

This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 5th day of November, 2020 and that an agenda of said meeting was posted at the place of such meeting at 4:50 p.m. on the 9th day of December, 2021.



Cynthia J. Price, City of Durant

**MINUTES OF THE MEETING OF DURANT CITY COUNCIL
December 14, 2021 AT 6:00 PM
Roscoe J. Hatfield Council Chambers
300 West Evergreen,
Durant, Oklahoma**

CHRISTMAS PRESENTATION

Soloist Trista Davidson performed for the audience.

CALL TO ORDER

Mayor Grube called the meeting to order at 6:10 p.m.

INVOCATION/FLAG SALUTE

The Lord's Prayer was performed by District 9 Senior Miss Princess Haleigh Gibson, District 9 Junior Miss Princess Kenzie Wilson and District 9 Little Miss Princess Kiree Lewis. City Manager John Dean led the flag salute.

ROLL CALL

Present:

Council Member Steve Brittingham
Council Member Humphrey Miller
Council Member Curtis Morris
Vice Mayor Danny Sherrer
Mayor Oden Grube
City Attorney Tom Marcum
City Manager John Dean
City Clerk Cynthia J. Price

Absent:

None

CITIZEN COMMENTS

There were no citizen comments.

ORDER OF BUSINESS

1. Consent Items

To help streamline meetings and allow the focus to be on other items requiring strategic thought, the "Consent Items" portion of the agenda groups the routine, procedural, and self-explanatory non-controversial items together. These items are voted on in a single motion (one vote). However, any Council member requesting further information on a specific item thus removes it from the "Consent Items" section for individual attention and separate vote.

- a. Consider Approval of Regular Called Meeting Minutes of November 9, 2021
- b. Consider Approval of Budget Supplements - BA 22-3
- c. Consider declaring Motorola Solutions a Sole Source Provider and Approval of Proposal to Purchase from Motorola Solutions for Handhelds & Apparatus Radios for Fire Department and Dispatch Console Systems for 911 center in the amount of \$520,566.
- d. Consider Award of \$520,566 for Equipment Financing for Handhelds & Apparatus Radios for Fire Department and Dispatch Console Systems for 911 Center
- e. Consideration to Support and Approve Submission of the 2021 FEMA Assistance to Firefighters Grant (AFG) Application in the Amount of \$ 163,750 with a 10% Match for Funding to Purchase 17 Self Contained Breathing Apparatus (SCBA) Units and a Rapid Intervention Unit (RIT Pak) Essential for the Durant Fire Department Operations to Enhance Firefighter and Public Safety.
- f. Consider Approval of Mayoral Appointment of Humphrey Miller to Keep Durant Beautiful Board
- g. Proclamation - Declaring December 2021 As National Impaired Driving Prevention Month

Motion To: Approve Consent Items as Presented.

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. Assistant City Manager Report - November 2021
- b. City Clerk Monthly Report - November 2021
- c. City Manager Monthly Report - November 2021
- d. Community Development Monthly Report - November 2021
- e. Economic Development Monthly Report - November 2021
- f. Emergency Management Monthly Report - November 2021
- g. Finance Monthly Reports- October 2021
- h. Fire Department Monthly Report - November 2021
- i. Grants Department Monthly Report - November 2021
- j. Human Resources Monthly Report- November 2021
- k. Library Monthly Report - November 2021
- l. Neighborhood Services Monthly Report - November 2021
- m. Parks and Recreation Monthly Report - November 2021
- n. Police Department Monthly Report - October 2021
- o. Senior Center Monthly Report - November 2021
- p. Street Department Monthly Report - November 2021

4. Administration

- a. Consider Approval of Resolution R-2021-02C Amending the Comprehensive Fee Schedule for the City of Durant, Durant City Utility Authority, and Durant Airport Authority

Motion To: Approve Resolution R-2021-02C Amending the Comprehensive Fee Schedule for the City of Durant, Durant City Utility Authority, and Durant Airport Authority with Amended Number of Zero Dollars for Business License and Not Include AMR Antenna Replacement Fee

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- b. 1) Discussion, Consideration and Possible Action on Award of Bid for Janitorial Services;
- 2) Discussion, Consideration and Possible Action on a Janitorial Services Contract with American Facility Solutions, Inc. (C-2021-81).

Item 4(b)(1).

Motion To: Award Bid for Janitorial Services to American Facility Solutions, Inc.

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Item 4(b)(2).

Motion To: Approve Janitorial Services Contract with American Facility Solutions, Inc. (C-2021-81).

Motion By: Humphrey Miller

Seconded By: Curtis Morris

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on Ordinance O-2021-35 Amending Section 157.032 (District Regulations) of the Durant Code of Ordinances and Declaring an Emergency.
 - 1) Sections 1 and 2.
 - 2) Section 3 Emergency Clause.

Item 4(c)(1).

Motion To: Approval of Ordinance O-2021-35, Sections 1 and 2, Amending Section 157.032 (District Regulations) of the Durant Code of Ordinances and Declaring an Emergency

Motion By: Curtis Morris

Seconded By: Danny Sherrer

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Item 4(c)(2).

Motion To: Approve Ordinance O-2021-35, Section 3, emergency clause

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- d. Discussion, Consideration, and Possible Action on Items Related to the 2021 Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities Grant (BRIC) Project Application in the Amount of \$ 1,907,824.40 for Broadband Infrastructure Improvements Necessary for Mitigating Risks Throughout the City of Durant, to Include Protecting Public Infrastructure and Community Lifelines.

- 1) Discussion, Consideration, and Possible Action on Resolution R-2021-26 to Include the Project Budget.
- 2) Discussion, Consideration, and Possible Action to Approve Submission of the 2021 FEMA BRIC Application.
- 3) Discussion, Consideration, and Possible Action to Authorize Mayor to Sign Relevant Application Documents Not Requiring Council Action.
- 4) Discussion, Consideration, and Possible Action to Authorize City Manager to Sign Relevant Application Documents Not Requiring an Elected Official Signature.

Item 4(d)(1).

Motion To: Approve Resolution R-2021-26 to Include the Project Budget

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Item 4(d)(2).

Motion To: Approve Submission of the 2021 FEMA BRIC Application

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Item 4(d)(3).

Motion To: Authorize Mayor to Sign Relevant Application Documents Not Requiring Council Action

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Item 4(d)(4).

Motion To: Authorize City Manager to Sign Relevant Application Documents Not Requiring an Elected Official Signature

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- e. Discussion, Consideration, and Possible Action on an Airport Building and / or Land Lease Template Contract

Motion To: Approve Airport Building and/or Land Lease Template Contract

Motion By: Steve Brittingham

Seconded By: Danny Sherrer

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

5. Executive Session

- a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

1) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Brittingham v. City of Durant, Oklahoma (CV-2018-34); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

2) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Ballard v. City of Durant, Oklahoma (CV-2018-32); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

3) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Ballard v. City of Durant, Oklahoma (CV-2019-58); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

4) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Lovelace, et al. v. D & R Builders, et al., (CJ-20-89); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes).

Council entered into executive session.

Council re-entered regular session.

b. Consider Action Pursuant to Item 5(a)(1), 5(a)(2), 5(a)(3), 5(a)(4) Above

No action on Item 5(a)(1).

No action on Item 5(a)(2).

No action on Item 5(a)(3).

No action on Item 5(a)(4).

6. New Business

City Attorney Tom Marcum - A lawsuit was filed by the Bryan County Commissioners. The subject matter of the lawsuit is a quarter cent sales tax that was passed several years ago by the voters to benefit fire protection services. The proceeds of that tax were to be divided equally among the Bryan County fire departments and the communication center. The Lakewood Fire Department has since ceased to exist. The funds that were due the Lakewood Fire Department pursuant to the tax have been accumulating and now total approximately \$160,000.00. The purpose of the declaratory judgement is to ask the court to do something with those funds.

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Danny Sherrer

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None