

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY COUNCIL ON DECEMBER 8, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 4:14 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 November 10, 2009 – *Approved*
 - b. Consideration Approval of Minutes for the City Council Special Meeting of November 13, 2009 – *Approved*
 - c. Consideration Approval of Claims – *Approved*
 - d. Consider Approval Schedule of Meetings for Durant City Council for Calendar Year 2010 – *Approved*
 - e. Consider Agreement with Blackledge and Associates Architects for Professional Services on ADA Improvements to City Hall 13432 CDBG 08 (C-2009-71) – *Approved*
 - f. Consider Acceptance of Deed for Property to be Used as Road Accessing Fire Substation Located on 49th Street – *Accepted*
 - g. Consider Rejection of All Bids Received for City Hall Roofing (Bid No. 2009-140) – *Approved*
 - h. Consider Authorization to Re-Advertise for Bids for City Hall Roofing (Bid No. 2009-140) – *Approved*
 - i. Consider Pipeline Easement with Mid-Continent Energy Corporation for Property Located S1/2NW1/4SE1/4 S31-6S-8E – (See Discussion Under Item #2) – *Approved*
 - j. Consider Leases of Mineral Interest to Mid-Continent Energy Corporation for Property Located in N1/2 S31-6S-8E – (See Discussion Under Item #2) – *Approved*
 - 1) N1/2 S31-6S-8E
 - 2) N1/2 S31-6S-9E
 - k. Consider Request for Authorization to Purchase through BuyBoard - One Street Sweeper for Use in the Street Department (Bid No. 2009-162) – *Approved*
 - l. Consider Support for Energy Grant Application through Recovery Act: Energy Efficiency and Conservation Block Grant Program – *Approved*
 - m. Consider 09 FEMA Assistance to Firefighters - SAFER (*Staffing for Adequate Fire and Emergency Services*) Grant Application for Two Years of Funding for Additional Fire Department Personnel – (See Discussion Under Item #2) – *Approved*
 - n. Consider Authorization to Bid for Design / Construct REI Access Road (Bid No. 2009-169) – *Approved*
 - o. Consider Resolution No. 2009-42 Authorizing Oklahoma Department of Transportation Agreement for REI Access Road Project (C-2009-70) – *Approved*
 - p. Consider Authorization of Emergency Purchase for Rebuild of Pump at Raw Water Pump Station – Hwy 48 (Bid No. 2009-170) – *Approved*

- q. Consider Final Acceptance of Purchase of Old OHP Building – (See Discussion Under Item #2) – *Approved*
- r. Consider Approval of Amendment No. 8 to LBR, Inc. Contract No. C-2007-28 for Improvements to Runway 17-35 at Durant Eaker Field Airport – *Approved*
- s. Consider Approval Budget Amendment BA-2010-03 – *Approved*
- t. Consider Recommendation from Park & Recreation Advisory Board for Use of Durant Multi-Sports Complex by SE Soccer Club – *Approved*
- u. Consider Authorization to Donate Old Self Contained Breathing Apparatus (SCBA's) to Bryan County Volunteer Fire Departments – *Approved*
- v. Consider Authorization for Reserved Parking at Three Valley Museum from January 9 – February 19, 2010 – *Approved*
- w. Consider Resolution No. 2009-43 Supporting City-Wide Energy Efficiency and Conservation Efforts – *Approved*
- x. Consider Acceptance Safe Routes to School (Washington Irving) ODOT Agreement C-2009-54 Amendment #1– *Approved*

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve Consent Items with the following items removed for discussion – i, j, m, q.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

2. Consideration of Items Removed from Consent Docket

1.i. – Item removed by Mayor Tomlinson – City Attorney Pat Phelps stated the legal description should be stated the legal description should be S1/2NW1/4SE1/4 S31-6S-9E

Motion made by Council Member Story and seconded by Council Member Sherrer to approve the easement. Motion carried with the following vote:

Aye: Sherrer, Story, Tomlinson

Nay: None Abstain: Marcum

1.j. – Item removed by Mayor Tomlinson – City Attorney Pat Phelps stated the original lease agreement was provided in two leases. The lease was amended to be provided in one lease located at N1/2 S31-6S-9E. It was properly published on the agenda and is appropriate to approve the lease. Mayor Tomlinson requested the phrase pertaining to “warrants and agrees to defend the title to the lands herein described” be stricken from the lease.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve the easement as amended. Motion carried with the following vote:

Aye: Sherrer, Story, Tomlinson

Nay: None Abstain: Marcum

1.m. – Item removed by Mayor Tomlinson – Fire Chief Steve Dow stated this is requesting permission to apply for the grant. The grant pays salary and benefits for two years and the City would be responsible for one additional year – for a total of three years. Mayor Tomlinson stated the feasibility would be justified to retain the personnel after the three year commitment.

Motion made by Council Member Marcum and seconded by Council Member Story to approve the application.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

1.q. – Item removed by Mayor Tomlinson – The action was to approve negotiations and the action would be to approve the purchase.

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve the request.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

3. Information Items

- a. Department Reports for November, 2009
- b. City Boards, Committees, and Commissions Minutes for November, 2009
- c. Reynolds Foundation Grant Report

Assistant City Manager Ralph Houser gave the report stating Reynolds Foundation will be in Durant for a meeting 12/9/09. Working on bid recommendations – opened November 19, 2009 and must be awarded/rejected by December 19, 2009. Projected groundbreaking has been postponed to early 2010.

- d. Durant School District Sales Tax Revenue Disbursements

No action; information only

4. Administration

- a. Consider Ordinance No. 1628 Enacting and Adopting a Supplement to the Code of Ordinances for The City of Durant, Oklahoma, and Declaring an Emergency

City Clerk Leta McNatt stated this is a requirement every other year.

Motion Made by Council Member Marcum and seconded by Council Member Sherrer to approve Ordinance No. 1628 Sections 1-2.

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 Ordinance No. 1628 Section 3.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

- b. Consider Ordinance No. 1629 to Update Existing Sign Regulations/Requirements

Community Development Director Joseph Marquardt stated the replacement would be beneficial to the Citizens of Durant. The main change will be the placement of temporary signs and additional sign designs. The Planning and Zoning Commission has reviewed and approved.

Council Member Story asked this item be tabled to the next meeting. Council may submit questions and changes to the City Manager's office for review.

- c. Consider Ordinance No. 1630 Amending the City Employee Retirement Defined Benefit Plan

Glenn Price addressed the Council with explanation. There are actually three Ordinances – 1630, 1631 and 1632 as described in items 4.c. – e. involving retirement. Two of those include IRS required changes in defining the wages that are included in determining retirement wages. Also, two of the ordinances include changes to the existing retirement plans for non-uniform city employees excluding City Manager and Assistant City Manager. Included changes to the existing plans: one to include funding from employees (which they used to do) and the other to eliminate the COLA provision in the plan going forward. The net result is no changes in the employees' take home pay, yet a reduction to approximately 7.1% of employee wages for city contribution.

Motion Made by Council Member Marcum and seconded by Council Member Story to approve Ordinance No. 1630 Sections 1-5.

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. 1630 Section 6.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

- d. Consider Ordinance No. 1631 Amending the City Employee Retirement Defined Contribution Plan

Motion Made by Council Member Story and seconded by Council Member Marcum to approve Ordinance No. 1631 Sections 1-6.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

Motion Made by Council Member Story and seconded by Council Member Marcum to approve Ordinance No. 1631 Section 7.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

- e. Consider Ordinance No. 1632 Amending the City Employee Retirement Defined Contribution Plan for the City Manager and Assistant City Manager

Motion Made by Council Member Marcum and seconded by Council Member Sherrer to approve Ordinance No. 1632 Sections 1-6.

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 Ordinance No. 1632 Section 7.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

- f. Consider Intern Agreement with Southeastern OK State University for Traffic Flow Simulation and Improvement Project (C-2009-72)

No Action Taken

- g. Consider Revocable Telecommunication Cable Permit with Indian Nations Fiber Optics AKA Chickasaw Telecom Services (C-2009-73)

No Action Taken

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

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

Motion made by Trustee 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

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

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

5. Executive Session

- a. Consider Executive Session to Consider Annual Performance and Compensation of City Treasurer (This Executive Session Authorized by Title 25, Section 307 B(1) of the Oklahoma State Statutes)
- b. Consider Action Pursuant to Item 5a Above

Motion Made by Council Member Marcum and seconded by Council Member Story, pursuant to the evaluation of the job performance of the City Treasurer, to approve a 3% raise.

Motion carried with the following vote:

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

6. New Business

No New Business at this time.

ADJOURNMENT – 5:55 p.m.

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

Aye: Marcum, Sherrer, Story, Tomlinson

Nay: None Abstain: None

Agenda posted on Durant City Hall Entry Door at 10:00 a.m. on the 4th day of December, 2009 by LaVona Staggs, Management Assistant.

MINUTES OF THE REGULAR SCHEDULED MEETING OF THE DURANT CITY UTILITIES AUTHORITY ON DECEMBER 8, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 5:10 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

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

ORDER OF BUSINESS

1. Consent Items
 - a. Consideration Approval of Minutes for the Durant City Utilities Authority Regular Meeting of November 10, 2009 – *Approved*
 - b. Consideration Approval of Claims – *Approved*
 - c. Consider Approval Schedule of Meetings for Durant City Utilities Authority for Calendar Year 2010 – *Approved*

Motion made by Trustee Marcum and seconded by Trustee Story to approve the Consent 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
No Action.
3. Information Items:
 - a. Department Reports for November, 2009
 - b. Utility Billing Summary for November, 2009No action; information only

4. New Business
No New Business at this time.

ADJOURNMENT

Motion made by Trustee Marcum and seconded by Trustee Sherrer 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 DECEMBER 8, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, DURANT CITY HALL

CALL TO ORDER

Meeting was called to order at 5:14 p.m. by Chairman Jerry L. Tomlinson.

ROLL CALL

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

ORDER OF BUSINESS

1. Consent Items

- a. Consideration Approval of Minutes for the Durant Airport Authority Regular Meeting of November 10, 2009 – *Approved*
- b. Consideration Approval of Claims – *Approved*
- c. Consider Approval Schedule of Meetings for Durant Airport Authority for Calendar Year 2010 – *Approved*

Motion made Trustee Marcum by and seconded by Trustee Story to approve the Consent 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 November, 2009
- b. Committee Reports & Minutes for November, 2009
- c. Airport Terminal Update

Jerry Yandell stated the bid proposal submittal process has begun. Mayor Tomlinson and City Manager Dunegan attended the OAC meeting and accepted a grant award of \$ _____.

4. 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

