Agenda posted on Durant City Hall Entry Door at 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 10th day of November, 2015 and that an agenda of said meeting was posted at the place of such meeting at 5:40 p.m. on the 5th day of August, 2016.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF August 9, 2016 AT 6:00 PM, Roscoe J. Hatfield Council Chambers, Durant City Hall

CALL TO ORDER

Mayor Tomlinson called the meeting to order at 6:11 p.m.

INVOCATION

The invocation was provided by James Dalton.

ROLL CALL

Present: Council Member Chad Hitchcock	City Attorney Pat Phelps
Council Member Billy L. Orr	Acting City Manager Donnalla Miller
Council Member Jerry Tomlinson	City Clerk Cynthia J Price
Vice-Mayor Destry Hawthorne	
Mayor Stewart Hoffman	(*denotes partial attendance)

Absent: None

Mayor Hoffman 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 July 12, 2016

b. Consider Approval of Special Called Meeting Minutes of July 25, 2016

c. Consider Approval of Claims - July 2016

d. Consider Approval of Recommendation by Cemetery Advisory Board to Remove Flat Marker Restriction from Section F of Highland Cemetery

e. Consider Approval of Request for Authorization to Purchase (RFAP) # 2016-106 for the Purchase of Hand Held Police Radios

f. Consider Request for Authorization to Purchase (RFAP) # 2016-149 for Mixed Mode Receiver Voting System for Radio Communications

g. Consider Approval of Request for Authorization to Purchase (RFAP) # 2016-123 for the Care and Housing of Municipal Prisoners in Bryan County Jail

h. Consider Approval of a Resolution for Fines and Costs for Speeding in a Construction Zone

i. Consider Approval of Request for Authorization to Purchase for Janitorial Services (RFAP-2016-140)

j. Authorization to Apply - 2017 Emergency Management Performance Grant

k. Consider Approval of Professional Services Agreement - Revised between City of Durant and Paul S. Buntz Municipal Consulting (C-2016-62)

l. Memorandum of Understanding between the City of Durant and Sunstar, LLC for Heritage Crossing Drainage

m. Consider Approval Memorandum of Agreement City of Durant and Choctaw Nation of Oklahoma (C-2016-68)

n. Consider Approval of Memorandum of Agreement City of Durant and Commercial Metals Company

o. Request Approval of RFAP 2016-120 for Ricoh USA, INC (Financial) Vendor #005304 Copier Lease and Use Fees for FY16/17

p. Request Approval of RFAP 2016-139 for Tyler Technologies Municipal Software Support and Maintenance Modules Vendor 004713

Approved

Vice Mayor Hawthorne asked that Items 1 (l) and 1 (n) be removed for further

discussion.

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve remaining consent items as presented. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

2. Consider Items Removed from Consent

Item 2(l) - Vice Mayor Hawthorne recommended this item be tabled to receive further clarification.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to table Item 2(l). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Item 2(n) - Upon questioning by Vice Mayor Hawthorne, Jacque Wilson, Projects Manager, stated the parties are not in agreement as to the terms of the Memorandum of Agreement. Mr. Wilson recommended this item be tabled.

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to table Item 2(n). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

3. Administration

a. Consider Approval of Ordinance 2016-1793 Amending Section 31.01(B)(1)and (2) of Durant City Code Restating Duties of City Clerk

Tabled

City Attorney Pat Phelps stated the duties of the city clerk have been rearranged and the ordinance as it stands does not reflect those changes. The

proposed ordinance was not provided to council prior to the meeting for review. Mr. Phelps suggested the item be tabled.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to table Item 3(a). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

b. Consider Approval of Ordinance 1794 Amending Section 31.02 B(1) and B(2) of Durant City Code be Amended to Restate Duties of City Treasurer

Approved

City Attorney Pat Phelps stated the duties of the city treasurer have been changed. The new ordinance defines the present duties of the city treasurer.

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Ordinance 1794, Section 1, amending Section 31.02 B(1) and B(2) of Durant City Code to restate duties of City Treasurer. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Ordinance 1794, Section 2, declaring an emergency. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

c. Consideration Ordinance # 1799- Adoption of the 2015 International Property Maintenance Code

Approved

Marty Cook, Community Development Director, addressed council. Mr. Cook stated this model is recommended by the State of Oklahoma for adoption. Mr. Cook recommended adoption of the 2015 International Property Maintenance Code.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve adoption of 2015 International Property Maintenance Code Section 1-6. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance 1799, Section 7, declaring an emergency. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

d. CONSIDER ORDINANCE NO. 1792, AMENDING THE CODE OF ORDINANCES OF THE CITY OF DURANT, OKLAHOMA, BY ADDING TO TITLE III, “TOURISM TAX,” CONSISTING OF NEW SECTIONS 37.120 THROUGH 37.148, INCLUSIVE; LEVYING A FIVE PERCENT (5%) TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM OCCUPANCY OF A ROOM OR ROOMS IN THIS CITY, WITH SAID TAX TO BE USED FOR ENHANCING AND PROMOTING TOURISM DEVELOPMENT; PROVIDING CITATION AND DEFINITIONS; PROVIDING FOR TAX RATE, EXEMPTIONS, AND EXEMPTION CERTIFICATES; REQUIRING TAX TO BE SEPARATELY STATED ON BILLS; REQUIRING RECORDS TO BE KEPT; PROVIDING FOR TAX RETURNS, BONDS, ASSESSMENT, DETERMINATION OF TAX, REFUNDS, AND NOTICES; PROVIDING THAT REMEDIES ARE EXCLUSIVE; PROVIDING GENERAL POWERS OF THE CITY CLERK; PROVIDING FOR ADMINISTRATION OF OATHS AND COMPELLING TESTIMONY; PROVIDING FOR CERTIFICATES OF REGISTRATION, INTEREST, AND PENALTIES; PROVIDING FOR HANDLING OF DELINQUENT TAXES; PROVIDING FOR COLLECTION BY SUIT; PROVIDING FOR USE OF FUNDS; PROVIDING FOR CONFIDENTIALITY OF RECORDS; PROVIDING FOR PROCEEDINGS TO COLLECT TAX AND PENALTIES FOR FAILURE TO COMPLY WITH THIS ARTICLE; PROVIDING FOR OPERATOR'S DISCOUNT; PROVIDING THAT PROVISIONS ARE CUMULATIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATE AND CODIFICATION

Tabled

Mayor Hoffman addressed council and stated he was speaking in regard to both Items 3(d) and 3(e). Mayor Hoffman stated he had met with hotel owners who provided him with a second proposed ordinance for council's consideration. Mayor Hoffman suggested tabling this item to give council an opportunity to review the second proposed ordinance. Mayor Hoffman asked council members to provide Janet Reed, Director of the Durant Area Chamber of Commerce, with any comments by Friday, August 12, 2016. Mayor Hoffman thanked the hotel owners for their participation in the discussions.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to table Item 3(d). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

e. CONSIDER RESOLUTION 2016-19 AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF DURANT, OKLAHOMA, ON THE 8th DAY OF NOVEMBER, 2016, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE CITY OF DURANT, OKLAHOMA, THE QUESTION OF THEIR APPROVAL OR REJECTION OF ORDINANCE NO. 1792 LEVYING A FIVE PERCENT (5%) TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM OCCUPANCY OF A ROOM OR ROOMS IN THIS CITY; PROVIDING THAT THE REVENUES FROM SUCH TAX SHALL BE USED FOR ENHANCING AND PROMOTING TOURISM DEVELOPMENT; PROVIDING EFFECTIVE DATE; PROVIDING FOR ADMINISTRATION AND COLLECTION OF SUCH TAX; PROVIDING THE PROVISIONS ARE CUMULATIVE; AND PROVIDING FOR SEVERABILITY.

Tabled

Mayor Hoffman addressed council and stated he was speaking in regard to both Items 3(d) and 3(e). Mayor Hoffman stated he had met with hotel owners who provided him with a second proposed ordinance for council's consideration. Mayor Hoffman suggested tabling this item to give council an opportunity to review the second proposed ordinance. Mayor Hoffman asked council members to provide Janet Reed, Director of the Durant Area Chamber of Commerce, with any comments by Friday, August 12, 2016.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to table Item 3(e). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

f. Consider Approval of Ordinance 1795 Amending Chapter 30, Section 30.03 of the Durant City Code Relating to the Time of Regular Meetings of the City Council

Approved

City Attorney Pat Phelps addressed council and states the amendment of Ordinance 1795 is necessary to accurately reflect the time schedule for regular meetings of the Durant City Council.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance 1795, Section 1, amending Chapter 30, Section 30.03 of the Durant City Code relating to the time of regular meetings of city council. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance 1795, Section 2, declaring an emergency. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

g. Consider Approval of Ordinance 1796 Amending Section 30.04 of the Durant City Code Relating to the Place of City Council Meetings

Approved

City Attorney Pat Phelps addressed council and stated the ordinance in its present form states all city council meetings are to be held in city hall. The proposed ordinance will allow for special called city council meetings or emergency city council meetings to be held at locations other than city hall.

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Ordinance 1796, Section 1, amending Section 30.04 of the Durant City Code relating to the place of city council meetings. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Ordinance 1796, Section 2, declaring an emergency. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

h. Consider Approval of Ordinance 1797 Repealing a Portion of Chapter 133, Section 133.01(A) of the Durant City Code Regarding Drinking in

Public

Approved

City Attorney Pat Phelps addressed council and stated, if passed, it would allow properly licensed restaurants within the city limits to serve adult beverages to patrons dining outside at their restaurants.

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Ordinance 1797, Section 1, repealing a portion of Chapter 133, Section 133.01(A) of the Durant City Code regarding drinking in public. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Ordinance 1797, Section 2, declaring an emergency. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

i. Consider Approval of Ordinance 1798 Repealing Section 111.032 of Chapter 111 of the Durant City Code Regarding Consumption of Alcoholic Beverages in Public Places

Approved

City Attorney Pat Phelps addressed council.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance 1798, Section 1, repealing Section 111.032 of Chapter 111 of the Durant City Code regarding consumption of alcoholic beverages in public places. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance 1798, Section 2, declaring an emergency. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

j. Consider Approval of Request for Authorization to Purchase (RFAP) #

2016-147 for Backstop Padding at Durant Multi Sport Complex to Comply with Southeastern Oklahoma State University Contract

Approved

Keach Ballard, Parks Superintendent, addressed council and stated this request for authorization is made in accordance with an agreement between Southeastern Oklahoma State University and the City of Durant to be in compliance with NCAA rules and sanctions. Mr. Ballard stated the project amount is $18,881 however this project was only budgeted for $5,000. Council Member Hitchcock asked why the Durant Community Facilities Authority (DCFA) was not paying the cost of this project. Council Member Tomlinson stated some financial assistance may be available to the city from the DCFA and this could be discussed at the next DCFA meeting. Councill Member Tomlinson further stated that if timing is a factor he would be willing as board chairman to call a special meeting of the DCFA to discuss.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to authorize to purchase backstop padding at the Durant Multi Sports Complex to comply with the Southeastern Oklahoma State University contract and NCAA requirements in the amount of $5,000 from the City of Durant and contingent upon the balance of funding of $14,000 from the Durant Community Facilities Authority. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

k. Consider Approval of Contract Services Agreement for City Attorney Services City of Durant (C-2016-63)

Approved

Acting City Manager Donnalla Miller addressed council and stated that effective June 30, 2016, the city attorney was removed from the City of Durant payroll. All of Mr. Phelp's earned and accrued leave was voluntarily relinquished at that time. A contract for professional services was provided. There is no increase in fees from the previous years, As city council has directed, a new request for qualifications will be completed and will be advertised once a new city manager is in place. Ms. Miller stated we must have a city attorney in the meantime and recommended approval of this contract.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve contract services agreement for city attorney services for the City of Durant (C-2016-63). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

l. Consider Approval of Participation and Exclusivity Agreement Between the City of Durant and 3B Grave Service (C-2016-69)

Approved

Cemetery Superintendent Cynthia Price and Acting City Manager Donnalla Miller addressed council. Ms. Price provided a brief history of events leading up to the search for a professional grave service. Ms. Price reviewed the changes to the original proposed contract which resulted from discussions with members of the community and with Matt Barnhill, owner and operator of 3B Grave Service. Ms. Price answered questions from council.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Participation and Exclusivity Agreement between City of Durant and 3B Grave Service (C-2016-69). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

m. Consider Approval of Oklahoma Department of Transportation (ODOT) Project Agreement CMC Road Improvements

Approved

Jacque Wilson, Project Manager, addressed council. Mr. Wilson stated this agreement allows for the City of Durant to deed land over to the Oklahoma Department of Transportation (ODOT) which in turn allows ODOT to work land improvements on Old East Main. The funds for this project are included in the $1.5 Million Dollar Grant. Once the project is completed, the City of Durant would maintain Old East Main. Mr. Wilson recommended approval of this agreement.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Oklahoma Department of Transportation (ODOT) Project Agreement CMC Road Improvements. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

n. Consider Ordinance #1803 Modification of the Airport Advisory Board

Tabled

Jacque Wilson, Projects Manager, addressed council. Mr. Wilson recommended this item be tabled until further modifications could be made.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to table Item 3(n). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

o. Consider Ordinance #1804 Modification of the Cemetery Board

Tabled

Jacque Wilson, Projects Manager, addressed council. Mr. Wilson recommended this item be tabled until further modifications could be made.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to table Item 3(o). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

4. Public Hearings

a. Consideration: Approval of a Preliminary Plat for Property Located on Delivery Lane (PC2016-03)

Approved

Marty Cook, Director of Community Development, addressed council and stated this public hearing is to approve the preliminary plat only. This division of property is to facilitate the construction of two commercial structures on Delivery Lane. Planning Commission has approved the plat. Mr. Cook took questions from council. The hearing was opened to the public. There were no questions from the public.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve preliminary plat for property located on Delivery Lane (PC 2016-03). Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

5. Information Items

a. Planning Commission Meeting Minutes - May 17, 2016

b. Financial Statements - June 2016

c. Fire Department Monthly Report - July 2016

d. Police Department Monthly Report - June 2016

e. Library Report - July 2016

f. Street Department Report - July 2016

g. Community Development Monthly Report July 2016

h. Human Resources Department Report - July 2016

i. Monthly Emergency Management Report - July 2016

j. Parks Department Monthly Report - July 2016

k. Grants Department Report July 31 2016

l. Utility Department Monthly Report - July 2016

6. Citizen Comments on Non-Agenda Items

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 starting 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 were no citizen comments.

7. Executive Session

a. Consider Executive Session to Discuss Status of Negotiations with Local 3061 International Association of Firefighters Union for FY 2016-17 (This Executive Session Authorized by Title 25, Section B(1) of the Oklahoma State Statutes)

Approved

Motion was made by Stewart Hoffman and seconded by Bill Orr to enter executive session to discuss status of negotiations with Local 3061 International Association of Firefighters Union for FY 2016-17. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Bill Orr and seconded by Destry Hawthorne to re-enter regular session. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

b. Consider Action Pursuant to 7(a) Above

No Action Taken

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

Approved

Motion was made by Stewart Hoffman and seconded by Bill Orr to enter into executive session to discuss hiring of city manager. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Bill Orr and seconded by Destry Hawthorne to re-enter regular session. Motion Passed with the following vote:

d. Consider Action Pursuant to 7(c) Above

No Action Taken

8. New Business

There was no new business.

ADJOURNMENT

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to to adjourn meeting. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson