

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL ON APRIL 13, 2010 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:10 p.m. by Mayor Jerry L. Tomlinson.

**INVOCATION**

Invocation was given by James Dalton, Emergency Management Director.

Welcome to members of the Leadership Durant Class 2010 and Choctaw Youth Advisory Board.

**ROLL CALL**

Present: Mayor Jerry L. Tomlinson City Manager James H. Dunegan  
Vice-Mayor Thomas Marcum City Attorney Pat Phelps  
Council Member Bobby Story City Clerk Leta McNatt  
Council Member Leon Sherrer  
Council Member Jerry Polson

Absent: None

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consider Approval of Minutes for the City Council Regular Meeting of March 9, 2010 – *Approved*
  - b. Consider Approval of Claims – *Approved*
  - c. Consider Approval for an Additional Position to the Police Department Roster – *Approved (see discussion under Item 2.)*
  - d. Consider Approval of City of Durant Personnel Changes and Organizational Chart – *Approved*
  - e. Consider Appointment of Donna Bullard to Keep Durant Beautiful to Fulfill Unexpired Term Ending June, 2011 – *Approved*
  - f. Consider Amendment No. 1 to Professional Services Agreement with Crawford & Associates for FY 10 Accounting Services (orig. contract C-2009-31) – *Approved*
  - g. Consider Recommendation from Oklahoma Municipal Assurance Group Regarding Tort Claim of Fredy Lopez – *Claim Denied as Recommended*
  - h. Consider Approval of Addendum 2010-01 to the Healthcare Benefit Plan to Increase Dental Benefit – *Approved*
  - i. Consider Request for Authorization to Contract for Design Engineering Services for City Hall Remodel (RFAP No. 2010-037) – *Approved*
  - j. Consider Professional Services Agreement for Design Engineering Services for City Hall Remodel (Contract No. C-2010-22) – *Approved agreement with H&H Drafting and Design in the amount of \$48,000*
  - k. Consider Approval of Route for Big Five Community Services, Inc. Walk-A-Thon – *Approved*
  - l. Consider Authorization of Street Closings for Chamber Centennial Events as Requested by Durant Area Chamber of Commerce – *Approved*
  - m. Consider Authorization for Southeastern Staff Association Relay for Life Team Fundraiser at the Intersection of N. 1<sup>st</sup> & University Blvd. – *Approved*
  - n. Consider Rejection of Bids for FY08 CDBG 13432 Small Cities Grant for Americans with Disability Act Accessibility Improvements Project for City Hall to Include Elevator/ Bathroom/ Ramps (RFAP # 2010-022) – *Approved*
  - o. Consider Authorization to Re-Bid for FY08 CDBG 13432 Small Cities Grant for Americans with Disability Act Accessibility Improvements Project for City Hall to Include Elevator/ Bathroom/ Ramps (RFAP # 2010-022RB) – *Approved*
  - p. Consider Request for Authorization to Spend/Contract for Materials for Reconstruction of S. 15<sup>th</sup> from Mississippi to Byers St. (RFAP # 2010-038) – *Approved*
  - q. Consider Approval of Budget Amendment No. 2010-07 – *Approved*

- r. Consider Community Center & Library Credit from Hodge Excavation for Fill Dirt – *Approved*
- s. Consider Authorization to Advertise for Bids for Area Mowing of Highway/City Property (RFAP# 2010-47) – *Approved*
- t. Consider Authorization to Advertise for Bids for “Will-Call” Mowing of City Property (RFAP# 2010-46) – *Approved*

Motion made by Council Member Sherrer and seconded by Council Member Story to approve Consent Items with the following item removed for discussion – c. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson, Tomlinson  
 Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

1.c. – Mayor Tomlinson asked Chief Cook for clarification. Chief Cook stated the amount for approval should be \$45,532 to include salary, benefits and incentives.

Motion made by Vice-Mayor Marcum and seconded by Council Member Polson to approve Item 2.c. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson, Tomlinson  
 Nay: None Abstain: None

3. Information Items

a. Department Reports for March, 2010

Mayor Tomlinson stated these reports are prepared by the Department Heads to keep the Council informed on the daily activities within the City.

b. City Boards, Committees, and Commissions Minutes for March, 2010

c. Reynolds Foundation Grant Report

Assistant City Manager Ralph Houser stated that fill dirt is coming and piers are complete. Footings are almost complete which would be ready for the foundation. Steel should be going up by the first part of May. The project is on schedule for December 2010 completion.

No action; information only

4. Administration

a. Consider Appointment of City Council Budget Committee

Mayor Tomlinson stated there has been a standing committee the last few years of Vice-Mayor Cross and Council Member Story. Mayor Tomlinson asked Council Member Story to continue and Council Member Polson to serve on the Budget Committee. Both were in agreement to serve.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve the appointments. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
 Nay: None Abstain: None

b. Consider Resolution No. 2010-09 Supporting Oklahoma Department of Transportation and Southeastern OK State University to Install a Pedestrian Crossing on North 1<sup>st</sup>

Ralph Houser stated the University will be building a new parking lot to the east of the University and have requested a cross-walk across N. 1<sup>st</sup> Ave. The University agreed to match the cost with the Oklahoma Department of Transportation and the City will maintain the equipment. The lights will only be in operation during an event at the University. SE Campus police will be responsible for activation of the lights as needed. Enforcement would still be the responsibility of the City of Durant Police Department.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Sherrer to approve Resolution No. 2010-09. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
 Nay: None Abstain: None

c. Consider Resolution No. 2010-10 for USDA Rural Development FY10 Communities Facilities Program Grant Application

Grants Coordinator Becca Parr stated this opportunity is for equipment for the new Police Department facility. This would be a 35% grant with 65% cash match from the City of Durant. The cash outlay would be in the FY2010-2011 budget. This will be equipment required for the facility, but the grant would lower the cash outlay.

Motion Made by Council Member Polson and seconded by Council Member Sherrer to approve Resolution No. 2010-10. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to recess out of regular session. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Sherrer and seconded by Council Member Story to return to regular session. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Meeting Reconvened at 5:00 p.m.

5. Presentations

- a. Quarterly Employee Service Awards
- b. Proclamation – Month of April Declared as Fair Housing Month in the City of Durant

6. Public Hearings

- a. Consider Resolution No. 2010-07 Authorizing a Conditional Use Permit for an Oil & Gas Test Drilling Site

Community Development Director Joseph Marquardt stated this was approved and recommended by the Planning Commission. No comments against this request have been received at this point. City Attorney Phelps has reviewed the Resolution and it is in order.

Motion Made by Vice-Mayor Marcum and seconded by Council Member Story to approve Resolution No. 2010-07. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- b. Consider Ordinance No. 1635 – Zoning Case PC2010-03 Request to Rezone the Property Located at 4209 Hwy 70 West from R-1 Single Family Residential District to C-2 Highway Commercial and Commercial Recreation District

Community Development Director Joseph Marquardt stated this was denied 4 - 1 by the Planning Commission. The Community Development department has received letters in opposition to this rezoning. This request does not fit with the future land use map and would be considered spot zoning.

Statements from the audience were heard by the Council against the rezoning. The petitioner, Ms. Fowler, stated her request to rezone the property.

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to not approve Ordinance No. 1635 following the Planning Commission recommendation. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Council Member Story and seconded by Vice-Mayor Marcum to enter into executive session. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to return to regular session. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

7. Executive Session

- a. Consider Executive Session for Purposes of Discussing the Purchase or Appraisal of Real Property (Executive Session Authorized by Title 25, Section 307 B(3) of the Oklahoma State Statutes)

- b. Consideration Action Pursuant to Item 7a Above

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to authorize the City Manager to proceed with offer for the property located in Lots 10 and 11 Block 178 city of Durant, Bryan County, OK at appraised the value of \$24,500. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- c. Consideration Executive Session to Discuss Tentative Labor Agreement with Fire Fighters Union Local 3061 (Executive Session Authorized by Title 25, Section 307 B(2) of the Oklahoma State Statutes)

- d. Consideration Action Pursuant to Item 7c Above

Motion made by Vice-Mayor Marcum and seconded by Council Member Story to enter into a contract, as proposed by the City Manager, with the Firefighters Union Local 3061 upon review of the contract by the City Attorney. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

- e. Consideration Executive Session to Consider Annual Performance and Compensation of City Manager (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)

- f. Consideration Action Pursuant to Item 7e Above

Motion made by Vice-Mayor Marcum and seconded by Council Member Polson to increase the salary of the City Manager by \$1,500 per month effective immediately. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

8. New Business

No New Business at this time.

City Manager Dunegan expressed his appreciation and will strive to continue to move the City forward in savings to the City and further stated the City has the best quality of employees in the State of Oklahoma.

**ADJOURNMENT**

Motion made by Vice-Mayor Marcum and seconded by Council Member Sherrer to adjourn. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson

Nay: None Abstain: None

Agenda posted on Durant City Hall Entry Door at 10:30 a.m. on the 9<sup>th</sup> day of April, 2010 by LaVona Staggs, Management Assistant.

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON APRIL 13, 2010 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:30 p.m. by Chairman Jerry L. Tomlinson.

**ROLL CALL**

Present:	Chairman Jerry L. Tomlinson	City Manager James H. Dunegan
	Vice-Chairman Thomas Marcum	City Attorney Pat Phelps
	Trustee Bobby Story	Secretary Leta McNatt
	Trustee Leon Sherrer	
	Trustee Jerry Polson	
Absent:	None	

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consider Approval of Minutes for the Durant City Utilities Authority Regular Meeting of March 9, 2010 – *Approved*
  - b. Consider Approval of Claims – *Approved*

Motion made by Trustee Sherrer and seconded by Vice-Chairman Marcum to approve the Consent Items a – b as presented. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
Nay: None                      Abstain: None

2. Consideration of Items Removed from Consent  
No Action.

3. Information Items:
  - a. Department Reports for March, 2010
  - b. Utility Billing Summary for March, 2010No action; information only

4. New Business  
No New Business at this time.

**ADJOURNMENT**

Motion made by Vice-Chairman Marcum and seconded by Trustee Sherrer to adjourn. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
Nay: None                      Abstain: None

Agenda posted on Durant City Hall Entry Door at 10:30 a.m. on the 9<sup>th</sup> day of April, 2010 by LaVona Staggs, Management Assistant.

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT AIRPORT AUTHORITY ON APRIL 13, 2010 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:32 p.m. by Chairman Jerry L. Tomlinson.

**ROLL CALL**

Present: Chairman Jerry L. Tomlinson City Manager James H. Dunegan  
Vice-Chairman Thomas Marcum City Attorney Pat Phelps  
Trustee Bobby Story Secretary Leta McNatt  
Trustee Leon Sherrer  
Trustee Jerry Polson  
Absent: None

**ORDER OF BUSINESS**

1. Consent Items
  - a. Consider Approval of Minutes for the Durant Airport Authority Regular Meeting of March 9, 2010 – *Approved*
  - b. Consider Approval of Claims – *Approved*
  - c. Consider Renaming Eaker Field Airport to Durant Regional Airport – Eaker Field – *Approved*
  - d. Consider Agreement for Fixed Base Operator at Durant Eaker Field Airport (C-2010-20) – *Approved*

Motion made by Vice-Chairman Marcum and seconded by Trustee Sherrer to approve Consent Items with the following item removed for discussion – d. Motion carried with the following vote:  
Aye: Polson, Sherrer, Story, Marcum, Tomlinson, Tomlinson  
Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket
  - 1.d. –Mayor Tomlinson asked Jerry Yandell if there were any changes. The only changes are the term, May – May, and would also coincide with the anticipated opening of the terminal.  
Motion made by Vice-Mayor Marcum and seconded by Council Member Polson to approve Item 2.d. Motion carried with the following vote:  
Aye: Polson, Sherrer, Story, Marcum, Tomlinson, Tomlinson  
Nay: None Abstain: None

3. Information Items:
  - a. Department Reports for March, 2010
  - b. Committee Reports & Minutes for March, 2010
  - c. Airport Terminal Update  
Projects Director Jerry Yandell stated most of the new dirt and compaction should be completed by the end of this week. The slab would go in next and completion day is possibly September/October 2010 with move-in December 2010/January 2011. The parallel taxi way should be complete about the same time frame.

4. New Business  
No New Business at this time.

**ADJOURNMENT**

Motion made by Trustee Sherrer and seconded by Vice-Chairman Marcum to adjourn. Motion carried with the following vote:  
Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
Nay: None Abstain: None

**MINUTES OF THE REGULAR MEETING OF THE DURANT DEVELOPMENT AUTHORITY ON APRIL 13, 2010 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL**

**CALL TO ORDER**

Meeting was called to order at 4:40 p.m. by Chairman Jerry L. Tomlinson.

**ROLL CALL**

Present:	Chairman Jerry L. Tomlinson	City Manager James H. Dunegan
	Vice-Chairman Thomas Marcum	City Attorney Pat Phelps
	Trustee Bobby Story	Secretary Leta McNatt
	Trustee Leon Sherrer	
	Trustee Jerry Polson	

Absent: None

**ORDER OF BUSINESS**

1. Consent Item
  - a. Consider Approval of Minutes for the Durant Development Authority Regular Meeting of March 9, 2010 – *Approved*  
  
Motion made Vice-Chairman Marcum and seconded by Trustee Sherrer to approve Consent Item 1.a. as presented. Motion carried with the following vote:  
Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
Nay: None                      Abstain: None
2. Consideration of Items Removed from Consent Docket  
No Action
3. Information Items
  - a. Durant School District Sales Tax Revenue Disbursements
4. New Business  
No New Business at this time.

**ADJOURNMENT**

Motion made by Vice-Chairman Marcum and seconded by Trustee Sherrer to adjourn. Motion carried with the following vote:

Aye: Polson, Sherrer, Story, Marcum, Tomlinson  
Nay: None                      Abstain: None