

**MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL
ON APRIL 14, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT
CITY HALL**

CALL TO ORDER

Meeting was called to order at 4:15 p.m. by Mayor Jerry L. Tomlinson.

INVOCATION

Invocation was given by James Dalton, Emergency Management Director.

ROLL CALL

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

ORDER OF BUSINESS

1. Consent Items
 - a. Consideration Approval of Minutes for the City Council Regular Meeting of March 10, 2009 – *Approved*
 - b. Consideration Approval of Claims – *Approved*
 - c. Consideration Authorization of Funding for Gate Project at Durant Multi Sports Complex – *Approved*
 - d. Consideration Authorization to Advertise for Bids for Larkspur Road Paving from Wilson to 2nd Heritage Entrance – *Approved*
 - i. Guard Rail (Bid No. 2009-49)
 - ii. Base Rock (Bid No. 2009-50)
 - iii. Rebar (Bid No. 2009-51)
 - iv. Asphalt (Bid No. 2009-52)
 - v. Concrete (Bid No. 2009-53)
 - e. Consideration Acceptance of Deed for Park Located on Larkspur Dr. to be Dedicated to the City of Durant – *Accepted*
 - f. Consideration Permanent and Temporary Easement Dedication Agreement for Wastewater Line Crossing Eaker Field Property (C-2009-11) – *Approved*
 - g. Consideration Resolution No. 2009-12 Authorizing Construction of and Standards for Roadway, Setting Specification of Acceptance by City and Naming Street – Delivery Dr. (Dr. Whittington Entrance) – *Approved*
 - h. Consideration Authorization to Purchase Storm Siren Poles & Financing – *Approved* – *Financing awarded to Landmark Bank for 3.79%*
 - i. Consideration Authorization for Agreement with CMS Willowbrook for Construction Manager on Donald W. Reynolds Community Center & Library Project (C-2009-12) – *Approved*
 - j. Consideration Approval of Budget Amendment 2009-11 – *Approved*
 - k. Consideration Safe Routes to School (Middle School) Resolution No. 2009-11; ODOT Agreement C-2009-13; Inter-local Agreement C-2009-14 – *Approved*
 - l. Consideration ESRI, INC. Software Maintenance Agreement C-2009-10 – *Approved*
 - m. Consideration Authorization to Purchase Three (3) Chevrolet Tahoe Police Package SUV's (Bid No. 2009-56) – *Approved*

- n. Consideration Authorization to Purchase Equipment and Installation for Chevrolet Tahoe Police Package SUV's (Bid No. 2009-61) – *Approved*
- o. Consideration Authorization to Purchase Quantity Over Runs for Streetscape Phase III Change Order #1 (Bid No. 2009-44) – *Approved*
- p. Consideration Application for OK Local Government Challenge Grant for Purchase of Sculptures to Enhance City Landscape – *Approved*
- q. Consideration Award of Bid CDBG 13327 08 – Lost Street Parking Lot Micro-Surfacing / Crack Sealing – *Approved – Bid awarded to Vance Brothers for \$37,200*
- r. Consideration Authorization to Purchase SUV for Use by Durant Industrial Authority – *Approved – Larry Dyson Motors for \$34,301*
- s. Consideration Authorization to Submit COPS Hiring Recovery Program Grant Application – *Approved*
- t. Consideration Authorization for the Certification as to Recovery Act Reporting Requirements for the Assistance to Rural Law Enforcement to Combat Crime and Drugs Competitive Grant Program Application – *Approved*
- u. Consideration Authorization for the General Certification as to Requirements for Receipt of Funds for Infrastructure Investments for the Assistance to Rural Law Enforcement to Combat Crime and Drugs Competitive Grant Program Application – *Approved*
- v. Consideration Authorization to Submit Grant Application for the Assistance to Rural Law Enforcement to Combat Crime and Drugs Program – *Approved*
- w. Consideration Authorization for the Certification as to Recovery Act Reporting Requirements for the Edward Byrne Memorial Competitive Grant Program Application – *Approved*
- x. Consideration Authorization for the General Certification as to Requirements for Receipt of Funds for Infrastructure Investments for the Edward Byrne Memorial Competitive Grant Program Application – *Approved*
- y. Consideration Authorization to Submit Grant Application for the Edward Byrne Memorial Competitive Program – *Approved*

Motion made by Council Member Sherrer and seconded by Council Member Story to approve the Consent Docket with the following items removed for discussion e, k.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

2. Consideration of Items Removed from Consent Docket

1.e. – Council Member Marcum wanted to give Tom Wagnitz the opportunity to publicly present this dedication to the City. Mayor Tomlinson commented this is an example of cooperation between the City and developers in our community.

Motion made by Council Member Marcum and seconded by Council Member Story to accept this property deed. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

1.k. – Becca Parr, Grants Coordinator, spoke on behalf of this item. All cash funds will be provided by the Oklahoma Department of Transportation. All contribution from the City and the School District will be In-Kind equipment and labor.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve ODOT Agreement C-2009-13. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Resolution No 2009-11. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Inter-Local Agreement C-2009-14. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

3. Information Items

a. Department Reports for March, 2009

b. City Boards, Committees, and Commissions Minutes for March, 2009

c. Reynolds Foundation Grant Report

CMS Willowbrook is working on the preliminary construction figures and the architect should be on board next week.

No action; information only

4. Administration

a. Consideration Ordinance No. 1614 Amending Ordinance No. 1611 Permitting, or Allowing Gatherings Where Minors Are Consuming Alcoholic Beverages

No Action Taken

5. Community Development

a. Consideration Ordinance No. 1590 Repealing Title V, Chapter 53, Sections 53.001 – 53.190 and Replacing it with a New Chapter 53 which shall be Known as the “City of Durant Industrial Pretreatment Ordinance”

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Ordinance No. 1590 Sections 1-15. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Story to approve Ordinance No. 1590 Section 16. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

b. Consideration Resolution No. 2009-14 Establishing Match for OK Housing Finance Agency HOME Program and Required Application Documents

All match from the City of Durant will be In-Kind labor and equipment contributing \$24,000.

Motion made by Council Member Marcum and seconded by Council Member Story to approve Resolution No. 2009-14. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

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

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

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

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Presentations, Public Hearings and Citizen Requests

6. Presentations

- a. Employee Service Awards
- b. Proclamation for Lady Lions Basketball Team
- c. Statement of Fair Housing Proclamation of April 2008 – Annually Declaring April as Fair Housing Month

7. Public Hearings

- a. Consideration Ordinance No. 1610 – PC2008-19 – Request to Rezone the Property Located at 3400 Block of N. 1st Ave from the Agriculture “A-1” District to the General Commercial “C-3” District and the General Residential “R-3” District.

Joseph Marquardt stated Mr. Archie does request an up/down vote on this request tonight. This is the original Ordinance submitted and all requirements do comply with City statutes. Matt Mickle, representing Mr. Archie, spoke on his behalf requesting Tract 1 – Rezone to R3; Tract 2 – Rezone to R3; Tract 3 – Rezone to C3.

Views were expressed by the public and council both for and against the rezoning.

Motion made by Council Member Sherrer and seconded by Council Member Marcum to approve Ordinance No. 1610. Motion failed for the lack of majority with the following vote:

Aye: Sherrer

Nay: Marcum, Story, Tomlinson

Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Sherrer to enter into Executive Session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

Motion made by Council Member Marcum and seconded by Council Member Sherrer to go back into regular session. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

8. Executive Session

- a. Consideration Executive Session for Consideration for Purposes of Confidential Communication between the City of Durant and Its Attorney Concerning a Pending Claim (This Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)
- b. Consideration Action Pursuant to Item 8a Above

No Action Taken

9. New Business

ADJOURNMENT

Motion made by Council Member Marcum and seconded by Council Member Story to adjourn.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON APRIL 14, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:49 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

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

ORDER OF BUSINESS

1. Consent Items

- a. Consideration Approval of Minutes for the Durant City Utilities Authority Regular Meeting of March 10, 2009 – *Approved*
- b. Consideration Approval of Claims – *Approved*
- c. Consideration Authorization to Advertise for Bids for Hwy 70 E Viaduct Project Utility Relocation (Bid No. 2009-55) – *Approved*
- d. Consideration Utility Relocation Agreement with the Oklahoma Department of Transportation for Sewer Line Relocation for Hwy 70 E Viaduct Project (C-2009-17) – *Approved*
- e. Consideration Utility Relocation Agreement with the Oklahoma Department of Transportation for Water Line Relocation for Hwy 70 E Viaduct Project (C-2009-18) – *Approved*
- f. Consideration Authorization to Advertise for Bids for Hwy 70 Bypass Project East End of Phase I (Hwy 78) Utility Relocation Labor (Bid No. 2009-65) – *Approved*
- g. Consideration Agreement with Barker and Associates, Inc. for Professional Services On Utility Relocations for S.9th St. Widening and Flyover Bridge (C-2009-19) – *Approved*
- h. Consideration Right-of-Way, Public Utility and Encroachment Agreement with the Oklahoma Department of Transportation for a Portion of the U.S. Highway System now Designated as US 69B / Flyover (C-2009-15; Resolution No. 2009-13) – *Approved*
- i. Consideration Authorization to Purchase Hwy 70 Bypass Materials, Equipment, Engineering and Contracting (Bid No. 2009-70) – *Approved*

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

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

2. Consideration of Items Removed from Consent

No Action.

3. Information Items:

- a. Department Reports for March, 2009
- b. Utility Billing Summary for March, 2009

No action; information only

4. Consideration Award of Bid for Materials for Relocation of Water and Sewer Lines for East End of Phase 1 (Hwy 78) of the Highway 70 Bypass (Bid No. 2009-66 / Original Bid No. 2008-38)

Motion made by Trustee Marcum and seconded by Trustee Sherrer to award bid to Water Products of Oklahoma Inc. for \$182,492. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

5. New Business

No New Business at this time.

ADJOURNMENT

Motion made by Trustee Sherrer and seconded by Trustee Story to adjourn. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT AIRPORT AUTHORITY ON APRIL 14, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:58 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

Present: Chairman Jerry L. Tomlinson
Trustee Leon Sherrer
Trustee Thomas Marcum
Trustee Bobby Story
Absent: Vice-Chairman Ron Cross

City Manager James H. Dunegan
City Attorney Pat Phelps
Secretary Leta McNatt

ORDER OF BUSINESS

1. Consent Items

- a. Consideration Approval of Minutes for the Durant Airport Authority Regular Meeting of March 10, 2009 – *Approved*
- b. Consideration Approval of Claims – *Approved*
- c. Consideration Permanent and Temporary Easement Dedication Agreement for Wastewater Line Crossing Eaker Field Property (C-2009-11) – *Approved*

Motion made by Trustee Story and seconded by Trustee Sherrer to approve the Consent Docket items a – c as presented. Motion carried with the following vote:

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

2. Consideration of Items Removed from Consent Docket

No Action.

3. Information Items:

- a. Department Reports for March, 2009
- b. Committee Reports & Minutes for March, 2009
- c. Airport Progress Report
- d. Update on Eaker Field Terminal Building Design

DIA Chairman John Cathey updated the Trustees. The Plans and Specifications have been received and forwarded to Planning and Zoning and the Fire Marshall for review. There were some minor changes that have been sent back to the architect.

4. Consideration Authorization to Purchase Materials for Construction of Street to Access Choctaw Hangar at Eaker Field Airport

Public Works Director Jerry Yandell stated that in keeping with the lease agreement, the access to the hangar will need to be completed and would then be reimbursed by the Choctaw Nation.

Motion made by Trustee Story and seconded by Trustee Sherrer to approve the purchase of materials. Motion carried with the following vote:

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

5. New Business

No New Business at this time.

ADJOURNMENT

Motion made by Trustee Marcum and seconded by Trustee Story to adjourn. Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None

Abstain: None