

**CITY OF ADA
REGULAR MEETING
APRIL 20, 2015**

The Ada City Council met in regular session, Monday, April 20, 2015 at 5:45 p.m. at City Hall in the Dr. Ray L. Stout City Council Chamber. Advanced public notice was given by posting the agenda on the City Hall bulletin boards on Friday, April 17, 2015 at 3:30 p.m.

Council Members Present: Greg McCortney, Ben McFarlane, Bryan Morris,
Darrell Nemecek, Guy Sewell

Council Members Absent: None

Councilman Greg McCortney gave the invocation.

Discussion of and action on Consent Agenda

- 1. Consideration of the Minutes (April 6, 2015 meeting).**
- 2. Consideration of supplemental appropriation to the General Fund Police budget.**
- 3. Consideration of supplemental appropriation to the General Fund Fire budget.**
- 4. Consideration of supplemental appropriation to the General Fund General Government budget.**
- 5. Consideration of supplemental appropriation to the Special Revenue Fund: Street and Alley Fund budget.**
- 6. Consideration of authorization to proceed to Small Claims Court on Amber Lee Curtis for a delinquent account in the amount of \$142.95.**
- 7. Consideration of authorization to proceed to Small Claims Court on Boyce Jones, Jr. for a delinquent account in the amount of \$61.47.**
- 8. Consideration of authorization to proceed to Small Claims Court on Donna Matthews for a delinquent account in the amount of \$57.86.**
- 9. Consideration of authorization to proceed to Small Claims Court on Terri G. Smith for a delinquent account in the amount of \$213.98.**
- 10. Consideration of receipt of committee/board recommendations and reports:**
Ada Metropolitan Area Planning & Zoning Commission Minutes February 19, 2015
- 11. Written reports from departments.**

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to approve the Consent Agenda as presented. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Discussion of and action on items removed from the Consent Agenda

There were no items removed from the Consent Agenda.

Discussion of and action on request from H₂O Church, 108 West Main, to block the east side of their back parking lot from 3:00 p.m. to 9:00 p.m. on Wednesday, May 6, 2015

Mr. Don Carpenter, representing H₂O Church, discussed the request to block the east side of their back parking lot, and their plans to host a youth event on the evening of Wednesday, May 6, 2015.

Motion was made by **Councilman Sewell** and seconded by **Councilman McCortney** to approve the request from H₂O Church, 108 West Main, to block the east side of their back parking lot from 3:00 p.m. to 9:00 p.m. on Wednesday, May 6, 2015. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Discussion of and action on approval of a Revocable Telecommunications Cable Permit for Dobson Technologies, LLC, allowing a right-of-way permit for fiber optic cable as follows:

Starting at existing OCAN hand hole on east side of Stadium Drive, SW of co-ed dorms at East Central University (ECU). Dobson Technologies, LLC to construct new fiber line north approximately 680' to the SE corner of the intersection of E. 9th Street and N. Highland, then west along the south side of E. 9th approximately 2,684' to the SW corner of the intersection of E. 9th and N. Hope Avenue. Then, turning north crossing E. 9th to the NW corner of the intersection. From the NW corner of the intersection of E. 9th and N. Hope go west on north side of E. 9th approximately 896' to the NE corner of the intersection of E. 9th and North Constant, then turning north and go approximately 148" to the SE corner of the alley and N. Constant, then turning west and go approximately 270' on south side of alley to tower site.

(Beginning at east side of Stadium Drive, southwest of ECU co-ed dorms, to cell tower at 9th and Constant)

City Manager Holcomb reported this agenda item was a request of Dobson Technologies, LLC, for a revocable fiber optic cable permit, allowing them to lay fiber optic cable over certain right-of-ways within the city. The City Manager explained this permit is different from the most recently approved permits, stating it is for a specific company and not a telecommunications company, and the payment is based on the length, and not a percentage of gross revenue received by the company.

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to approve Revocable Telecommunications Cable Permit for Dobson Technologies, LLC, allowing a right-of-way permit for fiber optic cable; Beginning at east side of Stadium Drive, southwest of ECU co-ed dorms, to cell tower at 9th and Constant. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Discussion of and action on approval of First Amendment to Lease Agreement between the City of Ada and New Cingular Wireless PCS, LLC, wherein certain sections of the original lease are amended, specifically, increasing the number of antennae and increase of rent in the amount of \$1500.00 per month

The City Manager advised that New Cingular Wireless wanted to place additional antennae on the water tower by Mercy Hospital, at an additional rate increase of \$1,500.00 per month.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Sewell** to approve First Amendment to Lease Agreement between the City of Ada and New Cingular Wireless PCS, LLC, wherein certain sections of the original lease are amended, specifically, increasing the number of antennae and increase of rent in the amount of \$1500.00 per month. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Discussion of and action on a resolution establishing water, sewer and solid waste fees and charges as provided by the Code of Ordinances of the City of Ada, Oklahoma

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to approve **Resolution No. 15-05A, a resolution establishing water, sewer and solid waste fees and charges as provided by the Code of Ordinances of the City of Ada, Oklahoma.** Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Mayor Morris requested Council to consider agenda item eleven before going into Executive Session.

Reports by City Manager

Public Information Officer, Lisa Bratcher, addressed the Council concerning upcoming events at Wintersmith Park during the summer months. Ms. Bratcher also spoke about the new City's newsletter that could be found on the City's website.

City Manager Holcomb reported bids for the new sports complex facility had been opened on April 14th, and the bids for the new Police and Fire Facility would be opened on April 30, 2015. The City Manager also spoke about the final edit to the Bikes & Trails Master Program was being wrapped up, and would be presented to the Council for their review and support.

Mayor Morris encouraged citizens to check out the new City of Ada website.

Persons to be heard on any matter not on the agenda

Attorney Jack Cadenhead addressed the Council, stating he represented the landowners for agenda item 10, and gave warning of what was inappropriate to discuss concerning the litigation with his client during the Executive Session.

Motion was made by **Councilman Sewell** and seconded by **Councilman Nemecek** to recess the meeting of the Ada City Council, and reconvene as the governing body of the Ada Public Works Authority. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Following the Ada Public Works Authority meeting, the motion was made by **Councilman McFarlane**, and seconded by **Councilman McCortney** to reconvene the meeting of the Ada City Council meeting. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Executive Session to discuss threatened or pending litigation, including, but not limited to, Nathan Dial, et.al. vs. City of Ada; and airport runway litigation, City of Ada, Oklahoma vs. Horizon Engineering, Inc. and the Cummins Construction Company, Inc., Pontotoc County District Court, Case Number CJ-2009-166 [as provided in Title 25, Oklahoma Statutes, Section 307(B)(4)]

The motion was made by **Councilman Nemecek** and seconded by **Councilman McCortney** to go into Executive Session to discuss threatened or pending litigation, including, but not limited to, Nathan Dial, *et.al.* vs. City of Ada; and airport runway litigation, City of Ada, Oklahoma vs. Horizon Engineering, Inc. and the Cummins Construction Company, Inc., Pontotoc County District Court, Case Number CJ-2009-166 [as provided in Title 25, Oklahoma Statutes, Section 307(B)(4)]. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

The Council Members left the Council Chambers at 6:11 p.m.

Council Members returned to the Council Chambers at 6:35 p.m.

The motion to come out of Executive Session and reconvene the regular meeting of the Ada City Council was made by **Councilman Nemecek** and seconded by **Councilman McCortney**. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Discussion of and action on intent to proceed with annexation of the property previously annexed in City of Ada, Oklahoma Ordinance 13-02, also being the same subject property in Case No. CV-13-58, Pontotoc County District Court, if needed

The motion was made by **Councilman Sewell** and seconded by **Councilman McFarlane** with intent to proceed with annexation of the property previously annexed in City of Ada, Oklahoma Ordinance 13-02, also being the same subject property in Case No. CV-13-58, Pontotoc County District Court. Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell
NAY: None
Motion carried 5-0.

Adjournment

There being no further business to come before the Ada City Council meeting, Mayor Morris adjourned the meeting of the Ada City Council at 6:49 p.m.

Attest: Sally Pool, Secretary

Bryan Morris, Mayor