

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

Tuesday, October 20, 2020 at 6:00 PM

Virtual Meeting – No Physical Location

This meeting will be conducted via videoconferencing pursuant to Oklahoma Senate Bill No. 661 on the Zoom® Cloud Meetings system due to the recommendation of the U.S. Center for Disease Control to avoid gathering in groups of more than ten people. As per said Senate Bill No. 661, all public body members will appear remotely, and the method of the remote appearance is the virtual method stated herein.

The proceedings of this meeting will be broadcast to the public, allowing the same opportunity to participate as in previous traditional meetings. Instructions for accessing and participating in the meeting are attached to this notice and agenda as Exhibit A.

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

CALL TO ORDER.

DECLARATION OF QUORUM.

INVOCATION.

CONSENT AGENDA.

1. Approval of the agenda as part of the minutes.
- [2.](#) Approval of the minutes of the September 8, 2020 Regular Meeting of the Marietta City Council.
3. Approval of financial reports.
4. Approval of 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. Approval of payroll and scheduled payments.

ITEMS REMOVED FROM CONSENT AGENDA.

PUBLIC PARTICIPATION.

CITY ADMINISTRATOR’S REPORT.

REGULAR BUSINESS.

1. Appointment and confirmation to fill vacant council position, SE Ward, Seat 1, and administration of the oath of office.
- [2.](#) Addition of MASA Medical Transportation Services emergency transportation coverage for employees.
- [3.](#) Distribution of Oklahoma Municipal Assurance Group escrow account funds.

4. Holiday bonuses for City employees and volunteers.
5. Executive session to have confidential communications with the attorney concerning litigation in Weldon Luke Pollard v. City of Marietta, 20-cv-338-RAW, in the United States District Court for the Eastern District of Oklahoma, with the advice of the attorney, for the reason that disclosure will seriously impair the ability of the public body to discuss the litigation in the public interest, pursuant to Title 25 Oklahoma Statutes, Section 307 B(4).
6. Any action and further discussion on Weldon Luke Pollard v. City of Marietta, 20-cv-338-RAW, in the United States District Court for the Eastern District of Oklahoma.

MAYOR'S COMMENTS.

ADJOURN.

POSTED: October 16, 2020, at 3:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma, and online at www.mariettaok.city.



Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

EXHIBIT A

INSTRUCTIONS TO ACCESS VIRTUAL CITY COUNCIL MEETING

Friday, March 20, 2020 at 4:00 PM

You may access the City Council proceedings by navigating to <https://zoom.us/j/4735214433> on a PC, or by downloading the Zoom® Cloud Meetings app on and Andriod® or iOs® device and entering Meeting ID: 473 521 4433.

**THE ONLINE WAITING ROOM IS NOW OPEN!
ATTEMPT TO ACCESS THE MEETING SYSTEM NOW TO ENSURE THAT YOU WILL HAVE ACCESS WHEN THE PROCEEDINGS BEGIN.**

If you have any questions or require assistance accessing the online meeting system, please call City Hall at 580-276-5569.

Topic: Special Meeting of the Marietta City Council
Time: Oct 20, 2020 06:00 PM Central Time (US and Canada)

Join Zoom Meeting
<https://us02web.zoom.us/j/4735214433>

Meeting ID: 473 521 4433
One tap mobile
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Dial by your location
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+1 929 205 6099 US (New York)
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Meeting ID: 473 521 4433
Find your local number: <https://us02web.zoom.us/u/kcFI5XglrX>

MINUTES OF THE REGULAR MEETING OF THE MARIETTA CITY COUNCIL

Tuesday, September 08, 2020 at 6:00 PM

Eastside Baptist Church, 107 N. Fernwood Ave., Marietta, Oklahoma

CALL TO ORDER.

The meeting was called to order by Council President Kermit McKinney at 6:01 p.m.

DECLARATION OF QUORUM.

Council President Kermit McKinney declared a quorum of members necessary to conduct business was in attendance.

PRESENT

- Council Member Kermit McKinney
- Council Member Doug Stewart
- Council Member Lawrence Anderson
- Council Member Angela Vega
- Council Member Richard Barker
- Council Member Brandy Valenzuela

ABSENT

- Mayor Kimberly Fraire
- Council Member KorDale Lornes

INVOCATION.

An invocation was given by Council Member Lawrence Anderson.

CONSENT AGENDA.

Motion made by Council Member Anderson, Seconded by Council Member Stewart to approve the consent agenda.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the August 11, 2020 Regular Meeting of the Marietta City Council.
3. Approval of financial reports.
4. Approval of 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. Approval of payroll and scheduled payments.

ITEMS REMOVED FROM CONSENT AGENDA.

None.

PUBLIC PARTICIPATION.

None.

CITY ADMINISTRATOR'S REPORT.

City Administrator Dustin Scott provided an update on the Cares Act/Coronavirus Fund reimbursement program. City staff have made application to the program and have received approval for reimbursement for supplies in the amount of \$11,529. After action is taken later in the meeting, the City Administrator plans to request reimbursement of public safety personnel expenses of approximately \$165,000. The maximum amount eligible to the City is roughly \$213,000.

The City Administrator, with approval of the Mayor, has purchased a membership with Oklahoma Municipal Management Services. The non-profit organization has aided in the application for COVID reimbursement and offers various additional resources to Oklahoma municipalities.

Administrator Scott provided an update on the dilapidated building at 119 W. Main Street. Staff is working with DEQ to establish a land reclamation site for the disposal of demolition debris from the property. Code Enforcement Officer Regina McMillan recently completed an asbestos inspector course and is in the process of securing a license through the State. The asbestos inspection is required for the use of the land reclamation site. Scott advised the Council that the property owner's deadline to remove the building was October 10.

The Oklahoma Bureau of Narcotics donated to the City a 2013 Dodge Durano. The vehicle will be used for City administration purposes. The City Administrator would like to surplus vehicles that are no longer needed due, partly, to this donation.

City Administrator Scott briefed the Council on *McGirt v. Oklahoma* and *Bosse v. Oklahoma*, and the potential implications the decisions in these cases may have on criminal jurisdiction in the City of Marietta. Scott explained that half of the City's police officers recently completed a training to receive a special law enforcement commission with the Bureau of Indian Affairs. The remaining personnel will complete the course at its next offering. The special BIA commission, in conjunction with the current cross-deputation agreement with the Chickasaw Nation Lighthorse Police, will ensure that local officers have the appropriate jurisdiction to enforce all criminal violations.

REGULAR BUSINESS.

6. Resignation of Vanessa Wright as Council Member for SE Ward, Seat 1, an appointment and confirmation to fill the vacant position, and administration of oath of office.

Vanessa Wright resigned her position as council member due to her moving outside of the boundaries of the ward she represented. Council desires to table the item to give the Mayor an opportunity to make an appointment to the position.

Motion made by Council Member Stewart, Seconded by Council Member Vega.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

7. Declare as surplus certain equipment and provide for disposal of same.

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City Administrator Scott advised the equipment detailed in the resolution is no longer needed for City operations. Language in the resolution would allow bids submitted by local fire departments for the fire apparatus to be considered before any public bid.

Motion made by Council Member Barker, Seconded by Council Member Stewart to approve Resolution 2020-38.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

8. Approval of application and expenditures pursuant to the 2020 Justice Assistance Grant - Local Law Enforcement (JAG-LLE) Program.

Administrator Scott explained that the City has received JAG-LLE in previous years, but the program now requires approval of the application by the governing body. The application seeks funding for two mobile police radios that would allow officers to access the State OKWIN system which is utilized by several surrounding agencies, including the Oklahoma Highway Patrol and the Lighthouse Police Department. The Police Department does not currently possess the ability to access these systems. The prepared resolution authorizes the purchases outlined in the application should the City receive an award.

Motion made by Council Member Barker, Seconded by Council Member Anderson to approve Resolution 2020-39. Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

9. Cares Act and Coronavirus Relief Fund application and confirmation of public safety personnel costs substantially dedicated to COVID-19 response efforts.

The City Administrator explained that the federal government has determined that public safety personnel costs during the coronavirus pandemic have been substantially dedicated to COVID-19 response efforts. Administrator Scott presented a report of expenditures to public safety personnel costs, which he plans to submit to the State for reimbursement from the federal government.

Motion made by Council Member Stewart, Seconded by Council Member Valenzuela to approve Resolution 2020-40.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

10. Addition of MASA Medical Transportation Services emergency transportation coverage for employees.

Administrator Scott advised he had received information from Employee Benefits Professionals regarding the program which covers the insured's cost for ground or air ambulance transportation. EBP advised the program was popular amongst rural businesses and municipalities.

Richard Barker recommended the further investigation of differences between plans offered and cost sharing options between employees and the City.

Motion made by Council Member Barker, Seconded by Council Member Valenzuela to table the item.

Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson,

11. Replacement of a reinforced concrete box across State Highway 32 and Main Street and drainage improvements in the railroad right-of-way and along North Martin Luther King, Jr. Avenue and Bill Halstied Street, and award bids and authorization for signing necessary documents for the project.

Administrator Scott stated sealed bids were opened on Friday, October 11, 2020. Only two bids were received, the low bid was submitted by Overland Corporation, and was recommended for approval by Fox Engineering.

Scott advised of work recently competed by BNSF to grade and reshape a drainage channel located south of Main Street, and along the east railroad right-of-way. BNSF has indicated they plan to perform the same work north of Main Street at the appropriate time.

The City engaged a contractor to locate a waterline located beneath the concrete box to be replaced. The waterline is not located at a depth which will allow the concrete box to be installed at the needed elevation. Steve Fox discussed steps he has taken to get permission from BNSF to install a new waterline either under the existing waterline or north of the existing water line. Fox will bid both options, review the options with the MPWA and their engineer, and report his findings to the City.

The Council discussed the impact of this project on Main Street and the entire City. The project should eliminate the flow of water from the east side of the railroad to the west. Additional phases of the project will be designed to move water from the west side of the railroad to the east. Any amount of water removed from the area will provide relief to the curb and gutter system on Main Street and decrease the amount of water that travels through the southwest quadrant of the City.

Motion made by Council Member Barker, Seconded by Council Member Stewart to award bid to Overland Corporation of \$394,426.50 for replacement of a reinforced concrete box across State Highway 32 and Main Street and drainage improvements in the railroad right-of-way and along North Martin Luther King, Jr. Avenue and Bill Halstied Street, and give authorization to the Mayor, City Administrator and the City Attorney to review contracts and authorization to the Mayor and City Administrator to sign any necessary contract. Voting Yea: Council Member McKinney, Council Member Stewart, Council Member Anderson, Council Member Vega, Council Member Barker, Council Member Valenzuela

MAYOR'S COMMENTS.

None.

NEW AND UNFORESEEN BUSINESS.

(Any new or unforeseen issues which were not known at the time of publishing the agenda which must be discussed and/or acted upon at this meeting.)

None.

ADJOURN.

The meeting was adjourned by Council President Kermit McKinney at 6:54 p.m.

A handwritten signature in blue ink, appearing to read 'D. Gwin', is written over a horizontal line.

Dottie Gwin, City Clerk
Scott Chaney, Deputy City Clerk

RESOLUTION _____

A RESOLUTION AMENDING BENEFITS FOR EMPLOYEES OF THE CITY OF MARIETTA AND DETERMINING THE CITY’S CONTRIBUTION OF PREMIUMS FOR SAID AMENDED BENEFITS

WHEREAS, the City of Marietta provides certain benefits for eligible full-time employees: and

WHEREAS, the City of Marietta has received rebates and reimbursements of health insurance premium costs over the last twelve (12) months which exceed \$25,000; and

WHEREAS, the City desires to amend the benefits of eligible employees by adding coverage for emergency transportation costs; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA:

SECTION 1. All eligible full-time employees, as determined by the Employee Handbook of Personnel Policies, shall receive coverage for emergency transportation costs, under the Emergent Plus plan, as provided by MASA Medical Transportation Solutions.

SECTION 2. The payment of any premium not specified in Section 1 shall be the responsibility of the employee seeking additional coverage.

PASSED BY THE CITY COUNCIL and SIGNED BY THE MAYOR of the City of Marietta on this 20th day of October, 2020.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

**A RESOLUTION AUTHORIZING OKLAHOMA MUNICIPAL ASSURANCE GROUP
TO DISTRIBUTE ESCROW ACCOUNT FUNDS**

WHEREAS, the City of Marietta desires to send request to Oklahoma Municipal Assurance Group (OMAG) for a return of Escrow Account Funds in the amount of \$1,587.30.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marietta, Oklahoma, that we approve Resolution _____ and authorize the request of return.

PASSED BY THE CITY COUNCIL and **SIGNED BY THE MAYOR** of the City of Marietta on this 20th day of October 2020.

CITY OF MARIETTA

ATTEST

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK

RESOLUTION _____

AUTHORIZING HOLIDAY BONUS FOR FULL-TIME AND PART-TIME EMPLOYEES AND POLICE AND FIRE DEPARTMENT VOLUNTEERS

WHEREAS, City of Marietta employees have voluntarily participated in the Insure Oklahoma program, which provides to the City, a rebate on qualified benefit plan premiums; and

WHEREAS, said rebates from the Insure Oklahoma program have totaled more than \$14,500 over the last twelve (12) months; and

WHEREAS, the City received a rebate on premiums paid to BlueCross BlueShield of Oklahoma in the amount of \$10,464; and

WHEREAS, the City Council desires to return a portion of said rebates to full-time and part-time employees and police and fire department volunteers in the form of a holiday bonus;

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

1. Full-time employees shall be issued a holiday bonus in the gross amount of \$750.
2. Part-time employees shall be issued a holiday bonus in the gross amount of \$300.
3. Reserve police officers and volunteer firefighters shall be issued a holiday bonus in the gross amount of \$125.

PASSED BY THE CITY COUNCIL and **SIGNED BY THE MAYOR** of the City of Marietta this 20th day of October 2020.

CITY OF MARIETTA

ATTEST:

KIMBERLY FRAIRE, MAYOR

DOTTIE GWIN, CITY CLERK