

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

10:00 AM

**Roscoe J. Hatfield
Council Chambers,
300 West Evergreen,
Durant, Oklahoma
SPECIAL AGENDA**

December 2, 2019

**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 Award of Bid for City Hall Roof Repair
2. Consider Recommendation from Senior Citizen Advisory Committee to Not Allow Occupancy of Ron Cross Activity Center Until Building Improvements are Complete
3. Consider and Take Action with Respect to Resolution 2019-28 Authorizing the Calling and Holding of an Election in the City of Durant, State of Oklahoma (the "City"), for the Purpose of Submitting to the Registered Qualified Electors of Said City the Question of Approval or Rejection of an Ordinance of the City, Which Amends Ordinance No. 1317 of the City by Extending the Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinance and by Modifying the Purpose of Said Tax; and Containing Other Provisions Relating Thereto
4. Consider and Take Action with Respect to Ordinance 1893 of the City of Durant, Oklahoma (the "City"), Amending Ordinance No. 1317 of the City, by Extending the Termination Date for the Collection of the Excise Tax (Sales Tax) and by Modifying the Purpose of Said Tax Levied Pursuant to Said Ordinance; Providing for the Effective Date and Termination Date; Providing Remainder of Ordinance Remain Unchanged; Providing that the Provisions of this Ordinance are Cumulative and in Addition to Any and All Taxing Provisions of Other City Ordinances; Providing for

Severability of Provisions; and Containing Other Provisions Related
Thereto

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 on November 18, 2019 at 4:30 p.m. and that an agenda of said meeting was posted at the place of such meeting at 5:00 p.m. on the 26th day of November, 2019.

Cynthia J. Price, City of Durant



The City of Durant

Office of City Clerk

Memorandum

Date: 11/25/2019
To: Mayor and City Council
From: Marty Pope, Parks Superintendent
Re: Consider Award of Bid for City Hall Roof Repair

The Notice of Bid was published twice in the Durant Democrat on November 6, 2019 and November 13, 2019, and continuously on the city website from November 6, 2019 through November 27, 2019. Five vendors requested bid packets. One bid was received.

Staff Recommendation: Ferguson Roof Systems

Council Information / Action Requested

Award bid for city hall roof repair to Ferguson Roof Systems in the amount of \$39,840.00 with product warranty of ten (10) years and lifetime warranty on labor/workmanship.

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

City Clerk: Notify bidder of council decision.

ATTACHMENTS:

Description	Type	Upload Date
City Hall Roof Repair Bid Tab Sheet	Exhibit	11/27/2019
Ferguson Roof Systems Bid	Exhibit	11/27/2019

**City of Durant
Bid Tabulation Sheet**

Durant City Hall Roof

Bid Deadline: November 27, 2019 @ 10:00am

BIDDER	BID AMOUNT
Ferguson Roof Systems 1 Whispering Pines Drive Tuttle, OK 73089	\$39,840.00

IN ATTENDANCE:

John Dean, City of Durant
James Dalton, City of Durant
Marty Cook, City of Durant
Marty Pope, City of Durant
Cynthia Price, City Clerk

STAFF RECOMMENDATION: Ferguson Roof Systems

BIDDER'S RETURN SHEET
Bid: 'Durant City Hall Roof'
Bids Due by November 27, 2019 @ 10:00am

Amount of bid per specifications dated November 1, 2019

Total Bid Amount FOB Durant, OK \$ 39,840.00

Total Bid Amount in Words: Thirty Nine Thousand Eight Hundred Forty Dollars

List Any Deviations to Specifications: Add Cap metal for proper seal of TPO
around perimeter wall

State Earliest Delivery Date: 12/15/19

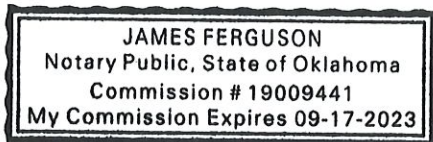
State Warranty Terms: Product warranty: 10 years Labor/Workmanship warranty: Lifetime

Ferguson Roof Systems
Company Submitting Bid

11/26/19
Date

AFFIDAVIT: I, the undersigned, of lawful age, being first duly sworn on oath, say that I am the agent authorized by the bidder to submit the above bid. Affiant further states that the bidder had not been a party to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding; or with any City official or employee as to quantity or price in the prospective contract or any other terms of said prospective contract; or in any discussion between bidders and any City official concerning exchange or money or other thing to any officer or employee of the Durant City Utilities Authority any money or other thing of value, either directly or indirectly in the procuring of the award of a contract pursuant to this bid.

Subscribed and sworn before me this 26 day of
November 2019.



(SEAL)

My commission expires 9/17/2023

[Signature]
Notary Public

Mark Outside Envelope 'Durant City Hall Roof'

Firm: Ferguson Roof Systems

Signed: [Signature]

Printed Name: Aaron Salem

Title: Project manager

Address: 1 Whispering Pines Dr
Tuttle, OK 73089

Telephone: 405-392-3699

Fax: 405-392-4257



The City of Durant

Office of City Clerk

Memorandum

Date: 11/25/2019
To: Mayor and City Council
From: City Manager John R. Dean, Jr.
Re: Consider Recommendation from Senior Citizen Advisory Committee to Not Allow Occupancy of Ron Cross Activity Center Until Building Improvements are Complete

The Senior Citizen Advisory Committee met on November 7, 2019. There was a 4-0 vote by the committee to recommend Durant City Council not allow occupancy of the Ron Cross Activity Center until the building improvements are complete.

Council Information / Action Requested

Approve recommendation of Senior Citizen Advisory Committee to not allow occupancy of Ron Cross Activity Center until building improvements are complete.

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



The City of Durant

Office of City Clerk

Memorandum

Date: 11/26/2019
To: Mayor and City Council
From: City Manager John R. Dean, Jr.
Re: Consider and Take Action with Respect to Resolution 2019-28 Authorizing the Calling and Holding of an Election in the City of Durant, State of Oklahoma (the "City"), for the Purpose of Submitting to the Registered Qualified Electors of Said City the Question of Approval or Rejection of an Ordinance of the City, Which Amends Ordinance No. 1317 of the City by Extending the Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinance and by Modifying the Purpose of Said Tax; and Containing Other Provisions Relating Thereto

Council Information / Action Requested

Approve Resolution 2019-28 Authorizing the Calling and Holding of an Election in the City of Durant, State of Oklahoma (the "City"), for the Purpose of Submitting to the Registered Qualified Electors of Said City the Question of Approval or Rejection of an Ordinance of the City, Which Amends Ordinance No. 1317 of the City by Extending the Termination Date for the Collection of the Excise Tax (Sales Tax) Levied Pursuant to Said Ordinance and by Modifying the Purpose of Said Tax; and Containing Other Provisions Relating Thereto

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

ATTACHMENTS:

Description	Type	Upload Date
Resolution 2019-28	Exhibit	11/26/2019

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 IN SPECIAL SESSION IN SAID CITY ON THE 2ND DAY OF DECEMBER, 2019, AT 10:00 O'CLOCK A.M.

PRESENT:

ABSENT:

(OTHER PROCEEDINGS)

Thereupon, the following resolution was introduced and caused to be read by the Mayor. 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. 2019-28

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF DURANT, STATE OF OKLAHOMA (THE "CITY"), FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE OF THE CITY, WHICH AMENDS ORDINANCE NO. 1317 OF THE CITY BY EXTENDING THE TERMINATION DATE FOR THE COLLECTION OF THE EXCISE TAX (SALES TAX) LEVIED PURSUANT TO SAID ORDINANCE AND BY MODIFYING THE PURPOSE OF SAID TAX; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

WHEREAS, the City adopted Ordinance No. 1317 on August 24, 2000 ("Ordinance 1317"), which Ordinance amended prior City Ordinances and which prior City Ordinances, as amended, levied a one percent (1%) excise tax (sales tax), with said tax being levied for the purpose of funding capital improvements and paying principal and interest on indebtedness of the City or The Durant City Utilities Authority for the purpose of funding said capital improvements, all as more specifically set forth in Ordinance No. 1317, and with said one percent (1%) tax terminating June 30, 2021; and

WHEREAS, the City desires to extend the termination date with respect to the collection of said excise tax (sales tax) from June 30, 2021 to June 30, 2041; and

WHEREAS, the City further desires to modify the purpose for which the proceeds of said tax can be expended.

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

SECTION 1. That the Mayor of the City be, and he is hereby authorized and directed to call a special election to be held in said City on the 11th day of February, 2020, for the purpose of submitting to the registered, qualified voters thereof the following proposition:

PROPOSITION

Shall Ordinance No. 1893 of the City of Durant, State of Oklahoma, be authorized, which Ordinance amends Ordinance No. 1317 of the City dated August 24, 2000, as it amended prior City Ordinances, which levied a one percent (1%) excise tax (sales tax) in order that the termination date of said tax shall be extended from June 30, 2021 to June 30, 2041 and in order that the proceeds of said tax shall be used to fund capital expenditures, to include, but not by way of limitation, street improvements, all for the use and benefit of the City and any public trust having the City as the beneficiary thereof, and/or for the payment of debt service in connection with obligations heretofore issued or to be issued by the City and any public trust having the City as beneficiary thereof to finance or refinance said capital expenditures and related costs, all as more specifically set forth in Ordinance No. 1893 of the City?

/___/ Yes - For the above Proposition

/___/ No -Against the above Proposition

SECTION 2. That such call for said election shall be by Proclamation, signed by the Mayor and attested by the City Clerk, setting forth the Proposition to be voted upon; the ballots for the registered, qualified voters shall set forth the Proposition noted above, to be voted upon, substantially as set out in Section 1 hereof; the special election shall be held at the same places and in the same manner prescribed by law for conducting county and state elections and the numbers and locations of the polling places and the names the persons who conduct said election shall be the same as for county and state elections, all as respectively designated and prescribed by the county election board for Bryan County, all to be in accordance with Title 26 O.S. Section 13-110; the polls for said special election shall be opened at 7:00 o'clock a.m. and shall remain open continuously until and be closed at 7:00 o'clock p.m.; and the returns of said election shall be made to and canvassed and certified to by the Bryan County Election Board as provided by law.

SECTION 3. That with respect to the election to be held on February 11, 2020:

- a. The Secretary of the Bryan County Election Board shall be notified that a special municipal election shall be held in the City of Durant, Oklahoma, on February 11, 2020 in order to submit to the registered, qualified voters of said City the proposition as set forth in Section 1 above.
- b. The exact wording of the proposition to be submitted to the registered, qualified voters of the City is set forth in Section 1 above (Proposition).
- c. The question of the approval of the Proposition shall be decided by voting by the qualified, registered voters who reside within the limits and boundaries of the City.
- d. The special election shall be of a nonpartisan nature.
- e. The election laws of the State of Oklahoma shall apply to the special election.
- f. That the City Clerk is directed to immediately submit to the Bryan County Election Board (i) this resolution, (ii) a current map defining the municipal limits and ward boundaries of the City as required by Section 13-107 of Title 26 of the Oklahoma Statutes and (iii) any other information or documents which the said Secretary of the County Election Board may request.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED this 2nd day of December, 2019.

(SEAL)

Mayor

ATTEST:

City Clerk

STATE OF OKLAHOMA)
)SS
COUNTY OF BRYAN)

I, the undersigned, the duly qualified and acting Clerk of the City of Durant, Oklahoma, hereby certify that the foregoing is a true and complete copy of a Resolution authorizing the calling and holding of an election for the purpose therein set out adopted by the governing body of said municipality and transcript of proceedings of said governing body had at a special meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the Notice of Special Meeting of the governing body of the City of Durant, Oklahoma having been given in writing to the City Clerk of said City 4:30 p.m. on November 18, 2019, and public notice of this meeting, setting forth the date, time, place and agenda was posted at the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week at _____ o'clock __.m., on the ____ day of November, 2019, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act (as attached hereto).

WITNESS my hand and the seal of said City this 2nd day of December, 2019.

(SEAL)

City Clerk



The City of Durant

Office of City Clerk

Memorandum

Date: 11/26/2019
To: Mayor and City Council
From: City Manager John R. Dean Jr.
Re: Consider and Take Action with Respect to Ordinance 1893 of the City of Durant, Oklahoma (the "City"), Amending Ordinance No. 1317 of the City, by Extending the Termination Date for the Collection of the Excise Tax (Sales Tax) and by Modifying the Purpose of Said Tax Levied Pursuant to Said Ordinance; Providing for the Effective Date and Termination Date; Providing Remainder of Ordinance Remain Unchanged; Providing that the Provisions of this Ordinance are Cumulative and in Addition to Any and All Taxing Provisions of Other City Ordinances; Providing for Severability of Provisions; and Containing Other Provisions Related Thereto

Council Information / Action Requested

Approve Ordinance 1893 of the City of Durant, Oklahoma (the "City"), Amending Ordinance No. 1317 of the City, by Extending the Termination Date for the Collection of the Excise Tax (Sales Tax) and by Modifying the Purpose of Said Tax Levied Pursuant to Said Ordinance; Providing for the Effective Date and Termination Date; Providing Remainder of Ordinance Remain Unchanged; Providing the the Provisions of this Ordinance are Cumulative and in Addition to Any and All Taxing Provisions of Other City Ordinances; Providing for Severability of Provisions; and Containing Other Provisions Related Thereto

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

ATTACHMENTS:

Description	Type	Upload Date
Ordinance 1893	Exhibit	11/26/2019

ORDINANCE NO. 1893

AN ORDINANCE OF THE CITY OF DURANT, OKLAHOMA (THE "CITY"), AMENDING ORDINANCE NO. 1317 OF THE CITY, BY EXTENDING THE TERMINATION DATE FOR THE COLLECTION OF THE EXCISE TAX (SALES TAX) AND BY MODIFYING THE PURPOSE OF SAID TAX LEVIED PURSUANT TO SAID ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE; PROVIDING REMAINDER OF ORDINANCE REMAIN UNCHANGED; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City adopted Ordinance No. 1317 on August 24, 2000 ("Ordinance 1317"), which Ordinance amended prior City Ordinances and which prior City Ordinances, as amended, levied a one percent (1%) excise tax (sales tax), with said tax being levied for the purpose of funding capital improvements and paying principal and interest on indebtedness of the City or The Durant City Utilities Authority for the purpose of funding said capital improvements, all as more specifically set forth in Ordinance No. 1317, and with said one percent (1%) tax terminating June 30, 2021; and

WHEREAS, the City desires to extend the termination date with respect to the collection of said excise tax (sales tax) from June 30, 2021 to June 30, 2041; and

WHEREAS, the City further desires to modify the purpose for which the proceeds of said tax can be expended.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DURANT, OKLAHOMA, AS FOLLOWS:

Section 1. Amendment to Section 2 of Ordinance No. 1317. Section 2 of Ordinance No. 1317, currently reads as follows:

"Section 2. Effective Date; Termination Date; Voter Approval. The effectiveness of this ordinance and the levy and collection of the sales tax referred to herein shall be subject to and conditioned upon the approval of a majority of the registered voters of the City of Durant, Oklahoma voting on the same as provided by law at a municipal election called and held for that purpose on November 7, 2000. Subject to such voter approval, this ordinance shall be and become effective on and after July 1, 2001. The effectiveness of this ordinance shall terminate and the levy and collection of the sales tax shall cease on June 30, 2021."

Section 2 of Ordinance No. 1317 is hereby amended to read as follows:

“Section 2. Termination Date. The provisions of this Ordinance and the collection of the excise tax referenced herein shall terminate and shall cease to be levied after June 30, 2041.”

Section 2. Amendment Relating to the Purpose of Said Tax. The provisions of Ordinance No. 1317 relating to the purpose of said tax as set forth in Section 3 of Ordinance No. 1317 shall be deleted in their entirety. The purpose of the one percent (1%) excise tax (sales tax) is modified in order that the proceeds of said tax shall be used to fund capital expenditures, to include, but not by way of limitation, street improvements, all for the use and benefit of the City and any public trust having the City as the beneficiary thereof, and/or for the payment of debt service in connection with obligations heretofore issued or to be issued by the City and any public trust having the City as beneficiary thereof to finance or refinance said capital expenditures and related costs.

Section 3. Effective Date. The provisions of this Ordinance shall become effective on and after February 11, 2020, subject to approval by a majority of the qualified electors of the City of Durant, Oklahoma, voting on the same in the manner prescribed by law.

Section 4. Remainder of Ordinance No. 1317, Remains Unchanged. Except as amended herein, the remaining provisions of Ordinance No. 1317, shall remain unchanged.

Section 5. Provisions Cumulative. The provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

Section 6. Severability. The provisions of this Ordinance are severable, and if any part or provision hereof shall be adjudged invalid by any court of competent jurisdiction, such adjudication shall not affect or impair any of the remaining parts or provisions hereof.

[Remainder of Page Intentionally Left Blank]

PASSED AND APPROVED this 2nd day of December, 2019.

CITY OF DURANT, OKLAHOMA

(SEAL)

Mayor

ATTEST:

City Clerk

CERTIFICATE
OF
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Durant, Oklahoma.

I further certify that the City Council of the City of Durant, Oklahoma, held a Special Meeting at 10:00 o'clock A.M., on December 2, 2019, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of Ordinance No. 1893 that was passed and approved by said City Council at said meeting as the same appears in the official records of my office.

I further certify that below is listed those Councilmembers present and absent at said meeting; those making and seconding the motion that said Ordinance be passed and approved, and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 2ND DAY OF DECEMBER, 2019.

CITY OF DURANT, OKLAHOMA

(SEAL)

City Clerk