

**IN ACCORDANCE WITH THE OKLAHOMA OPEN MEETING LAW
THE AGENDA WAS POSTED JULY 29, 2022 AT 8:30 A.M.
AT THE MUNICIPAL BUILDING, 723 SOUTH LEWIS, STILLWATER, OKLAHOMA**

**MINUTES
STILLWATER CITY COUNCIL
REGULAR MEETING
COUNCIL HEARING ROOM
723 S. LEWIS
AUGUST 1, 2022**

**PRESENT: MAYOR WILLIAM H. JOYCE, VICE MAYOR ALANE ZANNOTTI,
COUNCILORS AMY DZIALOWSKI AND KEVIN CLARK
ABSENT: COUNCILOR CHRISTIE HAWKINS**

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. CONSENT DOCKET

- a. Approve July 18, 2022 regular meeting minutes and July 25, 2022 study session minutes
- b. Accept public improvements for Skyline East Section 2, Phase 2a
- c. Accept general utility easement for electric service at 1620/1680 E 6th Avenue and authorize Mayor to sign easement document
- d. Accept public improvements for Berry Creek West
- e. Accept permanent sewer line easements and temporary construction easements required for the West College, Eyler and manhole rehabilitation projects, and authorize the Mayor to execute the easement documents

Staff requested item b. be postponed to the August 15, 2022 City Council meeting.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE THE CONSENT DOCKET MINUS ITEM B.

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

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

There were no requests to speak on agenda items not scheduled for public hearing.

5. ITEMS REMOVED FROM CONSENT DOCKET

None.

6. GENERAL ORDERS

- a. Approve bid award of a unit price contract to Gelino CCC, LLC to construct the 12th Avenue drainage improvements for an amount not to exceed \$468,464; authorize the Mayor to sign related CDBG documents; authorize the City Manager to sign contract documents; and authorize total project expenditures of \$468,464, which includes construction and ~3.7% contingency funds

Director of City Engineering Monty Karns introduced new City employee Project Manager Charles Short.

Mr. Short reported that on May 3, 2021, City Council selected the 12th Avenue Drainage Improvement project for the 2021 CDBG application cycle. On June 7, 2021, City Council accepted grant allocation and approved leverage funds and on August 2, 2021, City Council accepted a revised grant allocation and approved additional leverage funds. Mr. Short stated that on August 2, 2021, City Council accepted revised grant allocation and approved additional leverage funds and on October 18, 2021, City Council accepted 18266 CDBG 21 contract. Bids were solicited for this project and two bids were received with Gelino CCC, LLC being the lowest bidder.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO AWARD A UNIT PRICE CONTRACT TO GELINO CCC, LLC TO CONSTRUCT THE 12TH AVENUE DRAINAGE IMPROVEMENTS FOR AN AMOUNT NOT TO EXCEED \$468,464; AUTHORIZE THE MAYOR TO SIGN RELATED CDBG DOCUMENTS; AUTHORIZE THE CITY MANAGER TO SIGN CONTRACT DOCUMENTS; AND AUTHORIZE TOTAL PROJECT EXPENDITURES OF \$468,464, WHICH INCLUDES CONSTRUCTION AND ~3.7% OF CONTINGENCY FUNDS.

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

Mayor Joyce moved to item 8. Ordinances and will to return to item 7. Resolutions after the Executive Session.

7. RESOLUTIONS

- a. Resolution No. CC-2022-22: A resolution to approve participation in distributors Oklahoma Settlement Agreement with the following Opioid distributors: Cardinal Health, McKesson Corporation And Amerisourcebergen Corporation

City Attorney Kimberly Carnley reported that the City has retained McAfee and Taft to represent the City as a litigating political subdivision in opioid litigation. The State has reached a settlement agreement with the distributors listed in the resolution. She stated this resolution will approve the distributor's settlement with the State and approve the sharing agreement which Council has entered on behalf of the City and an addendum to the sharing agreement. Ms. Carnley explained the details and requirements of the settlement.

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR ZANNOTTI TO ADOPT RESOLUTION NO. CC-2022-22 AS PRESENTED.

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

City Attorney Kimberly Carnley stated Resolution No. CC-2022-23 is a resolution to approve participation in the Janssen Oklahoma Subdivision Settlement Agreement. She reported this settlement agreement is structured similar to the distributor's settlement except it is an agreement only with the litigating political subdivisions. The State of Oklahoma is not a party to this agreement and the non-litigating political

subdivisions are not a to party this agreement either. Ms. Carnley explained the details and requirements of this agreement.

- b. Resolution No. CC-2022-23: A resolution to approve participation in Janssen Oklahoma Subdivision Opioid Settlement Agreement

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT RESOLUTION NO. CC-2022-23 AS PRESENTED.

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

8. ORDINANCES

a. First Reading

Ordinance No. 3498: An ordinance rezoning tracts of land located at 923 South Lowry Street from Light Industrial (IL) to Commercial Business (CB)

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR CLARK TO ADVANCE ORDINANCE NO. 3498 TO SECOND READING AS PRESENTED.

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

Ordinance No. 3499: An ordinance closing a utility easement located in Northeast Quarter (NE/4) Section Twenty-Two (Sec 22), Township Nineteen North (T19N), Range Two East (R2E) of the Indian Base and Meridian, Payne County, Oklahoma, on property addressed as 1201 W 6th.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3499 TO SECOND READING AS PRESENTED.

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

Ordinance No. 3500: An ordinance rezoning a tract of land located at 115 East 12th Avenue from Small Lot Single-Family Residential (RSS) to Commercial Business (CB)

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3500 TO SECOND READING WITH ADDRESS CORRECTION.

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

Ordinance No. 3501: An ordinance rezoning tracts of land located at 5823, 5911, 6011 and 6099 N. Perkins Rd. from General Industrial (IG) To Small Lot Single-Family Residential (RSS)

MOTION BY COUNCILOR CLARK, SECOND BY VICE MAYOR ZANNOTTI TO ADVANCE ORDINANCE NO. 3501 TO SECOND READING AS PRESENTED.

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

Ordinance No. 3502: An ordinance rezoning southeast portion of tract of land located at 2810 S. Western Rd. from Small Lot Single-Family Residential (RSS) to Commerical General (CG)

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO ADVANCE ORDINANCE NO. 3502 TO SECOND READING AS PRESENTED.

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

Ordinance No. 3503: An ordinance rezoning tracts of land located at 1924, 1930, & 2002 E. McElroy Rd. from Large Lot Single-Family Residential (RSL) To Small Lot Single-Family Residential (RSS)

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR CLARK TO ADVANCE ORDINANCE NO. 3503 TO SECOND READING AS PRESENTED.

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

b. Second Reading

Ordinance No. 3497: An ordinance rezoning tracts of land located at 701 West Boomer Lake Station Road from Public (P) and Commercial General (CG) to Multi-Family Intermediate District (RMI)

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO ADOPT ORDINANCE NO. 3497 AS PRESENTED.

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

Mayor Joyce moved it item 13. on the agenda.

9. 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 ongoing opioid litigation. 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 the claim or conduct a pending investigation, litigation, or proceeding in the public interest.
- ii. Request for an Executive Session pursuant to 25 O.S. 307 (B)(4) for the purpose of confidential communication with the City Attorney regarding approval of representation of employees/officers in the following case: Gregory Ashley Moyer vs. City of Stillwater, Will Joyce, Mayor of Stillwater, Teresa Kadavy, City Clerk, Norm McNickle, City Manager, Jeff Watts, Chief of Police, Royce Stephens, Investigator, Kelsey Proctor, Director of the Saville Center, Case No. CJ-2022-263. It is the opinion of the City Attorney that public disclosure of this matter will seriously impair the ability of the City Council to prosecute/defend this pending litigation or proceeding in the public interest.

b. Miscellaneous items from the City Manager:

- City Manager Norman McNickle introduced and welcomed Shelly Crynes, the new Grant Manager for the City of Stillwater.
- Mr. McNickle stated that there are multiple, imperative street construction and repair projects underway throughout our City. The City does its best to address these projects without interfering with heavily attended events in the

community as lane and street closures affect the flow of traffic. In the event of an emergency repair, the City does its absolute best to meet big-event timelines. We understand that construction can cause frustration and ask motorists to plan for additional travel time. Thank you to all of our residents and patrons for their continued patience.

c. Miscellaneous items from the City Council:

- Councilor Clark reminded residents that it's back to school time for Stillwater Public Schools, Oklahoma State University and Meridian Technology. There will be an increase in walkers near campuses and throughout our community. Please be mindful of pedestrians when driving and together we can ensure our students arrive at their destination safely.
- Councilor Dzialowski asked residents to take this opportunity with back to school to show appreciation and to thank the many individuals and entities who take care of our students and families. Thank you to Stillwater Public Schools educators, administrators, counselors and cleaning staff. Also, thank you to the Stillwater Police, Fire, Emergency Management services and all entities who safeguard our livelihoods every day. We cannot leave out our friends at Stillwater Medical Center and Payne County Health Department for all that they do to help keep us healthy.
- Vice Mayor Zannotti stated that in December 2020, Council appointed the Tourism Advisory Committee to oversee the Visitor Sales Tax. The committee was able to meet one time prior to Covid restrictions. Based on conversations with staff, the committee will now be able to resume meetings most likely beginning in October 2022.
- Mayor Joyce reminded residents to mark their calendars for Oklahoma Tax-Free Weekend from August 7-9. During this time, sales of eligible items are exempt from sales tax. Retailers are required to participate in the three-day tax holiday and may not collect sales and use tax on qualified footwear and clothing items priced less than \$100. The City asks our community members to please shop local and take advantage of this savings weekend in Stillwater.

i. Discussion about scheduling items for future meetings.

10. QUESTIONS & INQUIRIES

None.

11. EXECUTIVE SESSION

- a. Confidential communication with the City Attorney regarding ongoing opioid litigation pursuant to 25 O.S. § 307 (B)(4).
- b. Confidential communication with the City Attorney regarding approval of representation of employees/officers in the following case: *Gregory Ashley Moyer vs. City of Stillwater, Will Joyce, Mayor of Stillwater, Teresa Kadavy, City Clerk, Norm McNickle, City Manager, Jeff Watts, Chief of Police, Royce Stephens, Investigator, Kelsey Proctor, Director of the Saville Center, Case No. CJ-2022-263.*

Stillwater City Council meeting recessed at 5:55 p.m. to convene Stillwater Utilities Authority meeting.

Stillwater City Council reconvened at 6:08 p.m.

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO ENTER INTO EXECUTIVE SESSION AT 6:09 P.M.

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

12. RETURN FROM EXECUTIVE SESSION

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO RECONVENE THE REGULAR STILLWATER CITY COUNCIL MEETING AT 6:32 P.M.

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

- a. Possible action regarding opioid litigation, including possible action to approve a proposed settlement agreement with the following distributors: Cardinal Health, Inc., McKesson Corporation, and AmerisourceBergen and possible action to approve a proposed settlement agreement with Janssen.

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT WITH DISTRIBUTORS CARDINAL HEALTH, INC., MCKESSON CORPORATION, AND AMERISOURCEBERGEN.

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

MOTION BY VICE MAYOR ZANNOTTI, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE THE PROPOSED SETTLEMENT AGREEMENT WITH JANSSEN.

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

- b. Possible action to approve representation of Will Joyce, Teresa Kadavy, Norm McNickle, Jeff Watts, and Royce Stephens in the following case: *Gregory Ashley Moyer vs City of Stillwater, Will Joyce, Mayor of Stillwater, Teresa Kadavy, City Clerk, Norm McNickle, City Manager, Jeff Watts, Chief of Police, Royce Stephens, Investigator, Kelsey Proctor, Director of the Saville Center, Case No. CJ-2022-263.*

MOTION BY COUNCILOR CLARK, SECOND BY COUNCILOR DZIALOWSKI TO APPROVE REPRESENTATION OF WILL JOYCE, TERESA KADAVY, NORMAN MCNICKLE, JEFF WATTS, AND ROYCE STEPHENS IN CASE NO. CJ-2022-263.

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

Mayor Joyce returned to item 7. Resolutions on the agenda.

13. APPOINTMENTS

- a. Appointment of two City Councilors to the Master Park & Community Resources Plan Committee

MOTION BY MAYOR JOYCE, SECOND BY VICE MAYOR ZANNOTTI TO APPOINT COUNCILOR AMY DZIALOWSKI & COUNCILOR KEVIN CLARK TO THE MASTER PARK & COMMUNITY RESOURCES PLAN COMMITTEE.

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

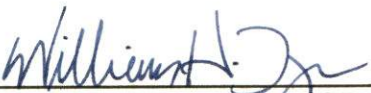
Mayor Joyce returned to item 9. on the agenda.

14. ADJOURN

MOTION BY COUNCILOR DZIALOWSKI, SECOND BY COUNCILOR CLARK TO ADJOURN THE
AUGUST 1, 2022 REGULAR MEETING OF THE STILLWATER CITY COUNCIL.

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

The August 1, 2022 regular meeting of the Stillwater City Council adjourned at 6:42 p.m.



WILLIAM H. JOYCE, MAYOR
STILLWATER CITY COUNCIL



TERESA KADAVY
CITY CLERK