

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 4:20 p.m. on the 9th day of December, 2016.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL OF December 13, 2016 AT 6:00 PM, Roscoe J. Hatfield Council Chambers, Durant City Hall

CALL TO ORDER

Mayor Hoffman called the meeting to order at 6:02 p.m.

INVOCATION

James Dalton provided the invocation.

ROLL CALL

Present: Council Member Chad Hitchcock	City Attorney Pat Phelps
Council Member Billy L. Orr	City Manager Tim Rundel
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.

*Mayor Hoffman left the meeting at 6:35 p.m. and returned at 8:30 p.m. Vice Mayor Hawthorne presided during Mayor Hoffman's absence.

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 for November 8, 2016
- b. Consider Approval of Claims for November 2016
- c. Consider Acceptance of a \$500 Donation To The Fire Department for Providing a Fire Extinguisher Training Class for Employees of Gas

Turbine Applications

- d. Consideration To Approve Construction Contract C-2016-89 Relating To Awarded Bid No. RFB 2016-102A To C.D. Brown Construction, Inc. For The Water and Sewer Infrastructure Improvements Funded By 16802 CDBG-ED 16, Serving The Commercial Metals Company - CMC Steel Oklahoma, LLC. (C-2016-86).
- e. Consider Acceptance of Donation of Angel Statue and Base for Highland Cemetery
- f. Consider Approval of Budget Amendment 2017-03
- g. Consider Approval of An Ordinance Of The City Of Durant, Oklahoma; Ordinance Number 1817; An Ordinance Amending The Employee Retirement System, Defined Benefit Plan For City Of Durant, Oklahoma; Providing Retirement Benefits For Eligible Employees Of City Of Durant, Oklahoma; Pertaining To The Definition Of Employee; Providing For Repealer And Severability; And Declaring An Emergency
- h. Consider Approval of Ordinance Number 1818; An Ordinance Amending The Employee Retirement System, Defined Contribution Plan For The City Of Durant, Oklahoma; Providing Retirement Benefits For Eligible Employees Of The City Of Durant, Oklahoma; Pertaining To The Definition Of Employee; Providing For Repealer and Severability; And Declaring An Emergency
- i. Consider Approval To Submit Grant Application For A Brownfield Assessment Grant Funding Opportunity Through The Environmental Protection Agency (EPA).
- j. Consider Approval of Parcel Identifier (PID) #76 between the City of Durant and Oklahoma Gas & Electric (OG&E)

Approved

Councilman Tomlinson asked that Items 1(c), 1(d), 1(g), 1(h) and 1(j) be removed for further discussion.

Motion was made by Chad Hitchcock and seconded by Destry Hawthorne 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

2(c) - Fire Chief Roger Joines addressed council. Council Member Tomlinson recognized Fire Marshal Wade Boyd, Chief Joines and Gas Turbine Applications for their donation.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve acceptance of a \$500 donation to the Durant Fire Department for providing a Fire Extinguisher Training Class for employees of Gas Turbine Applications. Motion Passed with the following vote:

2(d) - Jacque Wilson, Projects Manager, addressed council and stated reduction in amount is due to city providing in kind labor. Mr. Wilson stated there are still bids out for materials.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Construction Contract C-2016-89 relating to Awarded Bid No. RFB 2016-102A to C.D. Brown Construction, Inc. for the water and sewer infrastructure improvements funded by 16802 CDBG-ED 16, serving the Commercial Metals Company - CMC Steel Oklahoma, LLC. (C-2016-86). Motion Passed with the following vote:

2(g) - Donnalla Miller, Human Resources Director, addressed council stated the the purpose of this amendment is to insure that the current city manager is included in the plan documents. Council Member Tomlinson noted this item should have been placed under the category of 'Administration' instead of 'Consent Items'.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve an Ordinance of the City of Durant, Oklahoma; Ordinance Number 1817; an Ordinance amending the Employee System Defined Benefit Plan for City of Durant, Oklahoma; providing retirement benefits for eligible employees of City of Durant, Oklahoma; pertaining to the definition of employee; providing for repealer and severability, specifically Sections 1-4. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

2(g) - Section 5 Emergency Clause

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance Number 1817, Section 5. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

2(h) - Donnalla Miller, Human Resources Director, was available to answer questions from council. Council Member Tomlinson noted this item should have been placed under the category of 'Administration' instead of 'Consent Items'.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance Number 1818; an Ordinance amending the Employee Retirement System, Defined Contribution Plan for the City of Durant, Oklahoma; providing retirement benefits for eligible employees of the City of Durant, Oklahoma; pertaining to the definition of employee; providing for repealer and severability; specifically Sections 1-4. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

2(h) Ordinance 1818, Emergency Clause

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Ordinance Number 1818, Section 5. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

2(j) - Jacque Wilson, Projects Director, addressed council and reviewed map and boundaries.

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Parcel Identifier (PID) #76 between the City of Durant and Oklahoma Gas & Electric. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

3. Administration

- a. Consider Approval of Resolution 2016-26 Declaring Cemetery Truck as Surplus Property

Approved

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Resolution 2016-26 declaring cemetery truck as surplus property. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

- b. Consider Authorization to Seek Bids for Cemetery Truck

Approved

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve authorization to seek bids for cemetery truck. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

- c. Consideration To Approve Construction Change Order No. 1 Related To C.D. Brown Construction, Inc. Contract No. C-2016-89 For The Water and Sewer Infrastructure Improvements Funded By 16802 CDBG-ED 16 (C-2016-86) Serving The Commercial Metals Company - CMC Steel Oklahoma, LLC.

Approved

Jacque Wilson, Projects Manager, addressed council and stated this is a duplicate of Item 1(d) and requires no action.

Mr. Wilson stated later in the meeting that this item was not a duplicate but necessary for the approval of the dollar amount of the change order discussed under Item 2(d).

Motion was made by Jerry Tomlinson and seconded by Destry Hawthorne to approve Construction Change Order No. 1 related to C.D. Brown Construction, Inc. Contract No. C-2016-89 for the water and sewer infrastructure improvements funded by 16802 CDBG-ED 16 (C-2016-86) serving the Commercial Metals Company - CMC Steel Oklahoma, LLC.. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Orr, Tomlinson

Absent: Hoffman

- d. Consider Mayoral Appointment of Kenneth Rainbolt to Serve as Municipal Judge for 2017-2019 Term Pursuant to Durant City Code Sections 35.16 and 35.19 and Take Possible Action

Approved

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve mayoral appointment of Kenneth Rainbolt to serve as Municipal Judge for 2017-2019 term pursuant to Durant City Code Sections 35.16 and 35.19. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

- e. Consider Approval of Mayoral Appointment of Matt Mickle to Serve as Alternate Municipal Judge for 2017-2019 Term Pursuant to Durant City Code Sections 35.17 and 35.19 and Take Possible Action

Approved

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to approve Matt Mickle to serve as Alternate Municipal Judge for 2017-2019 term pursuant to Durant City Code Sections 35.17 and 35.19. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

4. Public Hearings

- a. Consider Approval of Ordinance #1812, Requesting to Re-Zone from the A-1 Agriculture District to the C-2 Highway Commercial and Commercial Recreation District for Property Located at Washington and Mockingbird

Approved

Marty Cook, Director of Community Development, addressed council and stated there were two citizens in opposition to the re-zoning who spoke at the Planning Commission Meeting but they were not in attendance at this hearing. The hearing was opened for public comment. No public comment. Public hearing closed.

Motion was made by Destry Hawthorne and seconded by Jerry Tomlinson to approve Ordinance #1812 requesting to Re-Zone from A-1 Agricultural District to C-2 Highway Commercial and Commercial Recreation District for property located at Washington and Mockingbird. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to

approve Ordinance 1812, Section 2. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

- b. Consider Approval of Final Plat for the Magnolia Addition Located on University Boulevard near Cornell Drive

Approved

Marty Cook, Director of Community Development addressed council and stated this final plat adopts sewer lines and streets only. Open for public hearing. No public comment. Hearing closed.

Motion was made by Destry Hawthorne and seconded by Chad Hitchcock to approve final plat for the Magnolia Addition located on University Boulevard near Cornell Drive. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

5. Information Items

- a. Planning Commission Meeting Minutes of October 18, 2016
- b. Fire Department Monthly Report - November 2016
- c. Financial Statements - October 2016
- d. Human Resources Department Monthly Report - November 2016
- e. Library Monthly Report - November 2016
- f. Community Development Monthly Report - November 2016
- g. Cemetery Monthly Report - November 2016
- h. Street Department Monthly Report - November 2016
- i. Police Department Monthly Report - November 2016
- j. Emergency Management Report - November 2016

- k. Grants Department Monthly Report - November 30, 2016
- l. Utilities Monthly Report - November 2016
- m. Landfill Information & Reports - November 2016
- n. Solid Waste Collection Report - November 2016
- o. Water Treatment Plant Monthly Report - November 2016
- p. Wastewater Treatment Plant Monthly Projects Report - November 2016
- q. Wastewater Treatment Plant Monthly Lab Report - November 2016
- r. Parks and Durant Multi Sports Complex Monthly Report - November 2016
- s. Projects Manager Monthly Report - November 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 Entering into Executive Session as Authorized by Title 25 O.S. Section 307 B(1) to Discuss Annual Performance and Compensation of City Treasurer

Approved

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to enter executive session.. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Orr, Tomlinson

Absent: Hoffman

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to re-enter regular session. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Orr, Tomlinson

Absent: Hoffman

- b. Consider Action Pursuant to Item 7(A) Above

Approved

Motion was made by Jerry Tomlinson and seconded by Chad Hitchcock to increase compensation of city treasurer by 3% after annual performance review. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

- c. Consider Executive Session for Confidential Communications with Attorney Concerning Pending Employee Claim and Possible Arbitration (This Executive Session Authorized by 25 O.S. Section 307 B(4) of the Oklahoma State Statutes)

Approved

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

Ayes: Hawthorne, Hitchcock, Orr, Tomlinson

Absent: Hoffman

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

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson

- d. Consider Action Pursuant to Item 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 adjourn

meeting. Motion Passed with the following vote:

Ayes: Hawthorne, Hitchcock, Hoffman, Orr, Tomlinson