

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 9th day of November, 2021 and that an agenda of said meeting was posted at the place of such meeting at 5:20 p.m. on the 11th day of July, 2022.



Cynthia J. Price, City of Durant

**MINUTES OF THE MEETING OF DURANT CITY COUNCIL
July 12, 2022 AT 6:00 PM, Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma**

CALL TO ORDER

Mayor Grube called the meeting to order at 6:00 p.m.

INVOCATION/FLAG SALUTE

Assistant City Manager James Dalton provided the invocation. Mollie Kashou 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

PRESENTATIONS

1. Employee Service Awards, 2nd Quarter 2022

5 YEARS

William Watkins (Landfill): Certificate, Pin, \$50

10 YEARS

Pamela Adair (Finance): Certificate, Pin, \$100
Travis Dill (Police Department): Certificate, Pin, \$100
Dennis Taylor (Parks): Certificate, Pin, \$100
Deanna Kuykendall (Utility Billing): Certificate, Pin, \$100

15 YEARS

James (Jay) Lynn (Fire Department): Certificate, Pin, \$150

25 YEARS

David Owens (Parks): Plaque, Certificate, Pin, \$250

30 YEARS

Laura Hider (Police Admin): Plaque, Certificate, Pin, \$300
David Houser (Police Admin): Plaque, Certificate, Pin, \$300

CITIZEN COMMENTS

Citizens wishing to address the council regarding matters which are not listed on the agenda will be required to sign up no later than 5 minutes prior to the scheduled start time of the meeting. The sign-in sheet will contain space for citizen's name, address, phone number, and topic to be discussed. In this way, city staff will be able to follow-up on any issues presented if necessary.

Maridell Powell - Abatement lien placed against her property.

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 Meeting Minutes of June 14, 2022
- b. Consider Approval of Budget Supplement BA 22-11

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's Report - June 2022
- b. City Clerk Report - June 2022
- c. City Manager Monthly Report - June 2022
- d. Community Development Monthly Report - June 2022
- e. Durant Industrial Authority Executive Director Monthly Report - June 2022
- f. Emergency Management Monthly Report - June 2022
- g. Finance Monthly Report - May 2022 & June 2022 Sales Tax Report
- h. Fire Department Monthly Report - June 2022
- i. Grants Department Report - June 2022
- j. Human Resources Monthly Report- June 2022
- k. Library Monthly Report - June 2022
- l. Neighborhood Services Monthly Report - June 2022
- m. Parks and Rec Department Monthly Report - June 2022
- n. Police Department Monthly Report
- o. Ron Cross Senior Activity Center Report - June 2022
- p. Street Department Monthly Report - June 2022

4. Administration

- a. Discussion, Consideration and Possible Action on a Final Plat Request for Property Location Near Main Street and Radio Road (PC2022-17).

Motion To: Approval of Final Plat Request for Property Location Near Main Street and Radio Road

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- b. Discussion, Consideration and Possible Action of REVO2022-02 a Request for a Revocable Permit for Property Located Near Main Street and Radio Road.

Motion To: Approve REVO2022-02 Request for a Revocable Permit for Property Located Near Main Street and Radio Road

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- c. Discussion, Consideration and Possible Action on Ordinance O-2022-17, Adding Chapter 114: Film and Video Production to the Durant Code of Ordinances
 - (1) Ordinance O-2022-17. Sections 1-2.
 - (2) Ordinance O-2022-17. Section 3. (Emergency Clause)

Motion To: Approve Ordinance O-2022-17 Adding Chapter 114: Film and Video Production to the Durant Code of Ordinances, Sections 1 and 2, as Presented

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Motion To: Approve Ordinance O-2022-17, Section 3, Emergency Clause

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- d. Discussion, Consideration and Possible Action on Ordinance O-2022-18, Amending Section 93.01 (Adoption of Fire Prevention Code) of the Code of Ordinances of the City of Durant, Oklahoma

- (1) Ordinance O-2022-18. Section 1-3.
- (2) Ordinance O-2022-18. Section 4 (Emergency Clause).

Motion To: Approve Ordinance O-2022-18 Amending and Updating Section 93.01, Adoption of the Fire Prevention Code, of the Durant Code of Ordinances; Providing for Severability, Sections 1 and 2

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

Motion To: Approve Ordinance O-2022-18, Section 3, Emergency Clause

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- e. Discussion, Consideration, and Possible Action on an Inter-local Agreement Between the City of Durant, Oklahoma, Durant Emergency Management, Durant 9-1-1 Communications Center, and the Durant Independent School District (C-2022-37)

Motion To: Approve Inter-Local Agreement Between the City of Durant, Oklahoma, Durant Emergency Management, Durant 9-1-1 Communications Center, and the Durant Independent School District (C-2022-37)

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Action on the Mutual Aid Agreement Between the City of Durant, Oklahoma and the City of Denison, Texas. (C-2022-38)

Motion To: Approve Mutual Aid Agreement Between the City of Durant, Oklahoma and the City of Denison, Texas (C-2022-38)

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- g. Discussion, Consideration and Possible Action on the Mutual Aid Agreement Between the City of Durant, Oklahoma and the City of Sherman, Texas.(C-2022-39)

Motion To: Approve Mutual Aid Agreement Between the City of Durant, Oklahoma and the City of Sherman, Texas (C-2022-39)

Motion By: Steve Brittingham

Seconded By: Danny Sherrer

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- h. Discussion, Consideration and Possible Action for Schiralli Construction Corporation (DU-20-03) Change Order #2 for a Necessary Road Bore Related to Sewer Improvements on University Boulevard (C-2021-85)

Motion To: Approve Schiralli Construction Corporation (DU-20-03) Change Order #2 for a Necessary Road Bore Related to Sewer Improvements on University Boulevard (C-2021-85)

Motion By: Curtis Morris

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- i. Discussion, Consideration and Possible Action for Core & Main, LP (DU-19-03) Change Order No. 1 for a Contract Amount Decrease Related to the Bureau of Reclamation WaterSMART Water Energy Efficiency Grant Project R19AP00124 for the City-Wide Automated Meter Reading (AMR) Conversion and Advanced Metering Infrastructure Project. (C-2020-18)

Motion To: Approve Core & Main, LP (DU-19-03) Change Order No. 1 for a Contract Amount Decrease Related to the Bureau of Reclamation WaterSMART Water Energy Efficiency Grant Project R19AP00124 for the City-Wide Automated Meter Reading (AMR) Conversion and Advanced Metering Infrastructure Project (C-2020-18)

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- j. Discussion, Consideration and Possible Action on the Local 3061 International Association of Fire Fighters Collective Bargaining Agreement for FY 2022-2023.

Motion To: Approve Agreement Between City of Durant, Oklahoma, Employer, and Local 3061, International Association of Firefighters, Union, AFL-CIO/CLC, Bargaining Agent, Fiscal Year 2022-2023

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- k. Discussion, Consideration and Possible Action on a Contract with Durant Tourism Economic Development Authority (DTEDA) for Beautification Services.

Motion To: Approve Contract for Beautification Services Between Durant Tourism Economic Development Authority and City of Durant (C-2022-43)

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

- l. Discussion, Consideration and Possible Action on 6th Amended Resolution Establishing Fees and Costs Charged by the City of Durant, Durant City Utilities Authority, and Durant Airport Authority for Durant Services (R-2021-02F)

Motion To: Approve Resolution R-2021-02F Establishing Fees and Costs Charged by the City of Durant, Durant City Utility Authority, and Durant Airport Authority for Durant Services

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

m. New Business

Council Member Brittingham stated he plans on using the city council protocol and add a couple of agenda items to the next available agenda to discuss, consider and take possible action on.

The first one is concerning the city attorney position and move to eliminate the full-time city attorney position saving the city \$131,000.00 and recommend to continue with contractual services which cost an estimated \$50,000.00 - \$60,000.00 a year. The second part of that is to increase the police department's drug enforcement fund which right now sits at a paltry \$2,376.00. Council Member Brittingham stated he thinks that that is unacceptable but obviously we (council) will be able to discuss that at the next item. Council Member Brittingham further stated he is notifying the council that this is going to happen and he will follow with the proper protocol. This is the only opportunity to let everybody know at one time legally stated Council Member Brittingham.

EXECUTIVE SESSION

- 1. Consider Executive Session for Confidential Communication with Attorney Pending Litigation Involving the City of Durant Where Disclosure Will Impair the Ability of the Public Body to Discuss and Analyze the Litigation: City of Durant v. ResourceOne Administrators, Inc., et al. (In the District Court of Tulsa County, Case No. CV-2020-3710); (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)**

Motion To: Enter Into Executive Session

Motion By: Humphrey Miller

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

2. Consider Action Pursuant to Executive Session Item 1

Motion To: Authorize Staff and Legal Counsel to Continue Litigation Against ResourceOne to Possibly Pursue a Settlement on Issues That Have Happened During the Third Party Administrator Administration With Our Health Insurance Plan

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer, Grube

Nays: None

Abstain: None