

## **NOTICE AND AGENDA OF THE REGULAR MEETING**

**Tuesday, March 10, 2020 at 6:00 PM**

**Marietta Public Works Authority Building  
303 W Main Street, Marietta, Oklahoma**

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.**

### **PUBLIC HEARING.**

1. Public hearing regarding the application of Supao Ngo to rezone property located at 1005 Shell Street, further described as Lot 18, Block 2, Shellenberger Addition to the City of Marietta, Love County, Oklahoma, from C-3 highway commercial and commercial recreation district to R-1 single-family residential district.

### **CONSENT AGENDA.**

1. Approval of the agenda as part of the minutes.
2. Approval of the minutes of the February 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 monthly payments.

### **ITEMS REMOVED FROM CONSENT AGENDA.**

### **PUBLIC PARTICIPATION.**

(This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to three minutes or less.)

### **BUSINESS.**

1. Ordinance rezoning property located at 1005 Shell Street, further described as Lot 18,Block 2, Shellenberger Addition to the City of Marietta, Love County, Oklahoma, from C3 highway commercial and commercial recreation district to R-1 single-family residential district.

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2. Appointment of Brittany Wood as a reserve police officer.
3. Adoption of Natural Hazard Mitigation Plan.
4. Purchase of backup power generator for Police Department.
5. Award bids and authorization for signing necessary documents for drainage improvement project.
6. Renaming a street in honor of Martin Luther King, Jr.
7. Proclamation declaring April as Child Abuse Prevention Month in the City of Marietta.
8. Resolution to declare Frontier Days a special event and authorize street closures for said event.

**MAYOR'S COMMENTS.**

**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.)

**ADJOURN.**

POSTED: Monday, March 9, 2019, at 5:00 PM, at the Marietta City Hall, located at 101 W. Main Street, Marietta, Oklahoma.



Dottie Gwin, City Clerk  
Scott Chaney, Deputy City Clerk

**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, located at 1005 Shell Street, hereinafter further described has made application with the City of Marietta requesting the zoning of said real property be amended from C-3 highway commercial and commercial recreation district to R-1 single-family residential district; and

**WHEREAS**, notice of a public hearing was published in the Marietta Monitor on February 7, 2020 and mailed to the owners of property located within 300 feet of the real property on February 14, 2020; and

**WHEREAS**, a public hearing regarding the application for zoning amendment of the real property was held before the Planning Commission on February 27, 2020 and the Planning Commission has recommended amendment to the zoning of the real property as provided by Resolution PC 20-03; and

**WHEREAS**, a public hearing regarding the application for zoning amendment of the real property was held before the City Council on March 10, 2020 and 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 property is hereby amended from C-3 highway commercial and commercial recreation district to R-1 single-family residential district to wit:

Lot 18, Block 2, Shellenberger Addition to the City of Marietta,  
Love County, Oklahoma, according to the recorded plat thereof.

**SECTION 2.** All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

**SECTION 3.** 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 10<sup>th</sup> day of March 2020.

CITY OF MARIETTA

ATTEST:

BY: \_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

**RESOLUTION \_\_\_\_\_**

**APPOINTMENT OF EMPLOYEE FOR THE CITY OF MARIETTA**

**WHEREAS**, it is necessary to employ a number of personnel to exercise the powers and perform the duties relative to the functions lawfully imposed upon or assumed by the City of Marietta;

**WHEREAS**, a vacancy exists within the City of Marietta based on the number of personnel funded by the budget of the current fiscal year;

**WHEREAS**, the following applicant was selected on the basis of their experience, aptitudes and abilities;

**WHEREAS**, this resolution serves to memorialize the action of the governing body regarding the hours, duties, compensation, and benefits for the employee and position described herein;

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

1. Brittany Wood is hereby appointed as an employee of the City of Marietta to the position of Reserve Police Officer of the Police Department, under the supervision of the Assistant Chief of Police, to be effective March 10, 2020.
2. Said position shall be classified as a volunteer employee as defined by Section 207.B of the City of Marietta Employee Handbook of Personnel Policies and is eligible for all benefits prescribed by this classification.
3. Employment is subject to a probationary period as outline in Section 207.B of the City of Marietta Employee Handbook of Personnel Policies.

**PASSED** by the City Council and **SIGNED** by the Mayor this 10<sup>th</sup> day of March, 2020.

CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

RESOLUTION \_\_\_\_\_

**ADOPTION OF NATURAL HAZARD MITIGATION PLAN**

**WHEREAS**, the City of Marietta, with assistance from the Hazard Mitigation Planning Team, has gathered information and prepared the Love County Hazard Mitigation Plan (hereinafter, Plan); and

**WHEREAS**, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

**WHEREAS**, the City of Marietta is a local unit of government that has afforded the citizens and opportunity to comment and provide input in the Plan and the actions of the Plan; and

**WHEREAS**, the City of Marietta has reviewed the Plan and affirms the Plan will be updated no less than every five (5) years;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Marietta that the Love County Hazard Mitigation Plan is hereby adopted as this jurisdiction's Natural Hazard Mitigation Plan.

**PASSED** by the City Council and **SIGNED** by the Mayor this 10<sup>th</sup> day of March, 2020.

CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

**RESOLUTION \_\_\_\_\_**

**PURCHASE OF EQUIPMENT FOR CITY OF MARIETTA**

**WHEREAS**, the purchase of equipment, materials and supplies is necessary to perform the duties relative to the functions lawfully imposed upon or assumed by the City of Marietta; and

**WHEREAS**, a backup power generator is needed to allow for the performance of the above described duties/functions;

**WHEREAS**, the Love County Board of County Commissioners, through the Love County E911 District, has declared surplus a 2012 Generac SD025 25KW backup power generator; and

**WHEREAS**, estimations of the value of said generator were received from \_\_\_\_\_ qualified industry professionals; and

**WHEREAS**, the agreed purchase price of \_\_\_\_\_ meets or exceeds ninety percent (90%) of the lowest estimation of value; and

**WHEREAS**, pursuant to Section 2-173 of the Marietta Municipal Code, competitive bidding is not required for the purchase of supplies, materials, equipment or contractual services from another unit of government.

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

1. The purchase of 2012 Generac SD025 25KW backup power generator from Love County Board of County Commissioners, through the Love County E911 District is hereby approved.
2. The expenditure for the purchase will be deducted from the following department/account: 01-50-800, Emergency Management- Capital Outlay.

**PASSED** by the City Council and **SIGNED** by the Mayor this 10<sup>th</sup> day of March, 2019.

CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION ACCEPTING BID FOR CONSTRUCTION CONTRACT FOR REINFORCED CONCRETE BOX REPLACEMENT ACROSS HIGHWAY 32 AND MAIN STREET AND DRAINAGE IMPROVEMENTS ON NORTH FRONT STREET AND BILL HALSTIED STREET**

**WHEREAS**, pursuant to the Public Competitive Bidding Act, the City of Marietta solicited bids for the construction contract for reinforced concrete box replacement across Highway 32 and Main Street and drainage improvements on North Front Street and Bill Halstied Street in the City of Marietta (“Drainage Construction Contract”);

**WHEREAS**, on February 13, at 2:00 p.m., a bid opening was held at the City of Marietta for the Drainage Construction Contract;

**WHEREAS**, there were four bidders on the project, to-wit: Overland Corporation for \$398,791.30; Built Right Construction for \$426,550.00; Silver Star Construction for \$432,000.00; and Cedar Ridge GC for \$747,759.86;

**WHEREAS**, Overland Corporation was the low bidder for \$398,791.30;

**WHEREAS**, the engineering firm, Fox Engineering, recommends that that Overland Corporation be awarded the Drainage Construction Contract for \$398,791.30, and Fox Engineering has further stated that it has worked with Overland Corporation in the past and has found that company to be very reliable and reputable.

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

1. The bid of Overland Corporation for the Drainage Construction Contract for \$398,791.30 is accepted.
2. The funding for the Drainage Construction Contract will be from the Street Improvement Fund.
3. Any necessary budget amendments will be passed as needed in the future to accomplish the funding for the Drainage Construction Contract.
4. The Mayor, City Administrator, and Council President are jointly authorized to sign the necessary Drainage Construction Contract documents.

**PASSED** by the City Council and **SIGNED** by the Mayor this 10<sup>th</sup> day of March 2020.



CITY OF MARIETTA

ATTEST

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

**RESOLUTION \_\_\_\_\_**

**RENAMING FRONT AVENUE IN THE CITY OF MARIETTA**

**WHEREAS**, the Dr. Martin Luther King, Jr. Committee has requested Front Avenue, which is located in the City of Marietta, be renamed Martin Luther King, Jr. Avenue, in honor of the late minister and civil rights activist; and

**WHEREAS**, members of the Committee have acquired a resident's signature in support of the change from one hundred percent (100%) of the total occupied residences/structures addressed on the aforementioned street; and

**WHEREAS**, it has been determined that renaming of the street in the best interest of the City and the general public.

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

**SECTION 1.** That Front Avenue, located in the City of Marietta, be renamed Martin Luther King, Jr. Avenue.

**SECTION 2.** The Operations Department is authorized to purchase and directed to install any signage necessary to affect this resolution.

**PASSED BY THE CITY COUNCIL** and **SIGNED** by the Mayor of the City of Marietta this 10<sup>th</sup> day of March 2020.

CITY OF MARIETTA

\_\_\_\_\_  
KIMBERLY FRAIRE, MAYOR

ATTEST

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

Office of the Mayor  
City of Marietta, Oklahoma  
**Proclamation**

**CHILD ABUSE PREVENTION MONTH  
2020**

**WHEREAS**, children are vital to our city's future success, prosperity and quality of life, they are also our most vulnerable members of society; and

**WHEREAS**, all children deserve to have the safe, stable, nurturing homes and communities they need to foster their healthy growth and development, and

**WHEREAS**, child abuse and neglect are a community responsibility, affecting both the current and future quality of life of a community, and

**WHEREAS**, communities that provide parents with the social support, knowledge of parenting and child development, and concrete resources they need to cope with stress and nurture their children to help ensure that all children grow to their full potential; and

**WHEREAS**, effective child abuse prevention strategies succeed because of partnerships created among individuals and families, human service agencies, schools, faith communities, health care providers, civic organizations, law enforcement agencies, and the business community; and

**WHEREAS**, the City of Marietta calls upon all community agencies, faith groups, medical facilities, elected leaders, businesses, and individuals to increase their participation in efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

**NOW, THEREFORE**, I, Kimberly Fraire, Mayor of the City of Marietta, Oklahoma, do proclaim April 2020, as "CHILD ABUSE PREVENTION MONTH" in the City of Marietta and commend its observance to all citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Marietta, Oklahoma, to be affixed this tenth day of March, in the year two thousand twenty.

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**Kimberly Fraire, Mayor**

RESOLUTION \_\_\_\_\_

**DECLARING LOVE COUNTY FRONTIER DAYS A SPECIAL EVENT AND CLOSING A PORTION OF MAIN STREET TO ACCOMMODATE THE EVENT**

**WHEREAS**, the annual Love County Frontier Days celebration is a special event within the City of Marietta, and the event is scheduled for May 28, 2020, through May 30, 2020;

**WHEREAS**, it will be necessary to close a portion of Highway 32, also known as Main Street within the City of Marietta, to accommodate the event;

**WHEREAS**, the Oklahoma Department of Transportation requires a resolution be passed by the Marietta City Council authorizing the closure of said street and providing certain information.

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

1. The Love County Frontier Days celebration is recognized as a special event within the City.
2. To accommodate the event, Main Street shall be closed from 4<sup>th</sup> Avenue through 7<sup>th</sup> Avenue from 12:00 p.m. on May 27, 2020, to 8:00 a.m. on May 31, 2020; Main Street between Front Avenue and 4<sup>th</sup> Avenue may be closed as needed during this period to accommodate event activities (i.e., parade, children's games, and other event attractions).
3. Upon the closure of Main Street, which is also State Highway 32, the following street is designated as the detour route: Broadway Street.
4. The Police Department may post and enforce parking restrictions along areas of Main Street, the detour route, and other City streets to provide for safe and effective movement of traffic.
5. The City of Marietta agrees to install all traffic control devices as outlined in the "Manual of Uniform Traffic Control Device" latest edition.

PASSED by the City Council and SIGNED by the Mayor this 10<sup>th</sup> day of March 2020.

CITY OF MARIETTA

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KIMBERLY FRAIRE, MAYOR

ATTEST:

\_\_\_\_\_  
DOTTIE GWIN, CITY CLERK

Resolution \_\_\_\_\_  
Love County Frontier Days