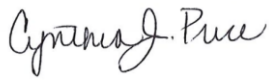


This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 5:15 p.m. on the 5th day of January, 2023. The amended agenda was posted at the place of such meeting at 11:45 a.m. on the 9th day of January, 2023.



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Cynthia J. Price, City of Durant

## **MINUTES OF THE MEETING OF DURANT CITY COUNCIL**

**January 10, 2023 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 6:01 p.m.

### **INVOCATION/FLAG SALUTE**

Brent Gordon of Gordon Funeral Home provided the invocation. Council Member Humphrey Miller 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 Lisa Taylor

City Clerk Cynthia J. Price

Absent:

None

*Mayor Grube exited the meeting.*

### **PRESENTATIONS**

#### **1. Presentation of Employee Service Awards for 4th Quarter 2022**

The following employees received service awards:

## **5 YEARS**

Stephanie Barfield (Utility Billing): Certificate, Pin, \$50

Mark Pierce (Facilities Maintenance): Certificate, Pin, \$50

## **15 YEARS**

Sgt. Drew Hale (Police): Certificate, Pin, \$150

## **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.

Rocky McDaniel - Spoke regarding complaint against police department and police department policy.

Adrienne Gregory - Spoke regarding notice of closure and vacation of street and possible effects on home owners.

## **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 December 13, 2022
- b. Consider Approval of Special Called Meeting Minutes of January 3, 2023
- c. Consider Approval of Budget Supplements BA 23-8
- d. Consider Approval of Mayoral Appointment of David Herron to Parks and Recreation Advisory Board
- e. Discussion, Consideration and Possible Action to Consider Adoption of the 2023 Citizen Participation Plan - Required for 2023 Community Development Block Grant (CDBG) Applications and Projects.
- f. Consider Approval of the Donation of Eleven Ballistic Vests and Level 3a Plates to the Fire Department by Gordon Funeral Home
- g. Consider Approval of Extension of Agreement for Plan Review Services Between the City of Durant and Okie Safety Consulting from January 10, 2023 through June 30, 2023 (C-2022-41A)

Council Member Brittingham requested Item 1(f) be removed for further discussion.

Vice Mayor Sherrer requested Item 1(g) be removed for further discussion.

Motion To: Approve Consent Items 3(a)(b)(c)(d)(e) as Presented

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

## **2. Consider Items Removed from Consent**

Brent Gordon of Gordon Funeral Home was recognized for his donation of eleven ballistic vests and Level 3a plates to the Fire Department.

Motion To: Approve Item 1(f) Removed from Consent

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

Motion To: Approve Item 2(g) Removed from Consent

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

### **3. Information Items**

- a. City Clerk Monthly Report - December 2022
- b. City Manager Report - December 2022
- c. Community Development Monthly Report - December 2022
- d. Economic Development Director Monthly Report - December 2022
- e. Emergency Management Monthly Report - December 2022
- f. Finance Monthly Reports - November 2022 & December 2022 Sales Tax Reports
- g. Fire Department Monthly Report - December 2022
- h. Grants Department Monthly Report - December 2022
- i. Human Resources Monthly Report- December 2022
- j. Library Monthly Report - December 2022
- k. Neighborhood Services Monthly Report - December 2022
- l. Parks and Recreation Department Monthly Report - December 2022
- m. Police Department Monthly Report - November 2022
- n. Street Department Monthly Report - December 2022
- o. Rescission of Letter of Proposal for Mayoral Appointment of Municipal Judge and Alternate Municipal Judge Dated December 13, 2022; and New Proposed Mayoral Appointment of Municipal Judge and Alternate Municipal Judge

### **4. Administration**

- a. Discussion, Consideration and Possible Action on Ordinance O-2022-30, a Rezoning Request from A-1, General Agriculture to C-2, Highway Commercial and Commercial Recreation for property near Southeast 3rd Avenue and Rodeo Road (PC2023-01).
  - (1) Ordinance O-2022-30. Section 1.
  - (2) Ordinance O-2022-30. Section 2. Emergency Clause.

Speakers –

Sandra Levins - spoke in opposition.

Heather Dobbins - spoke in opposition.

Danny Khoury - spoke in favor.

Motion To: Consider Approval of Ordinance O-2022-30, Section 1

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

Motion To: Approve Ordinance O-2022-30, Section 2, Emergency Clause

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris

Nays: Sherrer

Abstain: None

MOTION FAILED

- b. Discussion, Consideration and Possible Action on a Final Plat Request for property near Southeast 3rd Avenue and Rodeo Road (PC2023-01).

Motion To: Approve Final Plat Request for Property Near Southeast 3rd Avenue and Rodeo Road (PC2023-01)

Motion By: Humphrey Miller

Seconded By: Steve Brittingham

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

- c. Discussion, Consideration and Possible Action on Ordinance O-2022-31, a Rezoning Request from A-1, General Agriculture and C-2, Highway Commercial and Commercial Recreation Districts to C-2, Highway Commercial and Commercial Recreation District for property located near West Main and South 49th Avenue (PC2023-03).
  - (1) Ordinance O-2022-31. Section 1.
  - (2) Ordinance O-2022-31. Section 2. Emergency Clause

Motion To: Approve Ordinance O-2022-31 Section 1

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

Motion To: Approve Ordinance O-2022-31, Section 2, Emergency Clause

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris

Nays: Sherrer

Abstain: None

MOTION FAILED

## **5. Executive Session**

- a. 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: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

- b. Consider Action Pursuant to Executive Session Item 5(a) Which May Include Approval of Settlement

Motion To: Accept Settlement Amount of Six Hundred Thousand Dollars (\$600,000) from ResourceOne and Authorize Staff to do the Proper Administrative Actions to Receive Payment

Motion By: Curtis Morris

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

## **6. New Business**

There was no new business.

## **ADJOURNMENT**

Motion To: Adjourn Meeting

Motion By: Steve Brittingham

Seconded By: Humphrey Miller

Ayes: Brittingham, Miller, Morris, Sherrer

Nays: None

Abstain: None

MOTION PASSED

THE CITY OF DURANT

January 11, 2023

Dear Council Members

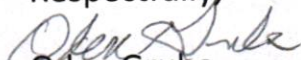
This letter serves as notice that the letter dated December 13, 2022, recommending Jason Pedraza as Municipal Judge has been rescinded and replaced by this letter.

I recommend that we appoint Municipal Judge, Ken Rainbolt to another two year term to that office.

I also recommend that we appoint Matt Mickle to office of Alternate Judge.

I appreciate your consideration for the above two recommendations.

Respectfully,



Oden Grube