

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 12th day of November, 2019 and that an agenda of said meeting was posted at the place of such meeting at 11:41 a.m. on the 7th day of August, 2020.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF August 11, 2020 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. Council Member Morris led the flag salute.

ROLL CALL

Present: Council Member Mike Morris	City Manager John Dean
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 July 14, 2020
- b. Consider Approval of Payroll Claims - July 2020
- c. Consider Approval of Budget Amendment 2020-15
- d. Consider Appointment of James Bishop to the Parks and Recreation

Advisory Board.

- e. Consider Approval of School Resource Officer Contract for the Durant Independent School District
- f. Consider Change Order to Grant AL-20-03-08-17 Initiated by the Oklahoma Highway Safety Office to Purchase Educational Equipment Partnering with the Southeastern Oklahoma Traffic Safety Coalition

Approved

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham 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. City Clerk Report - July 2020
- b. City Manager Monthly Report - July 2020
- c. Community Development Monthly Report - July 2020
- d. Economic Development Monthly Report - July 2020
- e. Emergency Management Monthly Report - July 2020
- f. Financial Statements and Sales Tax Breakdown-June 2020
- g. Fire Department Monthly Report - July, 2020
- h. Human Resources Monthly Report - July 2020
- i. Library Report for July 2020
- j. Police Department Monthly Report - June 2020
- k. Street Department Monthly Report - July 2020

4. Administration

- a. Consider Approval of Resolution 2020-30 Extending the State of Emergency Until September 9th, 2020 Due to the COVID-19 Pandemic

Approved

Motion was made by Jerry Tomlinson and seconded by Mike Morris to extend the State of Emergency due to the COVID-19 Pandemic; establishing public meeting practices for city council, authorities, trusts, commissions, advisory boards and committees of the City of Durant; directing the city manager to not issue permits for events with certain limitations; authorizing the city manager to adjust operations and services in response to COVID-19 as necessary; and follow the State Open Up and Recover Safely Three-Phase Approach.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- b. Consider Approval of Ordinance 1913 Amending Section 110:023, Itinerant Merchants Regulated and Licensed of the Durant Code of Ordinances; and Declaring an Emergency:
 - A. Consider Section 1. Enactment.
 - B. Consider Section 2. Emergency Clause.

Approved

City Manager John Dean addressed council and stated the proposed ordinance would allow local farmers to have a lower annual license fee of \$100. The non-local itinerant merchant annual fee of \$1,000 would remain unchanged. In order to qualify for the lower annual license fee, the farmer would need to be a Bryan County resident and grow his or her produce in Bryan County.

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve Ordinance 1913, Section 1, amending the Code of Ordinances of the City of Durant, Oklahoma Section 110.023.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve Ordinance 1913, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consider Purchase of Watchguard Vehicle and/or Body Mounted Cameras

Approved

Police Chief David Houser addressed council and stated the proposed lease purchase agreement is for thirty-one (31) integrated systems and 19 stand-alone body cameras for reserve officers and two code enforcement officers. The integrated system is a car mounted camera with a body camera system as well. City Treasurer AnChen Lai recommends Motorola Solutions Option 2. IT Director Brenton Rucker did not recommend purchasing the extended warranty due to cost.

Motion was made by Steve Brittingham and seconded by Mike Morris to approve purchase of Watchguard Vehicle and Body Mounted Cameras through Motorola Solutions under Option 2.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consider Award of Bid for Retail Development Services to Retail Strategies, Inc. in the Amount of \$140,000 for Three Year Contract

Approved

Economic Development Director Lisa Taylor addressed council and stated one bid was received. Ms. Taylor stated Retail Strategies Inc. will provide her with a team that will actively recruit retail companies for our area and provide service after the sale. It would be a three year contract paid for with economic development funds. Ms. Taylor stated she was able to negotiate the inclusion of specialized services for the downtown Main Street area for an additional \$5000 for the first year and automatically included in consecutive years. Ms. Taylor recommended the bid be awarded to Retail Strategies Inc. City Attorney Tom Marcum recommended the three year contract since there is an opt out clause.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to award bid for retail development services to Retail Strategies Inc. in the amount of \$130,000 for a three year contract.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. Consider Approval of Expenditure of Economic Development Sales Tax Funds in the Amount of \$25,000 to Pay for Permanent Infrastructure for the Industrial Building Located at 115 Lost Street, Currently Occupied by Lost Street Brewing Company

Approved

Economic Development Director Lisa Taylor addressed council and stated Lost Street Brewing Company is a \$1.5 million investment. It is zoned industrial. 90% of the business is manufacturing and 10% is ancillary. Lost Street Brewing Company is scheduled to open in October 2020. The sidewalk next to the Lost Street Brewing Company on the First Street side needs replaced. The City of Durant will provide the labor if the business owner pays for materials. Other infrastructure needs for this building include drainage issues and handicap accessibility. The Durant Industrial Authority has approved up to \$25,000 to be used for those infrastructure projects that stay with the building.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve expenditure of Economic Development Sales Tax Funds in the amount of \$25,000 to pay for permanent infrastructure for the industrial building located at 115 Lost Street currently occupied by Lost Street Brewing Company.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- f. Consideration to Approve Leverage Resolution 2020-31 to Replace Resolution 2020-22 Committing Cash Leverage (Match) to Include the Required 1:1 Match to Successfully Complete the FY 2020 Community Development Block Grant (CDBG) Small Cities Project for the Publicly-Owned Water Treatment Plant Improvements.

Approved

Grants Coordinator Rebecca Payne addressed council and stated that on June 16, 2020 council approved Resolution 2020-22 which committed the City of Durant to the 1:1 cash match requirement. The Oklahoma Department of Commerce (ODOC) now requests a new resolution be created stating the entire amount. ODOC has approved the proposed resolution to replace Resolution 2020-22.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Leverage Resolution 2020-31 to replace Resolution 2020-22 committing cash leverage (match) to include the required 1:1 match to successfully complete the FY 2020 Community Development Block Grant (CDBG) Small Cities Project for the Publicly-Owned Water Treatment Plant Improvements.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- g. Consider Approval of Ordinance 1914 Establishing Limits on Noise Associated with Construction and Repair Work; Establishing Hours of Operation Within Which Certain Noise Levels Are Prohibited; Amending the Code of Ordinances of the City of Durant, Oklahoma; and Declaring an

Emergency

Approved

City Attorney Tom Marcum stated there have been citizen complaints regarding construction noise. A citation was issued. The recipient of the citation contested it. The municipal court judge ruled the statute did not apply. City Attorney Marcum requested approval of Ordinance 1914 to properly address noise associated with construction and repair work.

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve Ordinance 1914, Section 1, establishing limits on noise associated with construction and repair work; establishing hours of operation within which certain noise levels are prohibited; amending the Code of Ordinances of the City of Durant, Oklahoma.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Tomlinson

Nays: Sherrer

Motion was made by Steve Brittingham and seconded by Mike Morris to approve Ordinance 1914, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Tomlinson

Nays: Sherrer

5. Public Hearings

- a. Public Hearing: 2020 Community Development Block Grant (CDBG) Small Cities Application Requesting Funding for Water Treatment Plant Improvements
No Action Taken

Grants Coordinator Rebecca Payne addressed council and stated the Oklahoma Department of Commerce (ODOC) requested the public hearing notice be posted again after the first public hearing notice lacked the required number of days. The City of Durant is eligible for \$152,222.22. The entire project cost is \$674,520. The required match would be \$522,298 which the City has budgeted. There is a 1:1 cash match requirement. The funds would be used for supervisory control and data acquisition (SCADA) improvements at the Water Treatment Plant. The grant must be completed in a low to moderate income area and that requirement has been met. The grant will be probably be awarded around September 2020 and must be completed within two years.

Public hearing opened.

Call for comment three times.

No public comment.

Public hearing closed.

- b. Consideration of PC2020-13 Ordinance 1908, Rezoning for Property Near the Intersection of Peppernut Lane & Redbud Lane

Approved

Community Development Director Danielle Barker addressed council and stated the applicant originally applied for R-3 however the Planning Commission recommended they apply for R-1. There would be four lots for four single family homes. There was no comment received from the public. The Planning Commission and staff recommend approval of the zoning change to R-1 and conditional approval of the re-plat contingent upon the property being rezoned to R-1. The only item before the council however is the rezoning to R-1.

Public hearing opened.

Call for comment three times.

There was no public comment.

Public hearing closed.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve Ordinance 1908, Section 1, amending the zoning map of the zoning code for property near the intersection of Peppernut Lane and Redbud Lane from A-1 Agricultural District to R-1 Single Family Residential.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1908, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consideration of PC2020-14 Ordinance Number 1909, Rezoning for Property at 227 S 1st Avenue

Approved

Community Development Director Danielle Barker addressed council and stated the applicant originally applied for I-2 however the Planning Commission recommended they apply for I-1. The property would be used for warehousing of appliances and product for their business. The Planning Commission and staff recommend approval of the re-zoning to I-1.

Public hearing opened.

Call for comment.

Mr. Mackey, owner of business, spoke in favor of the zoning request.

Call for comment two times.

No further comment.

Public hearing closed.

Motion was made by Jerry Tomlinson and seconded by Mike Morris to approve Ordinance 1909, Section 1, amending the zoning map of the zoning code for property located at 227 S. 1st Avenue from R-3 General Residential District to I-1 Light Industrial District.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Ordinance 1909, Section 2, emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

6. Executive Session

- a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim Against the City of Durant: Sullivan, et al v. City of Durant, Oklahoma CJ-2019-55 (This Executive Session Authorized by 25 O.S. 307 (B)(4) of the Oklahoma State Statutes) Approved

Motion was made by Danny Sherrer and seconded by Mike Morris to enter into executive session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Danny Sherrer to return to regular session.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

b. Consider Action Pursuant to Agenda Item 6(a)

No Action Taken

7. New Business

There was no new business.

ADJOURNMENT

Motion was made by Danny Sherrer and seconded by Steve Brittingham to adjourn meeting.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson