The City of Durant encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged in order to make the necessary accommodations. The City of Durant may waive the 48-hour rule if interpreters for the deaf (signing) or translation services for limited English proficient (LEP) individuals are not the necessary accommodation.

DURANT CITY COUNCIL

1:00 PM **Roscoe J. Hatfield Council Chambers, 300 West Evergreen, Durant, Oklahoma** **June 17, 2019**

SPECIAL AGENDA

DURANT CITY HALL
300 W. EVERGREEN, DURANT, OK
ROSCOE J. HATFIELD COUNCIL CHAMBERS

CALL TO ORDER

INVOCATION/FLAG SALUTE

ROLL CALL

ORDER OF BUSINESS

1. Consider and Take Action with Respect to Resolution 2019-18 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 the Oklahoma Water Resources Board; Ratifying and Confirming a Lease Agreement, as Amended; Ratifying, Confirming, and Approving the 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
2. Consider Approval of Budget Adjustments for FY 18-19
3. Consider Appointment of Lloyd Sauls to the Airport Advisory Board
4. Consideration To Accept Cash Donation Funds From Cardinal Glass, A Community Partner, In The Amount Of $2500 To Be Utilized Specifically Towards The Kids And Cops Dream Court - COPS Programming Initiatives For Community Youth Basketball Activities With The Durant Police Department.
5. Consideration To Accept The Community Development Block Grant Infrastructure Financing Grant Award 17488 CDBG-ED 18 From Oklahoma Department Of Commerce In The Amount Of $ 939,366 For Water And Wastewater Infrastructure Improvements To Serve Tubacex

Durant, Inc. Necessary To Create New Jobs At 362 Country Club Road (C-2019-32).

6. Consideration To Approve Professional Services Work Order No. DU-18-04 To Wall Engineering, LLC (C-2019-33) For Engineering Services Related To The Water And Wastewater Infrastructure Improvements To Serve Tubacex Durant, Inc. (C-2019-32).

7. Executive Session

a. Consider Executive Session to Discuss Hiring of City Manager (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)

b. Consider Action Pursuant to 7(a) Above

ADJOURNMENT

CERTIFICATE

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 prior to 1:00 p.m. on Thursday, June 13, 2019 and that an agenda of said meeting was posted at the place of such meeting at 12:45 p.m. on the 14th day of June, 2019.

_____

Cynthia J. Price, City of Durant

Agenda Item: 1.

The City of Durant

Office of City Clerk

Memorandum

Date: 6/13/2019

To: Mayor and City Council

From: Greg Buckley, Assistant City Manager

Re: Consider and Take Action with Respect to Resolution 2019-18 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 the Oklahoma Water Resources Board; Ratifying and Confirming a Lease Agreement, as Amended; Ratifying, Confirming, and Approving the 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

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Council Information / Action Requested

Approval of Resolution 2019-18

City Staff Information / Action Follow-up, if Council authorizes this action:

ATTACHMENTS:

Description	Type	Upload Date
Resolution 2019-18	Exhibit	6/13/2019

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE CITY COUNCIL OF THE CITY OF DURANT, OKLAHOMA (THE "CITY") MET SPECIAL SESSION IN THE ROSCOE J. HATFIELD COUNCIL CHAMBERS AT CITY HALL, 300 WEST EVERGREEN, DURANT, OKLAHOMA 74701, ON THE 17TH DAY OF JUNE, 2019, AT 1:00 O'CLOCK P. M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by the City Clerk. Councilmember _____ moved passage of the Resolution and Councilmember _____ seconded the motion. The motion carrying with it the approval of said Resolution was approved by the following vote:

AYE:

NAY:

The Resolution so approved is as follows:

RESOLUTION NO. 2019-18

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.

WHEREAS, The Durant City Utilities Authority (the "Authority") did, by its Resolution adopted June 17, 2019, authorize the issuance, sale and delivery of its Series 2019 Clean Water SRF Promissory Note to Oklahoma Water Resources Board, in order to finance certain automated meter reading system in the original principal amount of not to exceed $4,000,000; and

WHEREAS, the City Council hereby determines that the actions taken by the Authority should be authorized and approved; and

WHEREAS, the City hereby determines that such other action necessary or attendant to accomplishment of the referenced financing should be considered by the City Council of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURANT, OKLAHOMA:

Section 1. Issuance of Note. That the issuance, sale and delivery of The Durant City Utilities Authority, Bryan County, Oklahoma, Series 2019 Clean Water SRF Promissory Note to Oklahoma Water Resources Board in the principal amount of not to exceed $4,000,000 (the "2019 Note"), all as approved by said Authority on June 17, 2019, be and hereby is authorized, approved and ratified.

Section 2. Approval. That all actions heretofore taken by the Authority in connection with the issuance, sale and delivery of the 2019 Note and all other aspects of the transaction be and are hereby authorized, approved and ratified.

Section 3. Lease Agreement. The Lease dated May 21, 1956, but to be effective as of May 10, 1956, as amended by the Supplement to Lease dated August 29, 1966, but to be effective as of June 14, 1966, and as further amended by the Second Supplement to Lease dated March 20, 1991, all by and between the City and the Authority (collectively, the "Lease Agreement"), whereby the City leased to the Authority its presently existing and hereafter acquired water, sanitary sewer, and garbage systems, is hereby ratified and confirmed and the term of said Lease Agreement shall extend until the 2019 Note is paid.

Section 4. Sales Tax Agreement. The Sales Tax Agreement dated as of September 1, 2006, by and between the City and the Authority (the "Sales Tax Agreement"), which Sales Tax Agreement pertains to a year-to-year pledge of certain Sales Tax revenue as security for the 2019 Note, is hereby ratified and confirmed.

Section 5. Necessary Action. That the Mayor or Vice Mayor and City Clerk or Deputy City Clerk be and hereby are authorized and empowered to execute and deliver for and on behalf of the City any and all other documents or instruments reasonably necessary to accomplish the issuance, sale and delivery of the 2019 Note and all other aspects of the transaction.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED THIS 17TH DAY OF JUNE, 2019.

CITY OF DURANT, OKLAHOMA

By _____
Mayor

ATTEST:

By _____
City Clerk

(SEAL)

STATE OF OKLAHOMA)
)SS
COUNTY OF BRYAN)

I, the undersigned, City Clerk of the City of Durant, Oklahoma, do hereby certify that the above and foregoing is a true, full and correct copy of an excerpt from the minutes of a meeting of the City Council of said City held on the date above stated, all as recorded in the official minutes of such meeting. I further certify that the "Open Meeting Law" was complied with for such meeting.

GIVEN UNDER MY HAND THIS 17TH DAY OF JUNE, 2019.

(SEAL)

_____
City Clerk

Agenda Item: 2.

The City of Durant

Office of City Treasurer

Memorandum

Date: 6/13/2019
To: Mayor and City Council
From: Judy Siemens, Finance Director
Re: Consider Approval of Budget Adjustments for FY 18-19

Your authorization to approve the following budget amendments is requested. All of the adjustments are procedural in nature; necessary to carry out activities of the city. A detailed explanation is on each of the attached request.

BA-06-17-2019

#001780 - Approve budget for HVAC improvements to the City Library. Approved by Council 6-11-2019.

#001781 - Approve budget for disaster supplies from school donation.

#001782 - Approve budget for CDBG 17488 - Tubacex.

Council Information / Action Requested

Approve budget amendments previously listed and detail attached.

City Staff Information / Action Follow-up, if Council authorizes this action:

City Treasurer's Office will install the budget amendments in the accounting software and ensure that all funds remain in balance.

The Treasurer's office will file the adjustments with the State Auditor's Office as required by Oklahoma State Statutes, Title 11-17-216.

ATTACHMENTS:

Description	Type	Upload Date
HVAC IMPROVEMENTS	Cover Memo	6/13/2019
SCHOOL DONATION FOR DISASTER RELIEF ITEMS	Cover Memo	6/13/2019
CDBG GRANT - TUBACEX	Cover Memo	6/14/2019

PACKET: 00350- LIBRARY AIR CONDITION IMPROV
BUDGET CODE: CB-Current Budget

FUND	ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 001780								
350	015-571.30-44 CONTINGENCY RESERVE DEPT: DWR CC PROJECT	6/17/2019	APRROVED 6-11-2019	119,743.87-	723,236.00	0.00	603,492.13	603,492.13
350	015-571.61-04 IMPROVEMENTS DEPT: DWR CC PROJECT	6/17/2019	APRROVED 6-11-2019	119,743.87	0.00	0.00	119,743.87	119,743.87

PACKET NOTES:
TO ACKNOWLEDGE APPROVAL BY COUNCIL ON 6-11-2019 FOR ACTION
TO MAKE IMPROVEMENTS TO THE HVAC SYSTEM AT THE LIBRARY.
FUNDING TO COME FROM CONTINGENCY RESERVE.

TOTAL IN PACKET-- 0.00

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

PACKET: 00351-DONATION FROM SCHOOL
BUDGET CODE: CB-Current Budget

FUND ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 001781							
001 018-519.50-64	6/17/2019	DISASTER RELIEVE DO	185.23	0.00	0.00	185.23	185.23

SUPPLIES - DISASTER RELIEF
DEPT: CIVIL EMERGENCY MGMT.
PACKET NOTES:
DONATION BY DURANT PUBLIC SCHOOLS FOR DISASTER RELIEF ITEMS.

TOTAL NO. ADJUSTMENTS--EXPENSE: 1 185.23

TOTAL IN PACKET-- 185.23

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

PACKET: 00353-TUBACEX DURANT INC.
BUDGET CODE: CB-Current Budget

FUND	ACCOUNT	DATE	DESCRIPTION	ADJUSTMENT	ORIGINAL BUDGET	PREVIOUS ADJUSTMENTS	NEW BUDGET	BUDGET BALANCE
Budget Adj. # 001782								
250	137-596.96-60	6/17/2019	CDBG GRANT	939,366.00	0.00	0.00	939,366.00	939,366.00
	TUBACEX DURANT INC.							
250	000-362.40-17	6/17/2019	CDBG GRANT	939,366.00	0.00	0.00	939,366.00-	939,366.00-
	CDBG TUBACEX GRANT							
	PACKET NOTES:							
	TO APPROPRIATE FOR CDBGED 18 GRANT. FOR TUBACEX UTILITY INFRASTRUCTURE.							

TOTAL NO. ADJUSTMENTS--REVENUE:	1	939,366.00
TOTAL NO. ADJUSTMENTS--EXPENSE:	1	939,366.00
TOTAL IN PACKET--		1,878,732.00

*** NO WARNINGS ***

*** NO ERRORS ***

*** END OF REPORT ***

Agenda Item: 3.

The City of Durant

Office of City Clerk

Memorandum

Date:	6/17/2019
To:	Mayor and City Council
From:	Cynthia J. Price, City Clerk
Re:	Consider Appointment of Lloyd Sauls to the Airport Advisory Board

George Jacox resigned from his position on the Durant Airport Advisory Board due to his retirement from Southeastern Oklahoma State University (SOSU). Lloyd Sauls has been selected by SOSU to replace George Jacox. This seat on the Airport Advisory Board is designated for a representative of SOSU for an indefinite term pursuant to Ordinance 1549. Mr. Sauls is Director of the Aviation Sciences Institute at SOSU and has been a pilot for over 46 years.

Council Information / Action Requested

Appointment of Lloyd Sauls to the Airport Advisory Board

City Staff Information / Action Follow-up, if Council authorizes this action:

Agenda Item: 4.

The City of Durant

Grants Department

Memorandum

Date:	6/14/2019
To:	Mayor and City Council
From:	Rebecca Collins, Grants Coordinator
Re:	Consideration To Accept Cash Donation Funds From Cardinal Glass, A Community Partner, In The Amount Of $2500 To Be Utilized Specifically Towards The Kids And Cops Dream Court - COPS Programming Initiatives For Community Youth Basketball Activities With The Durant Police Department.

Council Information / Action Requested

The Durant Police Department received a $5000 grant award from the COPS Program through the Nancy Lieberman Charities Foundation to engage community youth through basketball activities.

On June 10, Cardinal Glass graciously donated $2500 to expand this program with the Police Department.

City Staff Information / Action Follow-up, if Council authorizes this action:

Rebecca will include on the Quarterly Report submitted to the Nancy Lieberman Charities Foundation.

Agenda Item: 5.

The City of Durant

Grants Department

Memorandum

Date: 6/14/2019

To: Mayor and City Council

From: Rebecca Collins, Grants Coordinator

Re: Consideration To Accept The Community Development Block Grant Infrastructure Financing Grant Award 17488 CDBG-ED 18 From Oklahoma Department Of Commerce In The Amount Of $ 939,366 For Water And Wastewater Infrastructure Improvements To Serve Tubacex Durant, Inc. Necessary To Create New Jobs At 362 Country Club Road (C-2019-32).

Council Information / Action Requested

On Friday, June 14, the city received the grant award notification from the OK Department of Commerce in the amount of $ 939,366.

See attached budget page.

City Staff Information / Action Follow-up, if Council authorizes this action:

Rebecca will proceed with all necessary tasks to expedite the project.

ATTACHMENTS:

Description	Type	Upload Date
Tubacex Durant grant contract 17488 CDBG-ED 18	Cover Memo	6/14/2019
17488 CDBG-ED Budget	Cover Memo	6/14/2019

17488 CDBGED 18

FAIN #: UEI #: FEI #: 73-6005186

CONTRACT
PART I
SUMMARY AND SIGNATURES

Contracting Agency:	Oklahoma Department of Commerce State of Oklahoma (ODOC)
Contractor:	City of Durant
Contract Title:	Community Development Block Grant - Economic Development
Contract Number:	
Federal Amount:	$939,366.00
Match Amount:	$0
Research and Development:	$939,366.00
ODOC Indirect Cost Rate:	
Grantee Indirect Cost Rate:	
Grant Award Amount - This Action:	$0
Total Committed:	$0
Total Obligated:	$0
Source:	U.S. Department of Housing and Urban Development (HUD) Catalog of Federal Domestic Assistance (CFDA) Number 14.228
Project Funding Period:	June 14, 2019 through June 13, 2022
Federal Award Period:	through

Summary of Project:

Budget Summary

Construction	$0
Engineering/Architecture	$0
Inspection	$0
Other	$0
Public Facilities Admin	$0
Direct Grantee Admin	$0
Total CDBG	$0
Total Leverage	$0
Total Funds	$939,366.00

17488 CDBGED 18

Submit Requisitions to:
Community Development
Oklahoma Department of Commerce
900 North Stiles
Oklahoma City, OK 73104-3234

Issue Payment To:
City of Durant
P.O. Box 578
Durant, Oklahoma 74702-0578

AGREEMENT COMPONENTS:

Part I - Summary and Signatures
Part II - Terms and Conditions
Contract Number: 17488 CDBGED 18

PART III – SPECIFIC TERMS AND CONDITIONS

1. In addition to the specific duties enumerated herein, the Contractor agrees to perform those duties, obligations and representations contained in its application and to be bound by the provisions of its application and all amendments thereto, which were submitted to and accepted by ODOC in contemplation of this contract, said application being incorporated herein and made apart hereof by reference. Any conflict between said application and the provisions of this contract shall be controlled by the provisions of this contract.

2. Revisions to the contract and the submitted budget, which is a part of this contract, must be approved in writing in advance by ODOC.

3. No costs shall be incurred for any funded activity, as identified in the contract budget, until all requirements of paragraph 4 below have been met and approved by ODOC. ODOC shall issue a "Notice of Removal of Contract Conditions and Authority to Use Grant Funds" for any or all activities and shall specify therein the effective date this condition is removed.

4. The Contractor shall submit to ODOC, in accordance with the CDBG Project Management Guide and other policies as noted below, a "Request for Authority to Use Grant Funds (Request for Release of Funds)" and all required supporting documentation as follows:

A. Environmental Review: The Contractor shall complete an Environmental Review for each contract activity with the exception of exempt activities and categorically excluded activities not subject to 24 CFR 58.5, i.e., administration, engineering and purchase of equipment. If the project has identifiable phases which can be separated, construction may begin on phases which are not directly financed with CDBG funds. When the environmental assessment is done, it must include the impact of all phases of the total project on the environment.

B. Placement Plan: The Contractor shall submit a Placement Plan.

(1) The Placement Plan shall include the following:

(a) A commitment from the Company that within 36 months of the start date of the contract it shall create at least 126 permanent, full time equivalent positions, of which 65 (52% of 126) positions on a full time equivalent bases shall be filled by low- and moderate income persons and/or that 65 (52% of 126) positions shall be made available on a full time equivalent basis for low- and moderate income persons.

(b) Assurance from the Company that if more than 126 total positions are created, 51% of them will be made available to low- and moderate income persons;

(c) A commitment from the Contractor that it shall ensure that the Company provides training necessary for positions requiring special skills or education;

(d) A commitment from the Company that it shall provide listing by position title of the permanent positions to be created, indicating which positions shall be available to low- and moderate income persons, which positions require special skills or education and which positions are part time;

C. Insurance and Bonding: The Contractor shall submit evidence of:
(1) General liability insurance covering the funded activities; and
(2) Bonding of all officials who are responsible for financial transactions relating to this contract.

D. Anti-Displacement Plan: The Contractor must adopt and submit an Anti-Displacement Plan in accordance with ODOC CDBG Project Management Guide.

E. Leverage Commitment: The Contractor shall submit Certification of Leverage certifying leverage funds are available and identifying the source and amount in accordance with approved application.

(1) Documentation of leverage may require any or all of the following:
(a) Copies of promissory notes;
(b) Copies of security agreements;
(c) Copies of loan agreements;
(d) Copies of guaranty agreements;
(e) Copies of loan histories;
(f) Copies of bank statements;
(g) Copies of cancelled checks;
(h) Other documentation as specific circumstances may require:

(2) Other Sources of funds for this project are as follows:

(a) Tubacex Durant, Inc. $40,880,000.00

F. Federal Procurement Procedures Certification: The Contractor shall submit a certification that it will comply with all State and Federal procurement requirements for professional service contracts for administration services, architectural/engineering and the public construction contracts, if applicable. If these costs were expended prior to compliance with federal procurement procedures, CDBG-EDIF funds may not be used to reimburse those costs.

G. Other: The following outlines additional documentation necessary before funds may be released on this contract. Where "ODOC form required" is indicated, no substitutions will be allowed. Contractor shall submit:

(1) The City shall develop and execute a resolution to track future beneficiaries of the CDBG-EDIF funded infrastructure improvements. Said resolution should include not only Tubacex Durant, Inc. but also any other entity using the CDBG-EDIF funded infrastructure improvement. The time-period for said resolution will be until all projected jobs have been created by Tubacex Durant, Inc. and the project has been closed out. For all other ancillary beneficiaries, job tracking will be for a time-period starting with the date the State awarded the CDBG-EDIF funds to the City of Durant, and ending one year after the physical completion of the improvements. A copy of the draft resolution shall be provided to the Oklahoma Department of Commerce for review and approval, before the resolution is adopted by the City of Durant.

(2) The City shall develop and execute an ordinance that provides for any entity using the CDBG-EDIF funded infrastructure improvements to agree to provide job tracking data as a condition of using the improvements for a time-period starting with the date the State awards the CDBG-EDIF funds to the City of Durant and ending one year after the physical completion of the public improvement. A copy of the draft ordinance shall be provided to the Oklahoma Department of Commerce for review and approval, before the ordinance is adopted by the City of Durant.

(3) The City shall provide verification of the existence of the construction and permanent easements for all infrastructure improvements.

(4) The City shall certify to the Oklahoma Department of Commerce, that the execution of a construction contract for the CDBG-EDIF financed activities of the project may not take place before the release of funds date. The City shall also certify to the Oklahoma Department of Commerce that it will not start construction of the CDBG-EDIF portion with other funds and then reimburse those funds when the CDBG-EDIF assistance begins.

5. In the event that the Company cannot meet the jobs requirement including meeting the 51% low-to-moderate income requirement within the original time frame established in the contract, the Contractor shall provide a written detailed

explanation as to why this cannot be achieved to ODOC for review, possible approval, or recommendations.

6. Upon notification of meetings or training sessions scheduled by ODOC, the Contractor shall ensure the attendance of any person performing services under this contract whose presence is requested.

SPECIAL CONDITIONS:

SIGNATURES – EXECUTION OF CONTRACT

The rights and obligations of the parties to this contract are subject to and governed by Part II – Terms and Conditions. To the extent of any inconsistency between the general and the specific, the specific governs.

I certify that I am authorized to sign this document, and any attachments or addendums thereto, and I have read and agree to all parts of the contract.

Executed by: City of Durant	Executed by: Oklahoma Department of Commerce
Signature of Authorized Official	Signature of Authorized ODOC Official
Date	Date

PART III - SPECIFIC TERMS AND CONDITIONS

1. In addition to the specific duties enumerated herein, the Contractor agrees to perform those duties, obligations and representations contained in its application and to be bound by the provisions of its application and all amendments thereto, which were submitted to and accepted by ODOC in contemplation of this contract, said application being incorporated herein and made a part hereof by reference. Any conflict between said application and the provisions of this contract shall be controlled by the provisions of this contract.

2. Revisions to the contract and the submitted budget, which is a part of this contract, must be approved in writing in advance by ODOC.

3. No costs shall be incurred for any funded activity, as identified in the contract budget, until all requirements of paragraph 4 below have been met and approved by ODOC. ODOC shall issue a "Notice of Removal of Contract Conditions and Authority to Use Grant Funds" for any or all activities and shall specify therein the effective date this condition is removed.

4. The Contractor shall submit to ODOC, in accordance with the CDBG Project Management Guide and other policies as noted below, a "Request for Authority to Use Grant Funds (Request for Release of Funds)" and all required supporting documentation as follows:

   A. Environmental Review: The Contractor shall complete an Environmental Review for each contract activity with the exception of exempt activities and categorically excluded activities not subject to 24 CFR 58.5, i.e., administration, engineering and purchase of equipment. If the project has identifiable phases which can be separated, construction may begin on phases which are not directly financed with CDBG funds. When the environmental assessment is done, it must include the impact of all phases of the total project on the environment.

   B. Placement Plan: The Contractor shall submit a Placement Plan.

      (1) The Placement Plan shall include the following:

         (a) A commitment from the Company that within 36 months of the start date of the contract it shall create at least 126 permanent, full-time equivalent positions, of 65 which (52% of 126) positions on a full-time equivalent basis shall be filled by low- and moderate-income persons and/or that 65 (52% of 126) positions shall be

made available on a full-time equivalent basis for low- and moderate-income persons;

(b) Assurance from the Company that, if more than 126 total positions are created, 51% of them will be made available to low- and moderate-income persons;

(c) A commitment from the Contractor that it shall ensure that the Company provides training necessary for positions requiring special skills or education;

(d) A commitment from the Company that it shall provide a listing by position title of the permanent positions to be

created, indicating which positions shall be available to low- and moderate-income persons, which positions require special skills or education and which positions are part time;

C. Insurance and Bonding: The Contractor shall submit evidence of:

(1) General liability insurance covering the funded activities; and

(2) Bonding of all officials who are responsible for financial transactions relating to this contract.

D. Anti-Displacement Plan: The Contractor must adopt and submit an Anti-Displacement Plan in accordance with ODOC CDBG Project Management Guide.

E. Leverage Commitment: The Contractor shall submit Certification of Leverage certifying leverage funds are available and identifying the source and amount in accordance with approved application.

(1) Documentation of leverage may require any or all of the following:

(a) Copies of promissory notes;

(b) Copies of security agreements;

(c) Copies of loan agreements;

(d) Copies of guaranty agreements;

(e) Copies of loan histories;

(f) Copies of bank statements;

(g) Copies of cancelled checks;

(h) Other documentation as specific circumstances may require;

(2) Other Sources of funds for this project are as follows:

(a) Tubacex Durant, Inc. $40,880, 000

F. Federal Procurement Procedures Certification: The Contractor shall submit a certification that it will comply with all State and federal procurement requirements for professional service contracts for administration services, architectural/engineering and public construction contracts, if applicable. If these costs were expended prior to compliance with federal procurement procedures, CDBG-EDIF funds may not be used to reimburse those costs.

G. Other: The following outlines additional documentation necessary before funds may be released on this contract. Where "ODOC form required" is indicated, no substitutions will be allowed. Contractor shall submit:

1. The City shall develop and execute a resolution to track future beneficiaries of the CDBG-EDIF funded infrastructure improvements. Said resolution should include not only Tubacex Durant, Inc. but also any other entity using the CDBG-EDIF funded infrastructure improvement. The time-period for said resolution will be until all projected jobs have been created by Tubacex Durant, Inc. and the project has been closed out. For all other ancillary beneficiaries, job tracking will be for a time-period starting with the date the State awarded the CDBG-EDIF funds to the City of Durant, and ending one year after the physical completion of the improvements. A copy of the draft resolution shall be provided to the Oklahoma Department of Commerce for review and approval, before the resolution is adopted by the City of Durant.

2. The City shall develop and execute an ordinance that provides for any entity using the CDBG-EDIF funded infrastructure improvements to agree to provide job tracking data as a condition of using the improvements for a time-period starting with the date the State awards the CDBG-EDIF funds to the City of Durant and ending one year after the physical completion of the public improvement. A copy of the draft ordinance shall be provided to the Oklahoma Department of Commerce for review and approval, before the ordinance is adopted by the City of Durant.

3. The City shall provide verification of the existence of the construction and permanent easements for all infrastructure improvements.

4. The City shall certify to the Oklahoma Department of Commerce, that the execution of a construction contract for the CDBG-EDIF financed activities of the project may not take place before the release of funds date. The City shall also certify to the Oklahoma Department of Commerce that it will not start construction of the CDBG-EDIF portion with other funds and then reimburse those funds when the CDBG-EDIF assistance begins.

5. In the event that the Company cannot meet the jobs requirement including meeting the 51% low-to-moderate income requirement within the original time frame established in the contract, the Contractor shall provide a written detailed explanation as to why this cannot be achieved to ODOC for review, possible approval, or recommendations.

6. Upon notification of meetings or training sessions scheduled by ODOC, the Contractor shall ensure the attendance of any person performing services under this contract whose presence is requested.

	Budget Amount
CDBG Funds	
Construction	$834,765.00
Engineering/Architect	$64,821.00
Inspection	$21,685.00
Other	$18,095.00
Public Facilities Admin	$0
Direct Grantee Admin	$0
TOTAL CDBG	$939,366.00
Leverage (other funding sources)	
Total Leverage (other funding sources)	$40,880,000.00
TOTAL FUNDS (CDBG & Leverage)	$41,819,366.00

Agenda Item: 6.

The City of Durant

Grants Department

Memorandum

Date:	6/14/2019
To:	Mayor and City Council
From:	Rebecca Collins, Grants Coordinator
Re:	Consideration To Approve Professional Services Work Order No. DU-18-04 To Wall Engineering, LLC (C-2019-33) For Engineering Services Related To The Water And Wastewater Infrastructure Improvements To Serve Tubacex Durant, Inc. (C-2019-32).

Council Information / Action Requested

Staff Interview Committee completed the selection process and is recommending Wall Engineering, LLC to serve as the engineer for the Tubacex Durant water and wastewater infrastructure improvements project.

City Staff Information / Action Follow-up, if Council authorizes this action:

Rebecca will process per city procurement and grant guidelines to expedite.

ATTACHMENTS:

Description	Type	Upload Date
Tubacex Eng Work Order DU-18-04 (C-2019-33)	Cover Memo	6/14/2019

WORK ORDER FOR PROFESSIONAL SERVICES

CITY OF DURANT OKLAHOMA

WORK ORDER NUMBER DU-18-04

CDBG-EDIF TUBACEX WATER & SEWER IMPROVEMENTS

This will constitute authorization by CITY OF DURANT, OKLAHOMA (Owner) for WALL ENGINEERING, LLC (Engineer) to proceed with the outlined scope of services as defined below in accordance with "EJCDC Agreement for Engineering Services – Work Order Addition" previously approved by Owner.

PROJECT: DESIGN, BIDDING & CONSTRUCTION SERVICES
CDBG-EDIF TUBACEX WATER AND SEWER IMPROVEMENTS

- Participate in meetings with the Owner and other entities as required to define the project requirements and prepare Engineering Report.
- Conduct and/or have conducted project survey as required
- Prepare Plans and Specifications based on project requirements
- Obtain approval of Plans and Specifications from Owner and other entities as required (ODEQ Permit to Construct & Railroad Permit.) Fees to be paid by Owner.
- Prepare bid packages, and assist owner in obtaining bids from contractors for the construction of the improvements. Fee for bid advertisement from newspaper to be paid by the Owner.
- Prepare Contract documents, coordinate contract execution and conduct preconstruction conference.
- Provide construction oversight services including review of contractors work, approving contractors pay estimates, review change order requests, and be the final judge of acceptance of the work performed by the contractor.
- Provide Construction Inspection Services
- Conduct Final Inspection and Project Closeout

For performing the engineering services described, the Engineer is to be paid based on a lump sum amount of $104,601.00 to be paid based on percent complete of services proposed. The prices for all work proposed by the Engineer are more particularly described as follows. The fees are set by the Oklahoma Department of Commerce for CDBG-EDIF projects:

Engineering Report, Engineering Design, Plans, Specs, Bidding, Contracting & Construction Engineering		$ 64,821.00
Preliminary, Survey, RR Bore & DEQ Permits		$ 18,095.00
Construction Inspection & Oversight		$ 21,685.00
	Total	$104,601.00

APPROVED:

CITY OF DURANT, OKLAHOMA

By: _____
Mayor

ACCEPTED:

WALL ENGINEERING, LLC

By: _____
Brandon Wall, P.E.
President

ATTEST:

_____
City Clerk

Date: _____

Date: 06/17/19

Agenda Item: 7.a.

The City of Durant

Office of City Clerk

Memorandum

Date:	6/12/2019
To:	Mayor and City Council
From:	Cynthia J. Price, City Clerk
Re:	Consider Executive Session to Discuss Hiring of City Manager (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action:

Agenda Item: 7.b.

The City of Durant

Office of City Clerk

Memorandum

Date: 6/12/2019
To: Mayor and City Council
From: Cynthia J. Price, City Clerk
Re: Consider Action Pursuant to 7(a) Above

Council Information / Action Requested

City Staff Information / Action Follow-up, if Council authorizes this action: