schedule provides additional details for the City to charge its direct costs related to open records searches. State law requires adoption of these fees by resolution.

MOTION BY COUNCILOR HAWKINS, SECOND BY VICE MAYOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2023-28 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- d. Resolution CC-2023-29: a resolution establishing the fee schedule for open records search, inspection and reproduction fees pursuant to the Oklahoma Open Records Act, 51 O.S. 24A.1 *ET SEQ*

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HAWKINS TO ADOPT RESOLUTION NO. CC-2023-29 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- e. Resolution CC-2023-30: A resolution of the Stillwater City Council finding that the services to be provided by Banc Of America Public Capital Corp to finance the JCI Performance Contract are not otherwise reasonably available from a company that is not a listed financial company under Section 3 of the Energy Discrimination Elimination Act of 2022

NO ACTION WAS TAKEN ON THIS ITEM

- f. Resolution CC-2023-31: a resolution of the governing body of the City of Stillwater, Oklahoma, authorizing the execution and delivery of an equipment lease/purchase agreement with respect to the acquisition, financing and leasing of certain equipment for the

public benefit within the terms provided herein; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution

NO ACTION WAS TAKEN ON THIS ITEM

9. ORDINANCES

a. Second Reading

Ordinance No. 3525: an ordinance rezoning approximately 53 acres of property located east of 12th and Blakely and north of Stillwater Creek, including property more commonly described as 1200 S. Adams Street and 1201 S. Adams Street, from Office (O) and Agriculture (A) to Public (P)

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO ADOPT ORDINANCE NO. 3525 AS PRESENTED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

10. APPOINTMENTS

a. Board of Adjustment

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO APPOINT GERALD E. HAMMOND AND JOLEYN NICKENS TO THE BOARD OF ADJUSTMENT.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

b. Board of Drainage Appeals

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR HAWKINS TO APPOINT HAINING SCHOENEMAN TO THE BOARD OF DRAINAGE APPEALS.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

11. REPORTS FROM OFFICERS & BOARDS

a. Miscellaneous items from the City Attorney:

- i. Request for Executive Session pursuant to 25 O.S. Section §307 (B)(1) of the Oklahoma Open Meeting Act for the purpose of confidential communication regarding the employment, appointment, promotion, demotion, disciplining or resignation of Interim City Manager Brady Moore.
- ii. Request for Executive Session pursuant to 25 O.S. Section §307 (B)(1) of the Oklahoma Open Meeting Act for the purpose of confidential communication regarding the employment, appointment, promotion, demotion, disciplining or resignation of City Attorney Kimberly Carnley

b. Miscellaneous items from the City Manager:

- Interim City Manager Brady Moore announced that the Stillwater Fire Department will have a pinning ceremony for new recruits Dane Lemmon, Colton Savory and Brandon Vessar on Wednesday, August 23. The ceremony will begin at 1:30 p.m. at Fire Station #1, 1506 S. Main St. Please join us as we honor their commitment to serving our community. If you cannot attend the

event in person, it will be streamed live on the Fire Dept.'s Facebook page at: facebook.com/StwFire.

c. Miscellaneous items from the City Council:

- Councilor Hardin reminded residents that it's back to school in Stillwater. With all our educational entities back in school please be mindful when driving and look out for additional traffic, bicyclist, scooters and walkers.

A couple of reminders:

- ✓ Always stop at crosswalks and let pedestrians pass.
- ✓ Vehicles must stop at least 20 feet before reaching a school bus that is stopped with its red lights flashing.

Together, citizens can ensure our students and all community members arrive at their destinations safely.

- Councilor Clark reported that the City is accepting applications for citizen representatives to serve on the Board of Drainage Appeals. This position needs to be filled by someone with knowledge of hydrology, engineering, storm water management or a related field and who have no economic interest in the development or construction industries. If anyone would like to get involved in their local government and help make Stillwater even greater, please consider applying online at: Stillwaterok.gov/citizenboards.
- Councilor Hawkins stated that with the first OSU home football game coming up on September 2, please consider taking advantage of the Free Park & Ride Shuttle Service. The City of Stillwater and Oklahoma State University Athletics offer free parking and shuttle service from downtown. The shuttle runs every 30 minutes:
 - ✓ Before and after the game;
 - ✓ Three hours before the game;
 - ✓ Throughout the post-game.

There are more than 500 free parking spots available. The pick-up and drop-off location is at 7th Avenue and Lewis Street. Save money, beat the rush, park downtown, and go Pokes!

- Vice Mayor Dzialowski stated that ODOT has requested we share with our community that all four lanes on Perkins Road/US 177 will be open by the end of August. Also be mindful, there will be intermittent lane closures, as needed, to finish entrances/exits to our ADA compliant crosswalks. The City appreciates ODOT for meeting timelines and working with us to keep traffic moving during large events. Big thanks to everyone for their continued patience throughout the much-needed construction project. And, thank you to our businesses located within the construction area and to patrons who have continued to shop local and support these businesses. Don't forget that the Chamber's Purchase on Perkins ends this month. To find out more information about the effort, go to the Chamber's Facebook or their website at Stillwaterchamber.org
- Mayor Joyce announced that on Wednesday, August 23, the City of Stillwater will celebrate the 7th anniversary of the first commercial flight out of Stillwater Regional Airport. Many thanks to our staff at the airport for continued efforts to provide greater travel opportunities and economic growth for Stillwater and surrounding communities. Please consider supporting our local economy and "Fly SWO" when traveling. Stillwater Regional Airport offers free parking, short security lines and is close to home. Book flights using airport code SWO at AA.com.

i. Discussion about scheduling items for future meetings.

12. QUESTIONS & INQUIRIES

None.

13. EXECUTIVE SESSION

- a. Confidential communication regarding the employment, appointment, promotion, demotion, disciplining or resignation of Interim City Manager Brady Moore.
- b. Confidential communication regarding the employment, appointment, promotion, demotion, disciplining or resignation of City Attorney Kimberly Carnley.

MOTION BY MAYOR JOYCE, SECOND BY COUNCILOR CLARK TO RECESS THE STILLWATER CITY COUNCIL MEETING AT 6:17 P.M.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

Stillwater City Council meeting recessed at 6:17 p.m. to convene Stillwater Utilities Authority meeting.

Stillwater City Council reconvened at 6:25 p.m.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ENTER INTO EXECUTIVE SESSION AT 6:26 P.M.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

14. RETURN FROM EXECUTIVE SESSION

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR CLARK TO RECONVENE THE REGULAR STILLWATER CITY COUNCIL MEETING AT 8:05 P.M.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- a. Possible action regarding the employment, appointment, promotion, demotion, disciplining or resignation of Interim City Manager Brady Moore.

MOTION BY VICE MAYOR DZIALOWSKI, SECOND BY COUNCILOR HARDIN TO DIRECT THE HR DIRECTOR TO ADJUST THE INTERIM CITY MANAGER'S COMPENSATION THAT IS CONSISTENT WITH WHAT THE CITY'S GENERAL EMPLOYEE'S ARE RECEIVING.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

- b. Possible action regarding the employment, appointment, promotion, demotion, disciplining or resignation of City Attorney Kimberly Carnley, including consideration of an Amendment to Employment Agreement to address terms of employment.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR HAWKINS TO DIRECT STAFF TO ADJUST THE CITY ATTORNEY'S CONTRACT AS DISCUSSED.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

15. ADJOURN

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR DZIALOWSKI TO ADJOURN THE AUGUST 21, 2023 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

ROLL CALL VOTE: JOYCE-YEA, DZIALOWSKI-YEA, HAWKINS-YEA, CLARK-YEA, HARDIN-YEA. NAY-NONE. MOTION CARRIED WITH FIVE YEA VOTES.

The August 21, 2023 regular meeting of the Stillwater City Council adjourned at 8:07 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK