

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 13th day of November, 2018 and that an agenda of said meeting was posted at the place of such meeting at 5:10 p.m. on the 7th day of June, 2019.. An amended agenda of such meeting was posted at the place of such meeting at 3:45 p.m. on the 10th day of June, 2019.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF June 11, 2019 AT 6:00 PM, Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, Oklahoma AMENDED

CALL TO ORDER

Mayor Grube called the meeting to order at 6:02 p.m.

INVOCATION/FLAG SALUTE

Fire Chief Roger Joines provided the invocation. Mike Davis led the flag salute.

ROLL CALL

Present: Council Member Mike Morris	City Manager Tim Rundel
Council Member Danny Sherrer	City Attorney Tom Marcum
Council Member Jerry Tomlinson	City Clerk Cynthia J. Price
Vice Mayor Steve Brittingham	
Mayor Oden Grube	

Absent: None

(*denotes partial attendance)

Mayor Grube declared a quorum.

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 14, 2019
- b. Consider Approval of Special Called Meeting Minutes of May 29, 2019
- c. Consider Approval of Claims - May 2019
- d. Consider Approval of Year End Budget Supplements for FY 18-19

- e. Consider Approval of Special Event Permit Application by Bryan County Turning Point Coalition for the Back 2 School Bash (SEP-2019-06)
- f. Consider Approval of Special Event Permit Application by Durant Main Street for Colton's Run (SEP-2019-07)
- g. Consideration Appointment of David Rhynes to the Board of Adjustment

Consideration re-appointment of Elizabeth Brittingham to the Board of Adjustment
- h. Consider Re-Appointment of Dr. Sean Burrage and Kelly Dillard to the Durant Community Facilities Authority Board
- i. Consider Approval of Year 1 of 2 Year Mowing Contract for Durant Library with Greenbelt Turf Management in the Amount of \$6576 (C-2019-26)
- j. Consider Approval of Agreement Between Durant Historical Society and City of Durant FY 2019-20, or Take Any Other Appropriate Action
- k. Consider Approval of Agreement Between Big Five Community Services (SORTS) and City of Durant FY 2019-20, or Take Any Other Appropriate Action
- l. Consider Approval of Agreement Between the Durant Main Street Board of Directors and the City of Durant FY 2019-20, or Take Any Other Appropriate Action
- m. Consideration To Approve Administrative Contract To RedAnt, LLC. C-2019-27 Related To U.S. Department Of Commerce Economic Development Administration (EDA) Public Works Grant Award No. 08-01-05284 For The Wastewater Treatment Plant Sludge Press Improvements Project (C-2019-22)

Approved

Motion was made by Danny Sherrer and seconded by Jerry Tomlinson to approve consent items as presented.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

2. Consider Items Removed from Consent

3. Information Items

- a. Airport Monthly Report - May 2019
- b. City Clerk Report - May 2019
- c. Community Development Monthly Report - May 2019
- d. Durant Industrial Authority Monthly Report - May 2019
- e. Emergency Management Report - May 2019
- f. Financial Statements (April 2019) & Sales Tax (June 2019)
- g. Fire Department Monthly Report May 2019
- h. Grants Department Report - May 2019
- i. Landfill Information and Reports - May 2019
- j. Library Report for May 2019
- k. Parks Department Monthly Report May 2019
- l. Planning Commission Minutes of April 16, 2019
- m. Police Department Monthly Report - April 2019
- n. Solid Waste Department Monthly Report - May 2019
- o. Street Department Monthly Report May 2019
- p. Utility Department Monthly Report - May 2019
- q. Utility Line Maintenance Report- May 2019
- r. Water Treatment Plant Monthly Reports - May 2019

4. Administration

- a. Consideration To Authorize City Manager and Staff To Develop Guidelines For Creating A Durant Senior Citizens Advisory Committee

Approved

City Manager Tim Rundel addressed council and stated the purchase of the property is now complete. City Manager Rundel recommended the creation of a Senior Citizens Advisory Committee that could come before city council and make recommendations for programs and other things within the center.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to authorize city manager and staff to develop guidelines for creating a Durant Senior Citizens Advisory Committee.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Approval of Renaming the Durant Senior Center to The Ron Cross Activity Center "Honoring Durant Senior Citizens"

Approved

City Manager Tim Rundel addressed council and stated the Cross Family Foundation made a sizable donation to the purchase of the new senior center in the name of former Council Member Ron Cross. Gaye Cunningham requested the new senior citizen center be named The Ron Cross Activity Center in honor of his service to the city.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve renaming the Durant Senior Center to The Ron Cross Activity Center "Honoring Durant Senior Citizens".

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consider Award of Bid for Library HVAC System & Controls Repair to Farris Electric for \$119,743.87 Without Exclusions

Approved

Library Director Robbee Tonubbee addressed council and stated the air conditioning system is controlled through computers and has never worked properly since it was installed eight years ago. Bids were solicited and three companies refused. Ms. Tonubbee stated there was no one locally certified or qualified to work on this type of system. Farris Electric brought in two technicians from Dallas who determined the wiring system needs to be replaced. The fire marshal was then brought in and stated the repairs must be made by

July 2019 or the facility could possibly be shut down. Ms. Tonubbee stated there are adequate funds in the Maintenance Reserve Account to cover the repair costs. The repair work would be done by the Dallas technicians through Farris Electric with oversight by the Public Works Director and the Fire Marshal.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to award of bid for Library HVAC System and Controls repair to Farris Electric in the amount of \$119,743.87 without exclusions.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consider Approval of Agreement Between Francis EVC, LLC and the City of Durant for the Installation of Electric Vehicle Charging Stations at No Costs to the City at 300 W. Evergreen & Lost Street Parking Lot Approved

City Manager Tim Rundel introduced Mick Walsh of Francis EVC, LLC. Mr. Walsh stated this project is based on a tax credit from the Oklahoma State Income Tax which his company has monetized so there is no cost to the city. Francis EVC, LLC will supply all the equipment, install it and operate it. It is hoped it will attract people to Durant who drive electric cars. Once the charging stations are installed, this information will appear on databases frequented by owners of electric vehicles. The charging stations would be separately metered. Francis EVC, LLC will pay for the electricity costs and would retain ownership of the equipment.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve agreement between Francis EVC, LLC and the City of Durant for the installation of electric vehicle charging stations at no cost to the city at 300 West Evergreen and Lost Street parking lot.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. Consider Approval of Resolution 2019-16 Adopting Proposed Budget for Fiscal 2019-2020
Approved

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Resolution 2019-16 adopting proposed budget for Fiscal Year 2019-2020.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

5. Public Hearings

- a. Public Hearing Regarding Resolution 2019-16; Requests Approval of FY19/20 Budget
No Action Taken

Assistant City Manager Greg Buckley addressed council and provided a highlight of the proposed FY 2019-2020 budget.

Public hearing opened.

Call for public comment three times.

No public comment.

Public hearing closed.

- b. Consideration Ordinance #1879: PC2019-09 a Rezoning from R-3 to I-1 for Property Located at 2925 North 1st Street
Approved

Community Development Director Doug Moore addressed council and stated the adjacent property is already zoned I-1 and used for the same purpose. Staff recommends approval. The Planning Commission voted in favor of approval. No comments in opposition received from citizens.

Public hearing opened.

Call for public comment three times.

No public comment.

Public hearing closed.

Motion was made by Mike Morris and seconded by Danny Sherrer to approve Ordinance 1879, Section 1, PC2019-09 - A rezoning from R-3 to I-1 for property located at 2925 North 1st Street.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Mike Morris to approve Ordinance 1879, Section 2, Emergency Clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Public Hearing For Closeout Of 15421 CDBG-ED 12 Community Development Block Grant Economic Development Infrastructure Grant (C-2013-05) In The Amount Of \$500,000 For The Waldron Drive

Industrial Roadway Improvements Serving Pharmcare OK Of Durant, Inc. Facility Operations To Create 15 New Jobs Located At 102 Waldron Drive.

Public hearing for the 15421 CDBG-ED 12 (C-2013-05) closeout will be led by Becca Collins. Upon closeout of the Public Hearing, the following items will be presented for consideration:

1. Consideration To Accept The Waldron Drive Industrial Roadway Improvements Project# 613 As Successfully Complete.
2. Consideration To Approve The 15421 CDBG-ED 12 Closeout Documents

Tabled

Grants Coordinator Rebecca Collins addressed council and stated the City of Durant received a Community Development Block Grant - Economic Development Infrastructure Grant in the amount of \$500,000 to complete Waldron Drive up to PharmCare. The Durant Industrial Authority (DIA) worked with PharmCare and decided the entire Waldron Drive needed to be widened and made into an industrial roadway. The DIA contributed \$630,000 towards that project. The roadway project was completed \$53,000 below budget. PharmCare exceeded their 1:1 required company investment towards the project. The 15 new jobs requirement has been met.

Public hearing opened.

Call for public comment three times.

No public comment.

Public hearing closed.

- d. Public Hearing For Closeout Of 16246 CDBG-ED 14 Community Development Block Grant Economic Development Infrastructure Grant (C-2015-05) In The Amount Of \$525,000 For The Country Club Industrial Roadway Improvements Serving The Overland Corporation, Inc. - Overland Materials and Manufacturing Asphalt Plant Facility Operations To Create 18 New Jobs Located At 868 Country Club Road.

Public hearing for the 16246 CDBG-ED 14 (C-2015-05) closeout will be led by Becca Collins. Upon closeout of the Public Hearing, the following items will be presented for consideration:

1. Consideration To Accept The Country Club Road - Industrial Roadway Improvements Project# 613 As Successfully Complete.
2. Consideration To Approve The 16246 CDBG-ED 14 Closeout Documents

Tabled

Grants Coordinator Rebecca Collins addressed council and stated the City of Durant received a Community Development Block Grant - Economic Development Infrastructure

Grant in the amount of \$525,000 with the Durant Industrial Authority's contribution of \$500,000 to widen the full length of Country Club Road from Highway 78 to McLean and make it an industrial roadway. The project came in \$50,000 under budget. The Overland Corporation exceeded their required company investment towards the project. The 18 new jobs requirement has been met.

Public hearing opened.

Call for public comment three times.

No public comment.

Public hearing closed.

6. Citizen Comments on Non-Agenda Items

Jean Masoner - Reminder letter received from NLC Utility Line Insurance Program.

Nancy Ferris - Greg Phillips - Thank you for partnering in bringing Wall that Heals to Durant. 11,646 visitors. 1600 students. No injuries or mishaps from visitors or 200+ volunteers.

Jim Thorpe - 1) Durant Tourism Economic Development Authority granted \$24,000 to The Wall That Heals. 2) Advertising for city airport manager.

7. Executive Session

- a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant: Tort Claim of Dempsey Keach Ballard; (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes) Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Action Pursuant to 7(a) Above
No Action Taken

- c. Consider Executive Session to Discuss Hiring of City Treasurer (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)
Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consider Action Pursuant to 7(c) Above

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to appoint Judy Siemens as Acting City Treasurer.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. Consider Executive Session for Discussion of Purchase of Property Related to Lawsuit (City of Durant vs. Joan Griffith, Case # CS-2019-241 (This Executive Session Authorized by 25 O.S. 307 (B)(3) of the Oklahoma State Statutes)

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- f. Consider Action Pursuant to 7 (e) Above

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to allow the city attorney to negotiate the purchase of the property of Joan Griffith as described in CS-2019-241 in an amount not to exceed \$165,000.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- g. Consider Executive Session for Discussion of Purchase of Property Related to Lawsuit (City of Durant vs. Juan Acosta, et al., Case # CS-2019-242 (This Executive Session Authorized by 25 O.S. 307 (B)(3) of the Oklahoma State Statutes)

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

h. Consider Action Pursuant to 7 (g) Above

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to allow the city attorney to negotiate the purchase of the property of Juan Acosta as described in CS-2019-242 in an amount not to exceed \$24,000.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

i. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant: Dempsy Keach Ballard v. City of Durant, Oklahoma CV-2019-58 (This Executive Session Authorized by 25 O.S. 307 (B)(4) of the Oklahoma State Statutes)

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

j. Consider Action Pursuant to Item 7 (i)

No Action Taken

k. Consider Executive Session to Discuss the Employment and Performance Review of City Manager (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)

Approved

Motion was made by Steve Brittingham and seconded by Danny Sherrer to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

I. Consider Action Pursuant to 7(k) Above

No Action Taken

8. New Business

There was no new business.

ADJOURNMENT

Motion was made by Steve Brittingham and seconded by Mike Morris to adjourn meeting.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson