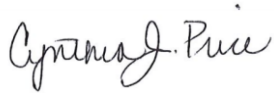


This is to certify that in conformity with the Oklahoma Open Meeting Act, public notice of the date, time and place of this meeting was filed with the City Clerk of Durant on the 8th day of November, 2022 and that an agenda of said meeting was posted at the place of such meeting at 5:10 p.m. on the 9th day of June, 2023. An amended agenda was posted at the place of such meeting at 2:05 p.m. on the 10th day of June, 2023.



Cynthia J. Price, City of Durant

MINUTES OF THE MEETING OF DURANT CITY COUNCIL

June 13, 2023 AT 6:00 PM

Roscoe J. Hatfield Council Chambers

300 West Evergreen

Durant, Oklahoma

CALL TO ORDER

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

INVOCATION/FLAG SALUTE

Family Minister Logan Cates of the Durant Church of Christ provided the invocation. Mayor Martin Tucker led the flag salute.

ROLL CALL

Present:

Council Member Lauran Fuller
Council Member Humphrey Miller
Council Member Danny Sherrer
Council Member Mike Simulescu
Council Member Martin Tucker
City Attorney Tom Marcum
City Manager Lisa Taylor
City Clerk Cynthia J. Price

Absent:

None

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.

There are 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 Meeting Minutes of May 9, 2023
- b. Consider Approval of Special Called Meeting Minutes of May 17, 2023
- c. Consider Approval of Budget Amendment 2023-13
- d. Consider Approval of HBC CPAs & Advisors, Agreed Upon Procedures Engagement Letter (C-2023-35)
- e.
 - 1. Consider Approval of Amended City Judge Contract (C-2023-30);
 - 2. Consider Approval of Amended Alternate City Judge Contract (C-2023-31)
- f. Consider Approval of Mayoral Appointment of Candidates to the Library Advisory Board
- g. Consider Approval of Mayor Appointment of Candidates to the Parks and Recreation Advisory Board
- h. Consider Approval of Appointment of Martin Tucker to Fill Council Member Designated Seat on the Durant Industrial Authority Board
- i. Consider Appointment of Michael Simulescu to Fill Council Member Designated Seat on the Durant Community Facilities Authority Board

Motion To: Approve Consent Items as Presented

Motion By: Humphrey Miller

Seconded By: Danny Sherrer

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. Finance Reports- April 2023 and May 2023 Sales Tax
- b. Police Department Special Report

Interim Police Chief Joe Clark spoke about ongoing concerns regarding the homeless which have been expressed by the community.

4. Administration

- a. Consider Approval of Ordinance O-2023-10 Amending the Code of Ordinances of the City of Durant, Oklahoma, Section 32.047 Cemetery Board and Declaring An Emergency

Motion To: Approve Ordinance O-2023-10, Section 1, Amending the Code of Ordinances of the City of Durant, Oklahoma, Section 32.047 Cemetery Board and Declaring An Emergency

Motion By: Humphrey Miller

Seconded By: Danny Sherrer

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

Motion To: Approve Ordinance O-2023-10, Section 2, Emergency Clause

Motion By: Humphrey Miller

Seconded By: Danny Sherrer

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- b. Consider Acceptance of FY2021-2022 Annual Financial Statements and Auditor's Reports, including Single Audit

Tamara Burton of HBC CPAs and Advisors provided a summary of the FY2021-22 Annual Financial Statements and Reports.

Motion To: Accept FY 2021-2022 Annual Financial Statements and Auditor's Reports, Including Single Audit

Motion By: Danny Sherrer

Seconded By: Michael Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- c. Discuss and Consider Action of Change Order 7 for Schiralli Construction

Motion To: Approve Change Order 7 for Schiralli Construction

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer

Nays: Simulescu, Tucker

Abstain: None

- d. Discussion, Consideration, and Possible Action to Declare Certain Real Property Owned by the City of Durant and Located at 301 North 16th Street as Surplus and to Sell Said Real Property For An Amount Equal to or Greater Than Appraised Value

Motion To: Declare Certain Real Property Owned by the City of Durant and Located at 301 North 16th Street as Surplus and to Sell Said Real Property for an Amount Equal to or Greater than Appraised Value

Motion By: Danny Sherrer

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- e. Consider, Discussion and Possible Approval of the Service Contract with Genasys Mass Notification System (C-2023-34)

Motion To: Approve Service Contract with Genasys Mass Notification System

Motion By: Martin Tucker

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- f. The US Department of Transportation “2023 SAFE Streets and Roads For All” Grant Program Funding Request to Develop a City-Wide Plan to Identify Roadway and Safety Deficiencies, Including all Necessary Items to Improve Safe Transportation Throughout Durant – with Intent to Prevent Deaths and Serious Injuries on Roads and Streets Involving all Roadway Users.

1. Discussion, Consideration, and Possible Action to Consider Approval and Support of a “2023 SAFE Streets and Roads For All” Grant Application for Funding to Develop a City-Wide Plan.

2. Discussion, Consideration, and Possible Action to Consider Approval Resolution R-2023-12 as a Commitment for the Required 20% Project Match in Support of the Grant Application to Develop a City-Wide “SAFE Streets and Roads For All” Plan

3. Authorization for the Mayor or Vice-Mayor to Sign all Related Application Documents for the 2023 “SAFE Streets and Roads for All” Grant Submission.

Motion To: Approve and Support "2023 SAFE Streets and Roads for All" Grant Application for Funding to Develop a City-Wide Plan

Motion By: Humphrey Miller

Seconded By: Michael Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

Motion To: Approve Resolution R-2023-12 as a Commitment for the Required 20% Project Match in Support of the Grant Application to Develop a City Wide "SAFE Streets and Roads for All" Plan

Motion By: Martin Tucker

Seconded By: Danny Sherrer

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

Motion To: Authorize Mayor or Vice-Mayor to Sign All Related Application Documents for the 2023 "SAFE Streets and Roads for All" Grant Submission

Motion By: Danny Sherrer

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- g. 1. Discussion, Consideration and Possible Action to Award Bid to J & L Paving in the Amount of \$1,257,485.13 as Best Bid to Overlay 4.5 Miles of Streets;
- 2. Consider Approval of Contract Between City of Durant and J & L Paving in the Amount of \$1,257,485.13 for Overlay of 4.5 Miles of Streets (C-2023-39)

Motion To: Award Bid to J & L Paving in the Amount of \$1,257,485.13 as Best Bid to Overlay 4.5 Miles of Streets

Motion By: Humphrey Miller

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

Motion To: Approve Contract Between City of Durant and J & L Paving in the Amount of \$1,257,485.13 for Overlay of 4.5 Miles of Streets (C-2023-39)

Motion By: Martin Tucker

Seconded By: Michael Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- h. Discussion, Consideration and Possible Action for Approval to Start Construction on Drainage Structures at Mockingbird and John Junction

Motion To: Approve Start of Construction on Drainage Structures at Mockingbird and John Junction

Motion By: Humphrey Miller

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- i. Consider Approval of Resolution Amending Certain Fees on the Fee Schedule; Directing Posting (R-2023-08).

Motion To: Approve Resolution Amending Certain Fees on the Fee Schedule; Directing Posting (R-2023-08)

Motion By: Humphrey Miller

Seconded By: Mike Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

5. Public Hearings

- a.
 1. Public Hearing on Proposed FY2023-2024 Budget (Resolution R-2023-04)
 2. Discussion, Consideration and Possible Action on Resolution R-2023-04 Adopting the Budget for Fiscal Year 2023-2024

Hearing opened to public.

Call for comment three times.

No comment.

Public hearing closed.

Motion To: Approve Resolution R-2023-04 Adopting the Budget for Fiscal Year 2023-2024

Motion By: Humphrey Miller

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

6. 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 307B(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-2019-58); (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 (CJ-2019-148); (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: Hammond v. City of Durant, Oklahoma (CJ-2022-165); (This Executive Session Authorized by Title 25, Section 307(B)(4) of the Oklahoma State Statutes).
 5. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: City of Durant v. Joe Todd Allison, (CV-2022-84); (This Executive Session Authorized by Title 25, Section 307(B)(4) of the Oklahoma State Statutes).
 6. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Gardner v. City of Durant, Oklahoma (CJ-2023-31); (This Executive Session Authorized by Title 25, Section 307(B)(4) of the Oklahoma State Statutes).
 7. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Bahe v. City of Durant, Oklahoma (CV-2023-32); (This Executive Session Authorized by Title 25, Section 307(B)(4) of the Oklahoma State Statutes).
 8. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Hickson v. City of Durant, et al., (CJ-2023-121); (This Executive Session Authorized by Title 25, Section 307(B)(4) of the Oklahoma State Statutes).
- b. Consider Action Pursuant to Agenda Item 6(a)(1-8)

No action.

- c. Consider Entering Into Executive Session to Discuss Collective Bargaining Agreement Between the City of Durant and the Fraternal Order of Police Lodge 113 for 2023-2024. This Executive Session Permitted Under 25 O.S. 307(B)(2)
- d. Consider Action Pursuant to Item 6c

No action.

- e. Consider Entering Into Executive Session to Discuss Collective Bargaining Agreement Between the City of Durant and Local 3061, International Association of Firefighters, Union, AFL-CIO/CLC, Bargaining Agent for 2023-2024. This Executive Session Permitted Under 25 O.S. 307(B)(2).
- f. Consider Action Pursuant to Item 6e

No action.

- g. Consider Executive Session to Discuss the Employment, Demotion, Disciplining or Resignation of City Manager as Permitted by Title 25, Section 307(B)(1) of the Oklahoma State Statutes Allowing Discussion of the Employment of an Individual Salaried Public Officer
- h. Consider Action Pursuant to Item 6(g)

Motion To: Terminate the City Manager Effective June 30, 2023

Motion By: Martin Tucker

Seconded By: Michael Simulescu

Ayes: Fuller, Simulescu, Tucker

Nays: Miller, Sherrer

Abstain: None

7. New Business

There was no new business.

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Michael Simulescu

Seconded By: Martin Tucker

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None