

Posted at City Hall, 17 Hospital Drive, Eufaula, OK 74432 and at Community Center, 121 High Street, Eufaula, OK 74432 (the location of the meeting) on October 29, 2020 at 5:00 p.m.

SPECIAL NOTICE: Due to COVID-19, all attendees must wear a protective face mask. If possible, please bring your own mask. A limited amount will be available for visitors. Please do not attend if you have been exposed to, tested positive for, or are experiencing symptoms of COVID-19.

## **CITY OF EUFAULA, OK**

Community Center  
121 High Street  
Eufaula, OK 74432



**MINUTES**  
**Monday**  
**NOVEMBER 2, 2020**  
**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 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.

The complete packet of information for the agenda items is available online at  
[CityofEufaulaOK.com](http://CityofEufaulaOK.com)

City Council

Mayor James Duty  
Vice Mayor Frank Davis  
Council Member Nancy Mouser  
Council Member Nick Pendley  
Council Member Todd Warren

AGENDA  
EUFAULA CITY COUNCIL  
NOVEMBER 2, 2020  
5:00 p.m.

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

Council members present: Warren, Mouser, Pendley, Davis 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 OCTOBER 5, 2020.
  - B. SPECIAL COUNCIL MEETING OCTOBER 7, 2020.
6. APPROVAL OF THE TREASURER'S REPORT.
7. APPROVAL OF THE OCTOBER 2020 PAYROLL FIGURES FOR THE GENERAL FUND IN THE AMOUNT OF \$77,675.18.
8. RECEIPT OF CLAIMS: CITY OF EUFAULA.

9. Approval of contract award to McQuay Construction, LLC, the lowest responsible bidder, for the road improvement project at Birkes Road and Business Highway 69, in the amount of \$48,800; and authorize the Mayor and/or City Manager to sign all documents.
10. Approval of contract award to Yandell & Sons Mowing, the lowest responsible bidder, for the mowing of cemeteries; and authorize the Mayor and/or City Manager to sign all documents.
11. Approval of Interagency Agreement with the Oklahoma Department of Environmental Quality for a 100% grant to purchase a beach rake for \$26,752; and authorize the Mayor and/or City Manager to sign all documents.

Motion to approve the consent agenda by Nicholas Pendley, 2<sup>nd</sup> by Todd Warren. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

#### ITEMS REMOVED FROM CONSENT AGENDA

12. Discuss and consider for approval confirmation of Mayor Duty's appointment of a Eufaula resident to the vacancy on the Planning and Zoning Commission.

Motion to appoint Pam Rossi to the vacancy on the Planning and Zoning Commission by James Duty, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

13. Discuss and take any necessary action on presentation by Crawford & Associates, P.C. on the review of the CIP Fund financials.

Presentation by Frank Crawford.

14. Discuss and consider for approval a zoning map amendment application for a change in zoning from R-1 Residential to RM-1 Residential Multi-Family for the following location: Legal Description: Lot 1-6 BLK 35 OT-Eufaula (RV Park) 625/74. Commonly known as 305 J.C. Watts Jr. Avenue.

Discussion. Mr. Shaw. Emma Watts.

- a. Conduct public hearing.

Public hearing conducted. Mike Rogers, Keith Shaw, Gary Rodriguez and Beverly Ribaud.

- b. Take action.

Motion to approve a zoning map amendment application for a change in zoning from R-1 Residential to RM-1 Residential Multi-Family for the following location: Legal Description: Lot 1-6 BLK 35 OT-Eufaula (RV Park) 625/74. Commonly known as 305 J.C. Watts Jr. Avenue by James Duty, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes-Nancy Mouser and James Duty. No-Todd Warren, Nicholas Pendley and Frank Davis. Motion fails.

- 15. Discuss and consider for approval Ordinance 20-11-01 providing for the annulment, vacation and discontinuance of a portion of a public way that runs between Lots 1-3 and Lots 4-6 of Block 35; and declaring an emergency.

Stricken from the agenda.

- a. Conduct public hearing.
- b. Take action.
- c. Motion to approve or disapprove attaching emergency clause to Ordinance 20-11-01.

- 16. Discuss and take any necessary action on the letter addressed to the City Council from Ron Henry, Xtreme RV Resort, regarding concessionaire sub-lease rates on U.S. Army Corps of Engineers properties.

Ron Henry. Discussion.

- 17. Discuss and consider for approval increasing Concession Agreement annual lease rate with Eufaula Cove Marina, for the portion currently known as Katt Daddy's Cove Bar & Restaurant, to \$2,250 per year for the five-year period beginning January 6, 2021.

Stricken from the agenda.

- 18. Discuss and consider for approval an application for a Specific Use Permit for the commercial distribution, retail sale, and wholesale of fireworks at the following location: Legal Description: Lot 3 Less S95' BLK 81 OT- Eufaula 642/217 705/543 1051/625 1081/309 (Tastee Freez). Commonly known as 514 N. Main Street.

Discussion. Pat Nataro. Gina Nataro.

- a. Conduct public hearing.

Public hearing conducted. No one appears to speak.

- b. Take action.

Motion to approve an application for a Specific Use Permit for the commercial distribution, retail sale, and wholesale of fireworks at the following location: Legal Description: Lot 3 Less S95' BLK 81 OT- Eufaula 642/217 705/543 1051/625 1081/309 (Tastee Freez). Commonly known as 514 N. Main Street by Todd Warren, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser. No- Nicholas Pendley, Frank Davis and James Duty. Motion fails.

- 19. Discuss and consider for approval traffic control measures recommended by the Planning and Zoning Commission:

Discussion. Beverly Ribaud. Sam Sylvester.

- a. Placement of additional stop signs and installation of speed bumps for the area around Palmer Park, including on High Street, Forest Avenue, 4<sup>th</sup> Street, 5<sup>th</sup> Street and 6<sup>th</sup> Street.
- b. Painting of stripped traffic center line on Memorial Avenue from Main Street to the railroad tracks running east.
- c. Installation of a four-way stop at 7<sup>th</sup> Street and Locust Avenue, and removal of the east/west traffic stop signs at 6<sup>th</sup> Street and Locust Avenue.

Motion for the placement of additional stop signs for the area around Palmer Park at Forest Avenue, 4<sup>th</sup> Street and 6<sup>th</sup> Street. To wait on speed bumps and look at the issue again in six months to see if speed bumps are needed. Painting of stripped traffic center line on Memorial avenue from Main Street to the railroad tracks running east. And to deny the stop sign placement on High Street and 5<sup>th</sup> Street and the installation of a four-way stop at the 7<sup>th</sup> Street and Locust Avenue by Todd Warren, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

- 20. Discuss and take any necessary action on the City of Eufaula's application to the Economic Development Administration for a grant through the Economic Adjustment Assistance Program for the potential creation of the Eufaula Business Innovation Center.

Presentation by Adam White. Discussion.

- 21. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION OF THE CITY OF EUFAULA, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE EUFAULA PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS USE TAX REVENUE NOTE, SERIES 2020 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY

PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A USE TAX AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN USE TAX REVENUES; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2020, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Ben Oglesby. Discussion. Motion to approve A RESOLUTION OF THE CITY OF EUFAULA, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE EUFAULA PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS USE TAX REVENUE NOTE, SERIES 2020 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A USE TAX AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN USE TAX REVENUES; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2020, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING THERETO by Frank Davis, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

22. Discuss and consider for approval the use of loan proceeds for city hall and municipal facility improvements.

Discussion. Motion to renovate the old city hall building and add the event center in the Armory by Nancy Mouser, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty. No- Todd Warren.

23. Discuss and consider for approval Professional Services Agreement with Cowan Group Engineering, LLC for city hall and municipal facility improvements.

Motion to approve Professional Services Agreement with Cowan Group Engineering, LLC for city hall and municipal facility improvements by James Duty, 2<sup>nd</sup> by Nicholas Pendley. Roll Call Vote Yes- Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty. No- Todd Warren.

24. Discuss and take any necessary action on the development of a plan to pursue and obtain additional funding for capital improvement projects through municipal financing including general obligation bonds.

Presentation by Ben Oglesby.

25. REMARKS AND INQUIRIES BY CITY COUNCIL.

None.

26. Announcements.

Election Day.

November 14, 2020, Veteran's Day Parade 12:00 p.m. and Purple Heart ceremony at Posey Park at 1:00 p.m.

27. ADJOURNMENT.

Motion to adjourn by Todd Warren, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

AGENDA  
EUFAULA PUBLIC WORKS AUTHORITY  
NOVEMBER 2, 2020  
5:00 p.m.

1. ROLL CALL /ATTENDANCE                      CITY CLERK, VALARIE COX

Council members present: Warren, Mouser, Pendley, Davis and Duty.

CONSENT AGENDA

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2. APPROVAL OF MINUTES.  
    A. REGULAR MEETING OCTOBER 5, 2020.
3. APPROVAL OF THE OCTOBER 2020 PAYROLL FIGURES FOR THE EUFAULA PUBLIC WORKS AUTHORITY IN THE AMOUNT OF \$43,683.30.

Motion to approve the consent agenda by Nicholas Pendley, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

ITEMS REMOVED FROM CONSENT AGENDA

4. CONSIDER AND TAKE ACTION WITH RESPECT TO A RESOLUTION AUTHORIZING THE EUFAULA PUBLIC WORKS AUTHORITY (THE "AUTHORITY") TO ISSUE ITS USE TAX REVENUE NOTE, SERIES 2020 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,200,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A USE TAX AGREEMENT BY AND BETWEEN THE CITY OF EUFAULA, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN USE TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A NOTE INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE; ESTABLISHING THE AUTHORITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE AUTHORITY IN CALENDAR YEAR 2020, AND DESIGNATING THE NOTE AS A QUALIFIED



TAX-EXEMPT OBLIGATION; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Motion to approve A RESOLUTION AUTHORIZING THE EUFAULA PUBLIC WORKS AUTHORITY (THE "AUTHORITY") TO ISSUE ITS USE TAX REVENUE NOTE, SERIES 2020 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,200,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A USE TAX AGREEMENT BY AND BETWEEN THE CITY OF EUFAULA, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN USE TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A NOTE INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE; ESTABLISHING THE AUTHORITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE AUTHORITY IN CALENDAR YEAR 2020, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO by James Duty, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

5. Discuss and review current and ongoing infrastructure improvement projects.

Discussion.

6. Discuss and consider for approval invoice payments of \$89,215.07 on OWRB-DWSRF Loan #1.

Motion to approve invoice payments of \$89,215.07 on OWRB-DWSRF Loan #1 by Nicholas Pendley, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

7. Discuss and consider for approval invoice payments of \$553,153.68 on OWRB-DWSRF Loan #2.

Motion to approve invoice payments of \$553,153.68 on OWRB-DWSRF Loan #2 by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

8. Discuss and consider for approval invoice payments of \$19,530 on OWRB-CWSRF Forgivable Loan.

Motion to approve invoice payments of \$19,530.00 on OWRB-CWSRF Forgivable Loan by Nicholas Pendley, 2<sup>nd</sup> by Nancy Mouser. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.

9. Adjournment.

Motion to adjourn by Nicholas Pendley, 2<sup>nd</sup> by Frank Davis. Roll Call Vote Yes- Todd Warren, Nancy Mouser, Nicholas Pendley, Frank Davis and James Duty.