

Posted at City Hall, 64 Memorial Drive, Eufaula, OK 74432 August 2, 2018 @ 5:00 P.M.

## **CITY OF EUFAULA, OK**

Community Center  
First & High Street  
Eufaula, OK 74432



### **MINUTES Monday August 6, 2018 5:00 p.m.**

City Council and Eufaula Public Works Authority

The City of Eufaula encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28CFR/36).

Council Rules of Decorum limit citizen comments on agenda items, non-agenda items, and public hearings to five (5) minutes. Any person desiring to address the Council during such period is required to sign in with the City Clerk, provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted ten (10) copies should be made available, and may not be returned. Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.

City Council

Mayor James Duty  
Vice Mayor Donald Berryhill  
Council Member Roger Barton  
Council Member Frank Davis  
Council Member Nick Pendley

AGENDA  
EUFAULA CITY COUNCIL  
August 6, 2018  
5:00 P.M.

- |                          |                         |
|--------------------------|-------------------------|
| 1. CALL TO ORDER         | MAYOR JAMES DUTY        |
| 2. INVOCATION            |                         |
| 3. PLEDGE OF ALLEGIANCE  | MAYOR JAMES DUTY        |
| 4. ROLL CALL /ATTENDANCE | CITY CLERK, VALARIE COX |

Council Members in attendance: Davis, Pendley, Barton, Berryhill and Duty.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately. The item will then be placed in its proper order on the regular meeting and will be considered at that time.

5. APPROVAL OF MINUTES.
  - A. REGULAR COUNCIL MEETING JULY 9, 2018.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE JULY 2018 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$54,970.80.
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.

Motion to approve the Consent Agenda by Donald Berryhill, 2<sup>nd</sup> by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton Donald Berryhill and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

9. Discuss and receive update on the Wetlands Project.

Presentation by Jerry McCormick. Discussion.

10. Discuss and consider for approval awarding of bid for special event parking for August 15, 2018 through April 30, 2019.

Discussion. Motion to award the bid for special event parking for August 15, 2018 through April 30, 2019, to the Eufaula Fire Department Ladies Auxiliary by Roger Barton, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty. Motion to add reasons of No Set Fee, Proven track record, # of employees expected to be there by Roger Barton, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

Motion to Items 17 and 18 below Item 21 by James Duty, 2<sup>nd</sup> by Roger Barton. Roll Call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

11. Discuss and consider for approval declaring 515 S. E Street to be a public nuisance subject to proper abatement by the City of Eufaula.

Discussion. Motion to approve declaring 515 S. E Street to be a public nuisance subject to proper abatement by the City of Eufaula by Nicholas Pendley, 2<sup>nd</sup> by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

12. Discuss and consider for approval authorizing the City Manager to sign and execute the agreement with Cowan Group Engineering, LLC to provide a city-wide water analysis.

Discussion. Motion to approve the City Manager to sign and execute the agreement with Cowan Group Engineering, LLC to provide a city-wide water analysis by James Duty, 2<sup>nd</sup> by Frank Davis. Roll Call Vote- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

13. Discuss and consider for approval Ordinance No. 18-8-1, an ordinance revising Ordinance 10-1400, Noise; and declaring an emergency.

Motion to approve Ordinance No. 18-8-1, an ordinance revising Ordinance 10-1400, Noise by Donald Berryhill, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to Approve or Disapprove attaching emergency clause to Ordinance 18-8-1.

Motion to approve attaching emergency clause to Ordinance 18-8-1 by Donald Berryhill, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

14. Discuss and consider for approval Ordinance No. 18-8-2, an ordinance amending the Eufaula Code of Ordinances Chapter 9, Business and Licensing; establishing regulations for retail marijuana growth, wholesale marijuana facilities and marijuana storage facilities; inspection; establishing regulations for growing marijuana for personal use; and public nuisance; and declaring an emergency.

Discussion. Motion to approve Ordinance No. 18-8-2, an ordinance amending the Eufaula Code of Ordinances Chapter 9, Business and Licensing; establishing regulations for retail marijuana growth, wholesale marijuana facilities and marijuana storage facilities; inspection; establishing regulations for growing marijuana for personal use; and public nuisance by Donald Berryhill, 2<sup>nd</sup> by James Duty. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to Approve or Disapprove attaching emergency clause to Ordinance 18-8-2.

Motion to approve attaching emergency clause to Ordinance 18-8-2 by Donald Berryhill, 2<sup>nd</sup> by James Duty. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

15. Discuss and consider for approval Ordinance No. 18-8-3, an ordinance adopting all provisions of Oklahoma State Statute Title 21, O.S. § 1290 also known as the Oklahoma Self Defense Act, and adding said provisions to City Ordinance 10-1505; and declaring it an emergency.

Discussion. Motion to approve Ordinance No. 18-8-3, an ordinance adopting all provisions of Oklahoma State Statute Title 21, O.S. § 1290 also known as the Oklahoma Self Defense Act, and adding said provisions to City Ordinance 10-1505 by Nicholas Pendley, 2<sup>nd</sup> by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

- a. Motion to Approve or Disapprove attaching emergency clause to Ordinance 18-8-3.

Motion to approve attaching emergency clause to Ordinance 18-8-3 by Nicholas Pendley, 2<sup>nd</sup> by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

16. Discuss and consider for approval a Memorandum of Understanding with the Eufaula Public School District for a Student Resource Officer Program.

Discussion. Motion to approve a Memorandum of Understanding with the Eufaula Public School District for a Student Resource Officer Program by Roger Barton, 2<sup>nd</sup> by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

17. Pursuant to 25 O.S. § 307(B)(2), consider convening in Executive Session for purposes of discussing negotiations concerning employees and representatives of employee groups.

Motion to convene in Executive Session for purposes of discussing negotiations concerning employees and representatives of employee groups by Donald Berryhill, 2<sup>nd</sup> by Roger Barton. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

18. Discuss and possible action in open meeting, on Executive Session Item 17, if necessary.

Motion to return to open session by Donald Berryhill, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

Motion to approve Fiscal Year 2018-2019 Fraternal Order of Police Agreement by Donald Berryhill, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

19. RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.

**Note: Under Oklahoma Law, the Council Members are prohibited from discussing or taking any action on items not on today's agenda.**

Pam Rossi  
Frank Kucish  
Latti Gray

20. REMARKS AND INQUIRIES BY CITY COUNCIL.

Barton-Hailey Property

21. ANNOUNCEMENTS.

Bull Riding Labor Day

22. ADJOURNMENT.

Motion to adjourn by Roger Barton, 2<sup>nd</sup> by Donald Berryhill. Roll Call Vote Yes- Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

AGENDA  
EUFAULA PUBLIC WORKS AUTHORITY  
August 6, 2018  
5:00 P.M.

1. ROLL CALL / ATTENDANCE CITY CLERK, VALARIE COX

Council Members in attendance: Davis, Pendley, Barton, Berryhill and Duty.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately. The item will then be placed in its proper order on the regular meeting and will be considered at that time.

2. APPROVAL OF THE JULY 2018 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$23,541.88.
3. RECEIPT OF CLAIMS: EUFAULA PUBLIC WORKS AUTHORITY.

Motion to approve Consent Agenda by Donald Berryhill, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

4. Pursuant to 25 O.S. § 307(B)(3), consider convening in Executive Session for purposes of discussing the purchase or appraisal of real property, and if necessary, take appropriate action in open session.

Motion to convene in Executive Session for purposes of discussing the purchase or appraisal of real property by Donald Berryhill, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

5. Discuss and possible action in open meeting, on Executive Session Item 4, if necessary.

Motion to return to open session by Roger Barton, 2<sup>nd</sup> by Donald Berryhill. Roll Call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.

Motion to sell the ODOT Property as per marked on the attached map for \$48,000.00 to the Eufaula Public School District with School District to Provide Access to and from, Fencing, Drainage Building Permits and utilities to sight by Frank Davis, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton Donald Berryhill and James Duty.

6. ADJOURNMENT.

Motion to adjourn by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll call Vote Yes-Frank Davis, Nicholas Pendley, Roger Barton, Donald Berryhill and James Duty.