

MINUTES OF THE SPECIAL MEETING OF THE DURANT CITY COUNCIL ON AUGUST 20, 2009 AT 4:00 P.M., ROSCOE J. HATFIELD COUNCIL CHAMBERS, 300 W EVERGREEN, DURANT, OK

CALL TO ORDER

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

INVOCATION

Invocation was given by James H. Dunegan, City Manager.

ROLL CALL

Present: Mayor Jerry L. Tomlinson City Manager James H. Dunegan
Vice-Mayor Ron Cross City Attorney Pat Phelps
Council Member Bobby Story City Clerk Leta McNatt
Council Member Leon Sherrer
Council Member Thomas Marcum (arrived at 4:15 p.m.)
Absent: None

ORDER OF BUSINESS

1. Consideration Award of Bid No. 2009-86RB for Federal Emergency Management Association Assistance to Firefighters Grant Program Health and Wellness Physical Exams

Chief Dow recommended going with the lowest bid. Additional options are available and the total will be below the grant funds allowed. Match 5% - budgeted monies.

Motion made by Vice-Mayor Cross and seconded by Council Member Story to award bid to lowest bidder – Professional Health Services; Havertown, PA at \$270.00 per person base bid. Motion carried with the following vote:

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

2. Consideration Acceptance of #1287 HOME 09 Grant Agreement from the OK Housing Finance Agency (C-2009-49)

Grant Coordinator, Becca Parr spoke on this item for construction of 4 homes through the HUD criteria. Applications will be received through a solicitation process. An internal selection committee would need to be formed. Mayor recommended a committee of three to be appointed by the City Manager. All matching funds from the City will be in-kind labor and equipment.

Motion made by Council Member Story and seconded by Vice-Mayor Cross to accept the Grant of \$260,000. Motion carried with the following vote:

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

3. Consideration Acceptance of FY09 Recovery Act Edward Byrne Memorial Justice Assistance Grant Award No. 2009-SB-B9-2317 (C-2009-50)

Lt. Carrie Wyrick, Chief Durward Cook spoke regarding the allocation of grant funds. This will be for overtime funds for special emphasis like warrant sweeps, D.U.I, Drug interdiction and patrol saturation of high crime areas as well as support equipment. This will be a four-year grant.

Motion made by Council Member Sherrer and seconded by Vice-Mayor Cross to accept the Grant of \$33,797. Motion carried with the following vote:

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

4. Consideration Authorization to Purchase on State Contract Four, ¾-ton Trucks for Use by Public Works Water/Sewer Line Maintenance

Public Works Director Jerry Yandell stated these are replacement for vehicles that have excessive miles. Vice-Mayor Cross asked if diesel would be a viable cost saving option. Mr. Yandell stated that would work better for long-range, larger vehicles. Mayor Tomlinson stated this would be something to look at in the future.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve the purchase on State contract – four, ¾-ton trucks. Motion carried with the following vote:

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

5. Consideration Authorization to Bid for Financing of Four, ¾-ton Trucks for Use by Public Works Water/Sewer Line Maintenance

City Manager Dunegan stated this is a request to advertise for bids.

Motion made by Council Member Marcum and seconded by Council Member Story to authorize the solicitation of bids for financing four, ¾-ton trucks. Motion carried with the following vote:

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

6. Consideration Ordinance No. 1620 – PC2008-13 – Request to Rezone the Property located at 3400 North First Street for the following described real property:

The West 125 feet of the N/2 NW/4 SE/4 NE/4, Section 20, Township 6 South, Range 9 East, Bryan County, Oklahoma shall be rezoned R-1 Single Family Residential District as defined in Section 157.021 of the Durant Code of Ordinances.

The N/2 NW/4 SE/4 NE/4, less the West 125 feet thereof, Section 20, Township 6 South, Range 9 East, Bryan County, Oklahoma, shall be rezoned R-3 General Residential District as defined in Section 157.023 of the Durant Code of Ordinances.

The N/2 NE/4 SE/4 NE/4, Section 20, Township 6 South, Range 9 East, Bryan County, Oklahoma, shall be rezoned C-2 Highway Commercial and Commercial Recreation District as defined in Section 157.026 of the Durant Code of Ordinances.

The S/2 SW/4 NE/4 NE/4, Section 20, Township 6 South, Range 9 East, Bryan County, Oklahoma, shall be rezoned R-3 General Residential District as defined in Section 157.023 of the Durant Code of Ordinances.

Motion made by Council Member Sherrer and seconded by Council Member Story to approve Ordinance No. 1620 Section 1. Motion carried with the following vote:

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

Motion made by Council Member Story and seconded by Council Member Marcum to approve Ordinance No. 1620 Section 2. Motion carried with the following vote:

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

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

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

Motion made by Council Member Sherrer and seconded by Council Member Marcum to reconvene in regular session. Motion carried with the following vote:

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

7. Executive Session

a. Consideration Executive Session for Purposes of Confidential Communication between the City of Durant and Its Attorney Concerning a Pending Claim (Executive Session Authorized by Title 25, Section 307 B(4) of the Oklahoma State Statutes)

b. Consideration Action Pursuant to Item 7a Above

Motion made by Council Member Marcum and seconded by Council Member Sherrer to approve settlement of pending claim with Rural Enterprises, Inc. (REI) pursuant to the terms set forth in the proposal by REI of August 18, 2009 as incorporated herein with closing to occur within 90 days.

August 18, 2009
Mayor Jerry Tomlinson
City of Durant
300 W. Evergreen
Durant, OK 74701
Mayor Tomlinson,

Per our conversation this morning, REI is willing to pay the City of Durant the \$41,000 as agreed under the terms of the August 31, 2005 promissory note. In consideration, REI is requesting the following:

1) The City release the two mortgages on property within the foreign trade zone as follows:

- A) The 15,000 square foot Office/Warehouse Facility (legally described as the North 410 feet of the South 490 feet of the East 435.60 feet of the West 547.60 feet of the South 990 feet of the SE/4 NE/4 of Section 12, Township 7 South, Range 8 East of the Indian Base and Meridian, Bryan County, containing 4.1 acres more or less); and
 - B) The 30,000 square foot Warehouse Facility (legally described as The South 990 feet of the SE/4 NE/4 of Section 12, Township 7 South, Range 8 East of the Indian Base and Meridian, Bryan County, Oklahoma, more particularly described as follows: Commencing at the Southeast corner of said SE/4 NE/4 of Section 12, then N 00 degrees 01'27"W along the East line of said SE/4 NE/4 a distance of 80.00 feet to the point of beginning; thence N 89 degrees 51'56"W a distance of 688.46 feet; thence N 00 degrees 01'33"E a distance of 455.00 feet; thence S 89 degrees 51'56"E a distance of 688.07 feet to a point on the East line of said SE/4 NE/4; thence S 00 degrees 01'27"E a distance of 455.00 feet to the point of the beginning, containing 7.2 acres, more or less).
- 2) The City agree to sell to REI, at a cost of \$15,000 per acre, the remaining 6.6 acres within the foreign trade zone located directly east of the REI office complex.
- REI, in cooperation with the City of Durant, agrees to build an industrial access road from Wes Watkins Boulevard utilizing \$200,000 from the Oklahoma Department of Transportation. The development of the remaining portion of the road shall be the responsibility of REI as the property develops.
- We will be presenting this proposal to the REI Board of Directors on Friday, August 21, 2009 for approval. We in turn ask that a special called meeting of the Durant City Council be held on Thursday, August 20, 2009 for the purpose of consideration of this proposal. The proposed is contingent upon acceptance by the Durant City Council of the proposal in its entirety.
- Your time and consideration is greatly appreciated. Should you have any questions, please let us know.
- Sincerely,
 Martin Van Meter
 REI Board Member

Motion carried with the following vote:
 Aye: Marcum, Sherrer, Story, Cross, Tomlinson
 Nay: None Abstain: None

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, Cross, Tomlinson
 Nay: None Abstain: None