

NOTICE AND AGENDA OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, September 13, 2022 at 6:00 PM

Marietta Public Works Authority Building, 303 W Main Street, Marietta, OK

BUSINESS TO BE CONDUCTED (which may include discussion, consideration, action for approval or disapproval, voting to take any appropriate action, and the revision, amendment and passage of resolutions on the following agenda items):

CALL TO ORDER.

ROLL CALL AND DECLARATION OF QUORUM.

INVOCATION.

CONSENT AGENDA.

All matters listed under this section are considered by the City Council to be routine and will be enacted by one motion and vote. Any council member, however, may remove any item from the consent agenda by request.

1. Consideration and possible action relating to the approval of the agenda as part of the minutes.
2. Consideration and possible action relating to the approval of the minutes of the regular meeting on June 12, 2022.
3. Consideration and possible action relating to the approval of financial reports.
4. Consideration and possible action relating to the approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.
5. Consideration and possible action relating to the authorization of an application for funds under the Justice Assistance Grant - Local Law Enforcement program and approval of expenditures for approved equipment.

ITEMS REMOVED FROM CONSENT AGENDA.

Any matter removed from the consent agenda at the request of a council member will be considered separately.

PUBLIC PARTICIPATION.

This is an opportunity for citizens to address the City Council. Remarks shall be addressed to the governing body as a whole. Any issues presented will not be further discussed by the City Council or Mayor at this meeting. Comments must be limited to three minutes or less.

CITY ADMINISTRATOR'S REPORT.

The City Administrator will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

REGULAR BUSINESS.

1. Consideration and possible action relating to the giving notice of a hearing, as requested by BancFirst, to permanently vacate and foreclose the reopening of the alleyway described as follows: All that part of the alley running North and South in Block 25 (Twenty-Five) in the Original Townsite of Marietta, Love County, Oklahoma, according to the recorded plat thereof and being more particularly described as follows: Beginning at the Southwest corner of said North and South alley, said point being the Southeast corner of Lot 14, Block 25; Thence Northerly, along the West line of said North and South alley to the Northeast corner of said Lot 14; Thence Easterly, along the South line of the alley running East and West through Block 25, to the Northwest corner of Lot 12, Block 25; Thence Southerly, along the East line of said North and South alley, to the Southwest corner of Lot 13, Block 25; Thence Westerly, along the North line of West Chickasaw Street to the True Point of Beginning.
2. Consideration and possible action relating to an ordinance rezoning property described as Lots 1, 2, 3, 4, and the north 22.9 feet of Lot 5, Block 3, and Lots 12 and 13, Block 1, Fraley Heights Addition to the City of Marietta, Love County, Oklahoma, from R-1 single-family residential district to I-1 light industrial district.
3. Consideration and possible action relating to the modification of pay grade for the Chief of Police job description.
4. Consideration and possible action relating to the display of overhead signs and/or banners on streets and highways.

MAYOR'S COMMENTS.

The Mayor will provide updates regarding recent and upcoming events and projects, and general operations of the City. No action will be taken.

NEW AND UNFORESEEN BUSINESS.

Discussion and possible action with respect to any matter not known, or which could not have been reasonably foreseen, prior to the time of posting this agenda.

ADJOURN.

I, the undersigned Clerk of the City of Marietta, certify that the foregoing Notice and Agenda of the Regular Meeting of the Marietta City Council was posted in prominent public view at the Marietta City Hall, located at 101 W. Main Street, and online at www.mariettaok.city, at 5:00 p.m. on Friday, September 9, 2022.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL**Tuesday, August 09, 2022 at 6:00 PM****Marietta Public Works Authority Building, 303 W Main Street, Marietta, Oklahoma****CALL TO ORDER.**

Mayor Fraire called the meeting to order at 6:05 p.m.

ROLL CALL AND DECLARATION OF QUORUM.

A quorum was declared.

PRESENT

Mayor Kimberly Fraire
Council Member KorDale Lornes
Council Member Kermit McKinney
Council Member Lawrence Anderson
Council Member Brandy Valenzuela
Council Member Tambre Sanders
Council Member Destry Rushing sworn in at 6:12 p.m.

ABSENT

Council Member Angela Vega
Council Member Richard Barker

INVOCATION.

Invocation given by Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member McKinney, Seconded by Council Member Lornes to approve the Consent Agenda.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders

1. Consideration and possible action relating to the approval of the agenda as part of the minutes.
2. Consideration and possible action relating to the approval of the minutes of the regular meeting on June 12, 2022, and the special meeting on July 27, 2022
3. Consideration and possible action relating to the approval of financial reports.
4. Consideration and possible action relating to the approval of purchase orders and expenditures from the following accounts/funds, if any: general fund; sanitation fund; cemetery care fund; expense account; grant fund; police asset forfeiture account; payroll account.
5. Consideration and possible action relating to the closure of the 400 block of West Broadway street on August 10, 2022, from 6:00 p.m. to 8:00 p.m., to accommodate a special event.

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6. Consideration and possible action relating to the appointment of Shane Miller and Juan Carrasco as volunteer firefighters.
7. Consideration and possible action relating to the acquisition of personal protective equipment for to be utilized by the Fire Department.
8. Consideration and possible action relating to the acquisition of two portable radios and associated equipment to be utilized by the Fire Department.

ITEMS REMOVED FROM CONSENT AGENDA.

None.

PUBLIC PARTICIPATION.

Denise Halstied, President of the Love County Chamber of Commerce, stated there are people wanting to come to Marietta and open businesses, but there are no buildings or spaces available.

CITY ADMINISTRATOR'S REPORT.

City Administrator Dustin Scott stated the new valves were started today and the original contractor can come back and finish the project. He is hoping to be in the new building in September as supplies are starting to arrive. City has several employees have Covid and are running on less than normal staffing.

REGULAR BUSINESS.

1. Consideration and possible action relating to a resolution of the City Council of the City of Marietta declaring a vacancy in the office of Member of the City Council for Ward 1, Place 1 (which said office was previously held by Doug Stewart) and appointing a council member to fill the remainder of the term of office which expires in April, 2025.
2. Mayor Fraire stated she would like to nominate Destry Rushing to replace the vacancy on the Council.

Motion made by Council Member McKinney, Seconded by Council Member Lornes to approve Resolution 2022-35 appointing Destry Rushing to the vacancy on the Council at 6:12 p.m.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders

2. Consideration and possible action relating to an ordinance rezoning property described as Lots 1, 2, 3, 4, and the north 22.9 feet of Lot 5, Block 3, and Lots 12 and 13, Block 1, Fraley Heights Addition to the City of Marietta, Love County, Oklahoma, from R-1 single-family residential district to I-1 light industrial district.

Motion made by Council Member Sanders, Seconded by Council Member McKinney to approve Ordinance No. 2022-02 as presented.

Voting Yea: Council Member McKinney, Council Member Sanders, Council Member Rushing, Mayor Fraire

Voting Nay: Council Member Lornes, Council Member Anderson, Council Member Valenzuela

Mayor Fraire voted as a result of the tie vote. It was announced that the Ordinance was approved. Upon legal review it was determined that the action did require a 3/4 majority of all members to approve the action due to protests of the zoning change. The yea votes received were not sufficient to approve the Ordinance.

Mayor Fraire has directed that this item be added to the agenda for the council meeting to be held on September 13, 2022.

3. Consideration and possible action relating to a request to vacate an alleyway located east of Lots 14 and 15, Block 25, in the Original Townsite of Marietta, Love County, Oklahoma, and authorizing City Attorney to respond on behalf of the City.

City Administrator Dustin Scott addressed the Council regarding the vacation of the alley behind BancFirst.

Attorney David G. Mordy addressed the Council regarding the vacation.

Motion made by Council Member Lornes, Seconded by Council Member McKinney to adopt Resolution 2022-36 as presented.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

3. Consideration and possible action relating to casting a vote for trustee of the Oklahoma Municipal Retirement Fund (OkMRF) to fill the expiring term of trustee representing district three.

Motion made by Council Member McKinney, Seconded by Council Member Sanders to adopt Resolution 2022-37 as presented.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

4. Consideration and possible action relating to an ordinance requiring itinerant vendors licensed by the City of Marietta to display license on request; requiring the announcement and display of license number in all advertisements; repealing ordinances or parts of ordinances in conflict; providing for severability; and declaring and emergency.

Motion made by Council Member Anderson, Seconded by Council Member Lornes to adopt Ordinance No. 2022-03 as presented.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

Motion made by Council Member Lornes to declare Ordinance No. 2022.03 and emergency, Seconded by Council Member Valenzuela.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

5. Consideration and possible action relating to the purchase of a police vehicle and emergency equipment for said vehicle.

Chief of Police Harris asked the Council to purchase the pickup for Animal Control. Plan is to transfer 2013 Ford F150 currently used by Animal Control to Parks & Cemetery Department after removal of emergency equipment.

Motion made by Council Member Lornes, Seconded by Council Member Valenzuela to approve Resolution 2022-38 as presented.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

6. Consideration and possible action relating to a resolution of the City of Marietta, Oklahoma ("the City") approving action taken by the Marietta Municipal Authority (the "Authority") authorizing issuance, sale and delivery of its Clean Water State Revolving Fund Promissory Note to the Oklahoma Water Resources Board; Approving and authorizing a lease agreement pertaining to the leasing of the sanitation and stormwater systems of the City to the Authority; Approving and authorizing a sales tax agreement, if deemed necessary; and containing other provisions related thereto.

City Administrator Scott addressed the Council. Jarred Davidson will also speak. Plan is to lease the sanitation department to Trust so Trust will have assets. City has completed everything needed to receive this money.

Motion made by Council Member Lornes, Seconded by Council Member Sanders to adopt Resolution 2022-39 as presented.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

7. Consideration and possible action relating to a capital contribution to the Marietta Municipal Authority.

Motion made by Council Member Sanders, Seconded by Council Member Anderson to adopt Resolution 2022-40 as presented.

Voting Yea: Council Member Lornes, Council Member McKinney, Council Member Anderson, Council Member Valenzuela, Council Member Sanders, Council Member Rushing

MAYOR'S COMMENTS.

None.

NEW/UNFORESEEN BUSINESS.

Council Member McKinney presented an article relating to persons becoming sick after visiting a splash pad in Kansas. McKinney asked the City Administrator to check into the circumstances behind the illness onset.

ADJOURN.

Meeting adjourned at 6:54 p.m.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

RESOLUTION _____

A RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDS UNDER THE JUSTICE ASSISTANCE GRANT- LOCAL LAW ENFORCEMENT PROGRAM AND APPROVAL OF EXPENDITURES FOR APPROVED EQUIPMENT

WHEREAS, the Marietta Police Department is eligible to apply for funding under the Justice Assistance Grant- Local Law Enforcement Program (JAG-LLE) 2022 administered by the Oklahoma District Attorney Council; and

WHEREAS, applications for funding under the JAG-LLE 2022 program must be approved by the governing body prior to submittal for consideration; and

WHEREAS, the Chief of Police has prepared an application for funding to purchase equipment necessary to perform the duties relative to the functions lawfully imposed upon the Department.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta:

SECTION 1. The application for funding under the JAG-LLE 2022 program, affixed hereto as Attachment A, has been reviewed by the governing body and approved for submittal to the Oklahoma District Attorney Council for funding consideration.

SECTION 2. The governing body, by means of the Resolution, hereby authorizes the purchases outlined in Attachment A under the circumstance that an award is received pursuant to the application.

PASSED BY THE CITY COUNCIL and **SIGNED** by the Mayor of the City of Marietta this 13th day of September 2022.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY;

WHEREAS, the owner of the real property described as Lots 1, 2, 3, 4 and the North 22.9 feet of Lot 5, Block 3, and Lots 12 and 13, Block 1, Fraley Heights Addition to the City of Marietta, Love County, Oklahoma, has made application with the City of Marietta requesting the zoning of said real property be amended from R-1 single-family residential district to I-1 light industrial district; and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on June 17, 2022, and mailed to the owners of property located within 300 feet of the real property on June 15, 2022; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the Planning Commission on July 7, 2022, and the Planning Commission did not recommend amendment to the zoning of the real property as provided by Resolution P22-02; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the City Council on July 12, 2022, and at the conclusion of the public hearing the City Council recommended the application be reconsidered by the Planning Commission to consider exceptions and alternatives presented at said City Council hearing; and

WHEREAS, a second public hearing was held before the Planning Commission on August 4, 2022, and at the conclusion of the public hearing the Planning Commission did recommend amendment to the zoning of the real property with the following conditions: 1) the applicant be required to improve the portion of N. 8th Avenue located between Lots 1, 2, 3, Block 3, and Lot 13, Block 1; 2) the property shall not be used for the sale, cultivation, or processing of medical marijuana; and

WHEREAS, the City Council has determined that the amendment of the zoning district of the real property, located within the corporate limits of the City of Marietta, is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following real property is hereby amended from R-1 single-family residential district to I-1 light industrial district zoning district to wit:

Lots 1, 2, 3, 4 and the North 22.9 feet of Lot 5, Block 3, and Lots 12 and 13, Block 1, Fraley Heights Addition to the City of Marietta, Love County, Oklahoma

SECTION 2. Conditions. For the amendment to become effective, the applicant must cause improvement to the portion of N. 8th Avenue located between Lots 1, 2, 3, Block 3, and Lot 13, Block 1.

The following uses as described in Appendix A of the Code of Ordinances of the city of Marietta are not permitted on the amended property: medical marijuana dispensary, medical marijuana processing, medical marijuana cultivating.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 4. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 13th day of September 2022.

CITY OF MARIETTA

ATTEST:

BY: _____
KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

A RESOLUTION MODIFYING THE PAY GRADE FOR THE CHIEF OF POLICE JOB DESCRIPTION

WHEREAS, the City of Marietta has adopted job descriptions for all positions within the City of Marietta; and

WHEREAS, the adopted job descriptions provide for the base pay rate for employees performing the duties of said job based on the Grade and Step Structure adopted by City Council; Resolution 2019-47 on November 12, 2019; and

WHEREAS, the City Council desires to adjust the associated pay grade of the Chief of Police job description to provide the current and future employee with compensation consistent with similar positions with other municipalities and entities.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta:

1. The job description for Chief of Police, as last revised on September 8, 2022 and attached hereto as Attachment A, is hereby approved.
2. The pay grade modification detailed in said job description shall become effective immediately.

PASSED by the City Council and **SIGNED** by the Mayor this 13th day of September, 2022.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

City of Marietta, Oklahoma Job Description

Position Title: Chief of Police	Department: Police
Pay Code: X	Supervisor: City Administrator

Position Purpose:

The Police Chief is responsible for overseeing and ensuring the effective planning, organizing, staffing, directing, coordinating, reporting, and budgeting for all aspects of the police department, which includes the operations of code enforcement and animal control. Position is primarily focused on directing, coaching, developing, and evaluating other people. Position requires extensive depth of expertise and knowledge in specialized functions or business areas that can be used to develop and implement policies and procedures as well as determining efficient and innovative ways to accomplish the department’s business strategies.

Essential Functions and Duties:

- Develops the vision and mission for the department in addition to department plans for delivering police services
- Establishes, evaluates, and communicates annual goals and objectives for the police department
- Communicates with the media on critical police incidents and various other matters of public interests;
- Meets with City officials and entities within the community regarding matters that involve public safety or the police department
- Builds and maintains partnerships with local, state, and federal law enforcement agencies and various other organizations
- Ensures effective technology solutions by identifying technology needs in the Police Department; stays current on new technology developments; determines strategy for rolling out new technology solutions to the Police Department personnel
- Reviews and evaluates work methods and procedures and meets with management staff to identify and resolve problems
- Assesses and monitors workload, identifies opportunities for improvement and implements changes
- Selects, trains, motivates, and evaluates personnel; provides or coordinates staff training; works with employees to correct deficiencies; and implements discipline and termination procedures
- Oversees and participates in the development of organization-wide and administration of various departmental budgets

Education and Experience:

- Minimum of a High School Diploma or GED; preference for Associate or Bachelor degree from accredited college/university with major in police science, criminal justice or public administration.
- Preference given to promotion of internal candidates. If promotion not possible,

City of Marietta, Oklahoma Job Description

the external candidate needs at least five (5) years of increasingly responsible law enforcement experience, including at least three years management experience.

License and Certifications:

- Possession of an appropriate, valid Driver's License.
- Possession of, or the ability to obtain an Oklahoma Council on Law Enforcement Education and Training (CLEET) Basic and Advanced Certificate within six months of employment.

Knowledge/Skills/Abilities

- Knowledge of pertinent federal, state, and local laws, codes, and regulations and the Oklahoma criminal code
- Knowledge of and ability to use the records management system and other applicable police administration software
- Knowledge of principles, practices, and techniques of law enforcement management
- Knowledge of police department rules, regulations, policies, and procedures
- Skill in the use of Microsoft Office products (Word, Outlook, PowerPoint, Excel, and Access)
- Ability to analyze and define problems, identify alternative solutions, estimate consequences of proposed actions, and implement recommendations in support of goals
- Ability to establish and maintain effective and cooperative working relationships with those contacted in the course of work
- Ability to maintain strict confidentiality of sensitive employee and organization information at all times
- Ability to correctly interpret and efficiently implement all applicable policies and procedures
- Ability to develop and interpret budgets, contracts, and financial reports
- Ability to meet and deal with the public with tact and diplomacy
- Ability to communicate effectively, verbally and in writing
- Ability to delegate, manage, and supervise effectively

State of Oklahoma Requirements:

- Valid Oklahoma State Driver's License
- Must be able to obtain CLEET certification within 1 year of hire date
- Must be 21 years of age
- Must be United States Citizen or legally able to work in the United States
- If military service, must have Honorable discharge
- Have no felony convictions, domestic violence incidents or crimes of moral turpitude
- Not have been involuntarily committed to a mental institution

City of Marietta, Oklahoma
Job Description

Physical and Environmental Requirements:

The following physical and environmental activities and conditions represent those that must be met by and employee to successfully perform the essential functions of this job.

Physical Activities	None	Under 1/3	To 2/3	Over 2/3	Physical Activities	None	Under 1/3	To 2/3	Over 2/3
Stand			X		Lift over 100 pounds		X		
Walk			X		Work Indoors			X	
Sit			X		Work Outdoors			X	
Use hands to finger, Handle, or feel				X	Normal Vision with or without corrective lenses – close vision, distance vision, peripheral vision, depth vision, night vision, and adjust focus. Moderate to high Noise Level Moderate to high exposure to armed/dangerous persons, dangerous animals, communicable diseases, hazardous emergency driving, natural and man-made disasters, and hazards associated with traffic				
Climb or balance			X						
Stoop, kneel, crouch, crawl, run or jump			X						
Talk or hear				X					
Taste or Smell		X							
Lift up to 25 pounds				X					
Lift up to 50 pounds			X						

Conditions of Employment:

- Subject to post offer, pre-employment drug screen
- Subject to post offer, pre-employment physical fitness screen
- Subject to post offer, pre-employment background check
- Must be at least 21 years of age

This is a Safety Sensitive position:

This job has been classified as a “safety sensitive” position as defined by the United States Department of Transportation drug and alcohol testing regulations, the Oklahoma Standards for Workplace Drug and Alcohol Testing Act and/or Oklahoma Medical Marijuana laws. In this position, you will be subject to drug and alcohol testing, which might include random testing. Marijuana is one of the substances included in the drug panel screening. Possession of a Medical Marijuana license will **not** excuse you from the testing process, or the consequences of testing positive for Marijuana.