

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 4:55 p.m. on the 3rd day of September, 2020.

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF September 8, 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. City Manager John Dean 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 August 11, 2020
- b. Consider Approval of Payroll Claims - August 2020
- c. Consider Approval of Recommendation by Parks and Recreation Advisory Board for Naming of New Disc Golf Course in Honor of Craig Parker

- d. Consider Acceptance of Oklahoma Highway Safety Office Grant Contract PT-21-03-11-18
  - e. Consider Approval of Contract Agreement Between the City of Durant and Bryan County for the Housing and Care of Municipal Prisoners (C-2020-62)
  - f. Consider Declaring Listed Vehicles and Equipment as Surplus Items
  - g. Consider Approval of Modified Agreement with Watchguard to Include License Plate Data at No Extra Charge
  - h. Consider Approval to Purchase a New Fire Truck With Bryan County Fire Tax Funds
- Approved

Council Member Tomlinson requested Item 1(c) be removed from consent for further discussion.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve remaining consent items 1(a-b) and 1(d-h) as presented.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

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

2.(c) Council Member Jerry Tomlinson spoke in favor of naming the new disc golf course in honor of Craig Parker.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve recommendation by Parks and Recreation Advisory Board for naming of new disc golf course in honor of Craig Parker.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

## **3. Information Items**

- a. City Clerk Report - August 2020
- b. City Manager Monthly Report - August 2020

- c. Community Development Monthly Report - August 2020
- d. Economic Development Monthly Report - August 2020
- e. Emergency Management Monthly Report - August 2020
- f. Financial Statements and Sales Tax Breakdown-July 2020
- g. Fire Department Monthly Report August 2020
- h. Human Resources Monthly Report - August 2020
- i. Library Report for August 2020
- j. Police Department Monthly Report - July 2020
- k. Street Department Monthly Report - August 2020

#### **4. Administration**

- a. Consider Approval of Resolution 2020-32 Extending the State of Emergency Until October 14th, 2020 Due to the COVID-19 Pandemic  
Approved

Resolution No. 2020-32 expires on October 14, 2020 at 10:00 a.m.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Resolution 2020-32 extending 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 20/21 Employee Health and Dental Benefit Renewals with Blue Cross Blue Shield and Vision Benefit with VSP, or Take Any Other Appropriate Action

Approved

Dustin Brand, Fleet Manager with Insurica, addressed council and stated the annual premium for Blue Cross/Blue Shield will increase. Insure Oklahoma remains available to eligible employees. The premium for dental insurance has decreased. There will be no rate change for vision insurance. The premium for life insurance will increase. There will be no rate change for dependant life insurance. There will be a 1.2% increase for the entire program (medical dental, life).

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve 2020-2021 Employee Health and Dental Benefit renewals with Blue Cross Blue Shield and Vision Benefit with VSP.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- c. Consider and Approve Award of Financing for the Purchase of Five Police Patrol Vehicles

Approved

Finance Director and Treasurer AnChen Lai addressed council and stated financial requests were sent to local banks and one financial corporation. Five responses were received. Ms. Lai recommends Vision Bank for financing of the five police patrol vehicles.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve award of financing for the purchase of five police patrol vehicles to Vision Bank.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- d. Consider Approval of Proposal from Oklahoma LED Authorizing the Installation of LED Lighting

Approved

Assistant City Manager James Dalton addressed council and stated Oklahoma LED surveyed lighting in all city facilities with the exception of the ball parks. For the replacement of the bulbs to LED bulbs, OG&E would provide the City of Durant with an energy credit of approximately \$90,000. It would be five-year loan. Financial requests would go out to local banks. Assistant City Manager Dalton stated he believed the energy savings would pay for the financing. At the end of the five-year period, it is anticipated there will be a savings of 57% in electric bills annually moving forward. Assistant City Manager Dalton recommended approval of the proposal from Oklahoma LED. Josef A. Schrader, President and CEO of Oklahoma LED, stepped forward and answered questions from council.

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve proposal from Oklahoma LED authorizing the installation of LED lighting.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- e. FAA Airport Improvement Program (AIP) Grant Agreement DUA-SWG-3-40-0025-014-2020 for the Install Misc. NAVAID Wind Cone Project

A. Consideration to Accept FAA Airport Improvement Program (AIP) Grant Agreement DUA-SWG-3-40-0025-014-2020 for the **Install Misc. NAVAID Wind Cone** Project for a Maximum Award Amount of \$ 28,120 for Improvements at Durant Regional Airport – Eaker Field. (C-2020-60)

B. Consideration to Approve Construction Bid Award to Electric Power Solutions, LLC in the Amount of \$17,500 Related to the FAA Airport Improvement Program (AIP) Grant Agreement DUA-SWG-3-40-0025-014-2020 (C-2020-60) for the **Install Misc. NAVAID Wind Cone** Project for Improvements at Durant Regional Airport – Eaker Field. (C-2020-61)

C. Authorize Mayor and City Attorney to Sign all Related Grant and Construction Bid Award Documents Related to DUA-SWG-3-40-0025-014-2020. (C-2020-60)

Approved

4e (A) - Rebecca Payne, Grants Coordinator, addressed council and stated this is a grant from the Federal Aviation Agency (FAA) to install a wind cone at the Durant Regional Airport.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to accept FAA Airport Improvement Program (AIP) Grant Agreement DUA-SWG-3-40-0025-014-2020 for the Install Misc. NAVAID Wind Cone Project for a Maximum Award of \$28,120 for improvements at Durant Regional Airport - Eaker Field (C-2020-60).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

4e (B) - Rebecca Payne, Grant Coordinator, addressed council and recommended approval of the construction bid award be contingent upon the Federal Aviation Administration (FAA) completing the award agreement.

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve construction bid award to Electric Power Solutions, LLC in the amount of \$17,500 related to the FAA Airport Improvement Program (AIP) Grant Agreement DUA-SWG-3-40-0025-014-2020 (C-2020-60) for the Install Misc. NAVAID Wind Cone Project for improvements at Durant Regional Airport-Eaker Field (C-2020-61) contingent upon the FAA completing the award agreement.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

4e (C) - Rebecca Payne, Grant Coordinator, addressed council and stated this authorization is an FAA requirement.

Motion was made by Steve Brittingham and seconded by Jerry Tomlinson to authorize mayor and city attorney to sign all related grant and construction bid award documents related to DUA-SWG-3-40-0025-014-2020 (C-2020-60).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- f. Consideration to Approve Resolution 2020-33 Related to the CARES Act and the Coronavirus Relief Funding for Public Safety Personnel Costs.

Approved

Rebecca Payne, Grant Coordinator, addressed council and stated the City of Durant was awarded \$1,390,319.05 through the CARES Act Program and Coronavirus Relief Fund. The State of Oklahoma has allowed, if eligible, to submit the payroll costs for public safety front line employees from March 1, 2020 through November 1, 2020. The proposed resolution will serve as a support document for the reimbursement.

Motion was made by Jerry Tomlinson and seconded by Steve Brittingham to approve Resolution 2020-33 related to the CARES Act and the Coronavirus Relief Funding for Public Safety Personnel Costs.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- g. Consideration to Approve or Reject Construction Bid Award in the Amount of \$ 3,514.078.00 to Core & Main LP as Identified in a Sealed Bid Opening on September 3 at 2:00 PM Related to the U.S. Dept of Interior Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant Program (WEEG) R19AP00124 (C-2020-18).

Approved

Rebecca Payne, Grant Coordinator, addressed council and stated the bid was within budget. There were three bids. One bid was incomplete leaving two bids to be considered. Ms. Payne recommends Core & Main as the lowest bid. Ms. Payne requested approval of the bid award be contingent upon the BOR and OWRB offices' approval. This bid award is for AMR equipment and installation.

Motion was made by Jerry Tomlinson and seconded by Danny Sherrer to approve construction bid award in the amount of \$3,514,078.00 to Core & Main LP as identified in a sealed bid opening on September 3, 2020 at 2:00 p.m. related to the U. S. Department of Interior Bureau of Reclamation WaterSMART Water and Energy Efficiency Grant Program (WEEG) R19AP00124 (C-2020-18) contingent upon the BOR and OWRB offices' approval.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- h. Consideration to Approve or Reject Sealed Bid to Wynn Construction Co. Inc. of Oklahoma City, OK in the Amount of \$1,699,000.00 Related to Public Works Grant Award No. 08- 01-05284 (C-2019-22) for Wastewater

Treatment Plant Improvements - Contingent Upon All Required Documentation Approved by U.S. Department of Commerce Economic Development Administration (EDA).

Approved

Rebecca Payne, Grant Coordinator, addressed council and stated the EDA Grant is for \$1.5 Million plus the \$700,000 match funding from the Choctaw Nation of Oklahoma. This is for the sludge press at the Wastewater Treatment Plant. Ms. Payne referenced the bid tab included as an attachment to this agenda item.

Motion was made by Mike Morris and seconded by Jerry Tomlinson to approve sealed bid of Wynn Construction Co. Inc. of Oklahoma City, OK in the amount of \$1,699,000.00 related to Public Works Grant Award No. 08-01-05284 (C-2019-22) for Wastewater Treatment Plant improvements -contingent upon all required documentation approved by the U.S. Department of Commerce Economic Development Administration (EDA).

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

- i. Consider Approval of Projects Utilizing Reimbursement from the Cares Forward Funds.

Approved

City Manager John Dean addressed council and stated all projects qualify as acceptable items under the eligibility criteria established for Cares Forward Funds.

Motion was made by Steve Brittingham and seconded by Mike Morris to approve projects utilizing reimbursement from the Cares Forward Funds.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

## **5. Public Hearings**

- a. Consideration of PC2020-15 Ordinance Number 1911 Rezoning and Preliminary Plat for Property Near the Intersection of Main Street and State Highway 70

1. Public Hearing
2. Consider Action on Ordinance 1911 Section 1.
3. Consider Action on Ordinance 1911 Section 2.

Approved

Community Development Director Danielle Barker addressed council and stated this is a dual-zoned property. The front of the property is zoned C-2 and the back of the property is zoned R-3. The property owner wants to extend the C-2 zoning further back into the property and use the front of the property for commercial development and the back of the property for single family homes. The Planning Commission recommended approval with a majority vote.

Public hearing opened.

Call for comment three times.

No public comment.

Public hearing closed.

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Ordinance 1911, Section 1, Rezoning and Preliminary Plat for property near the intersection of Main Street and Highway 70.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Mike Morris and seconded by Steve Brittingham to approve Ordinance 1911, Section 2 - emergency clause.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

## **6. Executive Session**

- a. Consider Entering Into Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant (This Executive Session Authorized by 25 O.S. 307 (B) (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-2018-32); (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: Michael Cash v. City of Durant, Oklahoma (CJ-2016-138); (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: 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).

5) Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claims Against the City of Durant: Lovelace, et al. v. D&R Builders, et al., (CJ-20-89) (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: Doc & Deb LLC v. Zora M. Burnett, City of Durant, et al., (CV-20-83) (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 Mike Morris to enter into executive session for confidential communication with attorney concerning Items 6(a) 1 through 6.

Motion Passed with the following vote:

Ayes: Brittingham, Grube, Morris, Sherrer, Tomlinson

Motion was made by Steve Brittingham and seconded by Mike Morris 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)(1),(2),(3),(4),(5),(6)

No Action Taken

No action taken on Items 6(a) 1-6.

## **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