

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 4:35 p.m. on the 9th day of November, 2023.



Cynthia J. Price, City of Durant

**MINUTES OF THE MEETING OF DURANT CITY COUNCIL
November 14, 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 6:01 p.m.

INVOCATION/FLAG SALUTE

Mayor Tucker provided the invocation and led the flag salute.

ROLL CALL

Present:

Council Member Lauran Fuller
Council Member Humphrey Miller
Council Member Danny Sherrer
Vice Mayor Mike Simulescu
Mayor Martin Tucker
City Attorney Tom Marcum
Interim City Manager Rick Rumsey
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.

Raunel Ortiz introduced his daughter, Katelyn Ortiz - Spoke on behalf of the Durant High School Chapter of HOSA (Future Health Professionals) to promote campaign among area HOSA Chapters to get the most blood donors.

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 October 10, 2023
- b. Consider Approval of Budget Supplements 2024-5
- c. Consider Approval of Schedule of Regular Meetings for Durant City Council for Calendar Year 2024
- d. Consider Approval of 2024 City of Durant Holiday Schedule
- e. Consideration, Discussion and Possible Action to Accept the 2023 Bureau of Justice Assistance Bulletproof Vests Partnership Grant Award in the Amount of \$12,325 as Partial Funding to Purchase Approximately 29 Vests for the Durant Police Department

Motion To: Approve Consent Items as Presented

Motion By: Lauran Fuller

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

2. Consider Items Removed from Consent

3. Information Items

- a. September 2023 Financial Statements AND October 2023 Sales Tax Report

4. Administration

- a. Consider and Take Action with Respect to a Resolution of the City Council of the City of Durant, Oklahoma (the "City") Approving Action Taken by the Durant City Utilities Authority (the "Authority") Authorizing Issuance, Sale and Delivery of Its Clean Water SRF Promissory Note to Oklahoma Water Resources Board; Ratifying and Confirming a Lease Agreement, as Amended; Ratifying, Confirming and Approving a Sales Tax Agreement By and Between the City and the Authority Pertaining to a Year-to-Year Pledge of Certain Sales Tax Revenue; and Containing Other Provisions Related Thereto (R-2023-24)

Motion To: Approve Resolution of the City Council of the City of Durant, Oklahoma (the "City") Approving Action Taken by the Durant City Utilities Authority (the "Authority") Authorizing Issuance, Sale and Delivery of Its Clean Water SRF Promissory Note to Oklahoma Water Resources Board; Ratifying and Confirming a Lease Agreement, as Amended; Ratifying, Confirming and Approving a Sales Tax Agreement By and Between the City and the Authority Pertaining to a Year-to-Year Pledge of Certain Sales Tax Revenue; and Containing Other Provisions Related Thereto (R-2023-24)

Motion By: Lauran Fuller

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

b. Consider Approval of Additional Incentive for Allied Stone

Motion To: Approve Additional Incentive for Allied Stone

Motion By: Danny Sherrer

Seconded By: Martin Tucker

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

c. Consider Approval of Assignment of Lease from Trussworks, LLC. to Trussworks Operations, LLC. and Approval of Five Year Lease Extension at \$6,000 Per Month

Motion To: Approve Assignment of Lease from Trussworks, LLC to Trussworks Operations, LLC and Approval of Five Year Lease Extension at \$6,000 Per Month

Motion By: Humphrey Miller

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

d. Discussion, Consideration and Possible Action on Acceptance of a Loan from Durant Industrial Authority to Durant Airport Authority in the amount of \$900,000.

Motion To: Accept Loan From Durant Industrial Authority to Durant Airport Authority in the Amount of \$900,000

Motion By: Martin Tucker

Seconded By: Danny Sherrer

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- e. Consider Approval of Fair Labor Standards Act Adjustment to Fraternal Order of Police Lodge 113 Collective Bargaining Agreement and Authorize Interim City Manager to Sign

Motion To: Approve Fair Labor Standards Act Adjustment to Fraternal Order of Police Lodge 113 Collective Bargaining Agreement and Authorize Interim City Manager to Sign

Motion By: Martin Tucker

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- f. Discussion, Consideration and Possible Approval for TOPS Contract Number 230202 to Have Hellas Construction Resurface Durant Multi Sport Complex Track for \$331,905

Motion To: Approve TOPS Contract Number 230202 to have Hellas Construction Resurface Durant Multi Sport Complex Track for \$331,905

Motion By: Mike Simulescu

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- g. Discussion, Consideration and Possible Action on Reallocation of Capital Improvement Funds for the Purchase and Install of Security Upgrades and Cameras for the Airport.

Motion To: Approve Reallocation of Capital Improvement Funds for the Purchase and Install of Security Upgrades and Cameras for the Airport

Motion By: Martin Tucker

Seconded By: Mike Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- h. Discussion, Consideration and Possible Action on PC2023-30, a Conditional Use Permit Request from Tillman Infrastructure and AT&T for Property Located Near Cemetery Road

Motion To: Approve PC2023-30, a Conditional Use Permit Request from Tillman Infrastructure and AT&T for Property Located Near Cemetery Road

Motion By: Martin Tucker

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- i. Discussion, Consideration and Possible Action on PC2023-31, a Final Plat Request by Tim Attaway for Property Located Near Peppernut Lane and Redbud Lane

Motion To: Approve PC2023-31, a Final Plat Request by Tim Attaway for Property Located Near Peppernut Lane and Redbud Lane

Motion By: Humphrey Miller

Seconded By: Danny Sherrer

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- j. 17980 CDBG-Small Cities 20 Water Treatment Plant SCADA Improvements (C-2020-68 GC)

A. Consideration, Discussion and Possible Action to Approve Resolution R-2023-22 for Proof of Public Hearing.

B. Consideration, Discussion and Possible Action to Accept the Water Treatment Plant - SCADA Improvements 17980 CDBG Small Cities 20 Project as Successfully Complete.

C. Consideration, Discussion and Possible Action to Approve the 17980 CDBG Small Cities 20 Closeout Documents.

Motion To: Approve Resolution R-2023-22 for Proof of Public Hearing

Motion By: Martin Tucker

Seconded By: Mike Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

Motion To: Accept the Water Treatment Plant - SCADA Improvements 17980 CDBG Small Cities 20 Project as Successfully Complete

Motion By: Martin Tucker

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

Motion To: Approve the 17980 CDBG Small Cities 20 Closeout Documents With Correction of Original Amount Issued to Contractor to be \$1,675,000.00.

Motion By: Martin Tucker

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

- k. Discussion, Consideration, and Possible Action to Approve Change Order No. 1 to Modify Contract C-2021-68 GEN with Dave's Electrical Service & Systems Extending Contract Completion Date for the Generator Project at the Weather Radar site from

July 17, 2023 to December 31, 2023.

Motion To: Approve Change Order No. 1 to Modify Contract C-2021-68 GEN with Dave's Electrical Service & Systems Extending Contract Completion Date for the Generator Project at the Weather Radar Site from July 17, 2023 to December 31, 2023

Motion By: Humphrey Miller

Seconded By: Lauran Fuller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

5. Public Hearings

- a. Closeout Public Hearing for 17980 Community Development Block Grant (CDBG) Small Cities 20, Completing the Water Treatment Plant – Supervisory Control and Data Acquisition (SCADA) Improvements (C-2020-68 GC)

Public hearing opened.

Mayor Tucker called three times for comment.

No public comment.

Public hearing closed.

6. Executive Session

- a. Consider Executive Session for Confidential Communication with Attorney Concerning Pending Claim 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).

Motion To: Approve Entering In Executive Session

Motion By: Martin Tucker

Seconded By: Humphrey Miller

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None

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

No action.

7. New Business

There was no new business.

ADJOURNMENT

Motion To: Adjourn Meeting

Motion By: Martin Tucker

Seconded By: Mike Simulescu

Ayes: Fuller, Miller, Sherrer, Simulescu, Tucker

Nays: None

Abstain: None