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 17th day of November, 2016 and that an agenda of said meeting was posted at the place of such meeting at 4:50 p.m. on the 9th day of November, 2017. An amended agenda was posted at the place of such meeting at 11:45 a.m. on the 13th day of November, 2017.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF November 14, 2017 AT 6:00 PM, AMENDED AGENDA Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, Oklahoma

CALL TO ORDER

Mayor Tomlinson called the meeting to order at 6:04 pm.

INVOCATION/FLAG SALUTE

James Dalton provided the invocation. Council Member Dills led the flag salute.

ROLL CALL

Present: Council Member Destry Hawthorne	City Attorney Tom Marcum
Council Member Oden Grube	City Manager Tim Rundel
Council Member Mike Dills	City Clerk Cynthia J. Price
Vice-Mayor Chad Hitchcock	
Mayor Jerry Tomlinson	

Absent: None (*denotes partial attendance)

Mayor Tomlinson 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 October 10, 2017

b. Consider Approval of Special Called Meeting Minutes of November 7, 2017

c. Consider Approval of Claims for October 2017

d. Consider Approval of Budget Amendment 2018-02

e. Consider Approval of 2018 City of Durant Holiday Schedule

f. Consider Approval of 2018 Meeting Schedules

g. Consider Recommendation To Approve ODOT Resolution EC- 1925/ City Of Durant Resolution No.2017-25 Concerning Bridge Inspection Responsibility

h. Consider Approval of Resolution # 2017-26 Authorizing a Mural Project for the Durant Main Street Office

i. Oklahoma Department of Transportation (ODOT) Streetscape V Project: STP-107 E (176) EH State Job No. 28808(04)

1. Consideration To Approve Temporary Construction Easement Provided By George and Rhonda Collier - Necessary For The ODOT Streetscape V Project 28808(4).

2. Consideration To Approve Temporary Construction Easement Provided By Main Street Rental, Inc. - Necessary For The Streetscape V Project 28808(4).

3. Consideration To Approve Temporary Construction Easement Provided By Payton L. and Dorothy J. Phelps - Necessary For The ODOT Streetscape V Project 28808(4) .

4. Consideration To Approve Temporary Construction Easement Provided By Billy R. and Mandy Lee Trent - Necessary For The ODOT Streetscape V Project 28808(4) .

5. Consideration To Authorize Mayor To Sign Necessary Documents Pertaining To The Approved Temporary Construction Easements For Streetscape V Project 28808(4), As Required By OK Department Of Transportation.

j. Consider Acceptance of Supplement Funding from the 2018 Emergency Management Performance Grant in the amount of $2165 for Handheld Radio Communication Equipment

Approved

Mayor Tomlinson requested Item 1(i) (1-5) for removed for further discussion.

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

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

2. Consider Items Removed from Consent

Item 2 (i)(1). - Rebecca Collins, Grants Coordinator, addressed council and stated this grant was awarded to the City of Durant in 2014 to complete transportation enhancements around the downtown area, sidewalks and ADA accessibility improvements. Ms. Collins stated all four of the property owners have donated the temporary construction easements.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve temporary construction easement provided by George and Rhonda Collier necessary for the ODOT Streetscape V Project 28808(4). Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Item 2 (i)(2). - Rebecca Collins, Grants Coordinator, addressed council and stated this grant was awarded to the City of Durant in 2014 to complete transportation enhancements around the downtown area, sidewalks and ADA accessibility improvements. Ms. Collins stated all four of the property owners have donated the temporary construction easements.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve temporary construction easement provided by Main Street Rental, Inc. necessary for the Streetscape V Project 28808(4). Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Item 2 (i)(3). - Rebecca Collins, Grants Coordinator, addressed council and stated this grant was awarded to the City of Durant in 2014 to complete transportation enhancements around the downtown area, sidewalks and ADA accessibility improvements. Ms. Collins stated all four of the property owners have donated the temporary construction easements.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve temporary construction easement provided by Payton L. Phelps and Dorothy J. Phelps necessary for the ODOT Streetscape V Project 28808(4). Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Item 2 (i)(4). - Rebecca Collins, Grants Coordinator, addressed council and stated this grant was awarded to the City of Durant in 2014 to complete transportation enhancements around the downtown area, sidewalks and ADA accessibility improvements. Ms. Collins stated all four of the property owners have donated the temporary construction easements.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve temporary construction easement provided by Billy R. and Mandy Lee Trent necessary for the Streetscape V Project 28808(4). Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Item 2 (i)(5).

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to authorize Mayor to sign necessary documents pertaining to the approved temporary construction easements for Streetscape V Project 28808(4) as required by the Oklahoma Department of Transportation. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

3. Administration

a. Consider Approval Of Request Of Authorization To Purchase Materials To Repair Drainage On N. 10th And Beech In the Amount Of $40,000.00 (RFAP# 2018-080)

Approved

James Young, Street Department Superintendent, addressed council and provided pictures of the work site. Mr. Young stated the amount of the Request for Authorization is estimated high to avoid having to re-appear before council for additional funds. Mr. Young stated he expects the actual project cost to be $18,000 - $20,000.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve Request of Authorization to Purchase materials to repair drainage on N. 10th and Beech in the amount of $40,000 (RFAP# 2018-080). Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Award of Bid and Authorization for Mayor to Execute Quit Claim Deed for Real Estate Parcel on Roadrunner Drive

1. Consider Award of Bid for Real Estate Parcel - Roadrunner Drive;

2. Consider Authorization of Mayor to Execute Quit Claim Deed for Real Estate Parcel - Roadrunner Drive

Approved

Marty Cook, Interim Public Works Director, addressed council and stated there was one bidder, Mr. Cook recommended the bid be awarded to FrontStreetLLC.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to award bid for real estate parcel on Roadrunner Drive to FrontStreet LLC. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to authorize Mayor to execute Quit Claim Deed for real estate parcel on Roadrunner Drive. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

c. Consider Approval of Memorandum of Understanding Between City of Durant and Durant Fraternal Order of Police Lodge #113 for FY 17-18

Approved

City Manager Tim Rundel addressed council and stated Fraternal Order of Police Lodge #113 is in the third year of their three year contract with the City of Durant. The parties agreed to waive a 3% raise previously agreed upon three years ago and all other terms of the agreement stay in place. City Manager Rundel recommended approval of the proposed Memorandum of Understanding.

Motion was made by Chad Hitchcock and seconded by Mike Dills to approve Memorandum of Understanding between City of Durant and Durant Fraternal Order of Police Lodge #113 for FY 17-18. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

d. Consider Approval Resolution 2017-27 Earmarking Funds from OMAG Recognition Program to Improve Communications and Transparency

Approved

City Manager Tim Rundel addressed council stating this agenda item was brought forward by Vice Mayor Hitchcock after the city council participated in the OMAG Recognition Program on October 9, 2017. City Manager Rundel stated the City of Durant received $10,000 from OMAG for their participation in this program. City Manager Rundel proposed these funds be used to improve communication and transparency between the city and citizens through improved livestreaming, additional cameras, improved audio, social media and website.

Motion was made by Chad Hitchcock and seconded by Oden Grube to approve Resolution 2017-27 earmarking funds from OMAG Recognition Program to improve communications and transparency. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

e. Consider Approval of Ordinance 1839 to Renew the City's Cable Franchise Agreement with Vyve Broadband

Approved

City Manager Tim Rundel addressed council and stated the current ten year contract between the City of Durant and Vyve expires in December 2017. The proposed renewal would be for fifteen years and is a standard franchise agreement. City Attorney Tom Marcum said due to FCC rule changes, Schedule 1 of the agreement needs to be changed to strike all of the listed locations and substitute the word 'None'. Each building location requiring service would be communicated by the City to the franchisee who would provide service pursuant to the remaining terms of the contract. Mr. Marcum clarified the City is not paying for service to non-city owned locations. Jeff Beck addressed council on behalf of Vyve Broadband and stated he is in agreement with the city attorney that Schedule 1 of the proposed franchise agreement should be amended to strike all of the locations and substitute the word 'None'.

Motion was made by Destry Hawthorne and seconded by Mike Dills to approve Ordinance 1839 amending Schedule 1 striking all locations and substituting with 'None'. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

f. Consider Approval of Entering into a Professional Services Agreement with Institute for Building Technology and Safety for Community Development Services

Approved

City Manager Tim Rundel addressed council and stated Marty Pope was previously assigned to Community Development and now serves as the Parks Superintendent. Marty Cook is the Manager of Community Development and Interim Public Works Director but will be assuming the role of Public Works Director. The remaining employees assigned to Community Development will remain in Community Development. Mr. Rundel stated he would not be privatizing the department. The professional services agreement is for the Community Development Services and Building Department only. City Manager Rundel introduced Mike Maenner, Oklahoma Manager for IBTS, and Matthew Nahrstedt who would serve as city planner if the proposed agreement is approved. Marty Cook addressed council in support of the proposed professional services agreement with IBTS. City Manager Rundel stated the proposed agreement is for two employees - a city planner and a building inspector yet to be appointed - who will report to him (city manager). City Manager Rundel stated this cost is within budget. At the end of the fiscal year, the agreement will be considered for renewal.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve entering into a Professional Services Agreement with Institute for Building Technology and Safety for Community Development Services. Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson
Nays: Grube

g. Consider Acceptance Of A 2017 US Department Of Justice Bulletproof Vest Partnership Grant OJP-BVP17 (C-2017-69) In The Amount Of $ 13,519.31.

Approved

Rebecca Collins, Grants Coordinator, stated the City of Durant received a grant from the Department of Justice to provide 37-38 bulletproof vests for the Durant Police Department.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to accept 2017 US Department of Justice Bulletproof Vest Partnership Grant OJP-BVP17 (C-2017-69) in the amount of $13,519.31. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

4. Public Hearings

a. Consider Approval of Ordinance 1837 Requesting a Rezoning from Agriculture A-1 to General Residential R-3 for Property Located at 803/805 SE 3rd

Approved

Marty Cook, Interim Public Works Director, addressed council and answered questions from council. Public Hearing open. Call for any comments in favor. Called 3 times. No response. Call for any comments not in favor. James Cotton spoke in opposition. Public hearing closed.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Ordinance 1837, Section 1 to Rezone from Agriculture A-1 to Single Family Residential R-1 District for property located at 803/805 SE 3rd. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to approve Section 2 - Emergency Clause. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

5. Information Items

a. Airport Manager's Monthly Report - October 2017

b. City Clerk Monthly Report - October 2017

c. Community Development Monthly Report for October 2017

d. Emergency Management Report - October 2017

e. Financial Statements for September 2017 and Sales Tax Breakdown for October 2017

f. Fire Department Monthly Report October 2017

g. Grants Department Report: October 2017

h. Landfill Information & Reports - October 2017

i. Library Report for October 2017

j. Planning Commission Meeting Minutes

k. Police Department Monthly Report - September 2017

l. Solid Waste Collection Monthly Report - October 2017

m. Street Department Report October 2017

n. Utility Billing Office Monthly Summary Report-September 2017

o. Waste Water Treatment Plant and Laboratory Monthly Report - October 2017

p. Water and Sewer Line Maintenance Monthly Report - October 2017

q. Water Treatment Plant Monthly Operation Reports - October 2017

r. Report from Sports Facilities Management Regarding Durant Multi-Sports Complex

City Manager Rundel introduced Jason Clement, Chief Executive Officer and Co-Founder of Sports Facilities Management, and Jack Adams, Vice President of Sports Facilities Management. Mr. Clement and Mr. Adams provided a power point presentation and spoke of the importance of sports in a community. Mr. Clements presentede a short summary of findings and recommendations regarding the Durant Multi-Sports Complex. A more detailed report was contained in an informational packet which he provided to each city council member.
City Manager Rundel commented that the model being presented does not take away any employees currently assigned to the Durant Multi-Sport Complex.

6. Citizen Comments on Non-Agenda Items

Billy Jones - Topic: Police Department

7. Executive Session

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

Approved

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne to enter into executive session. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to return to regular session. Motion Passed with the following vote:

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson

b. Consider Action Pursuant to 7(a) Above

Approved

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to have the city attorney and the city manager continue to defend the suit. Motion Passed with the following vote:

Ayes: Dills, Hawthorne, Hitchcock, Tomlinson

Abstain: Grube

8. New Business

There was no new business.

ADJOURNMENT

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

Ayes: Dills, Grube, Hawthorne, Hitchcock, Tomlinson