

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

The Ada City Council met in regular session, Monday, July 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, July 17, 2015 at 2:15 p.m.

Council Members Present: Preston Draper, Greg McCortney,
Ben McFarlane, Guy Sewell

Council Members Absent: Bryan Morris

Councilman Greg McCortney gave the invocation.

Discussion of and action on Consent Agenda

- 1. Consideration of the Minutes (June 30, 2015 meeting)**
- 2. Consideration of granting utility easement to Oklahoma Gas and Electric Company (OG&E) at the following described property: A tract of land lying in the NE Quarter of Section 10, Township 3 North, Range 6 East of the I.M., Pontotoc County, Oklahoma, as more particularly described in Exhibit "A" attached thereto (2500 block of South Craddock, directly north of and adjacent to US Highway 377 Bypass).**
- 3. Consideration of authorization to proceed to Small Claims Court on Miranda S. Byers for a delinquent account in the amount of \$263.13.**
- 4. Consideration of authorization to proceed to Small Claims Court on Daniel Mull for a delinquent account in the amount of \$43.36.**
- 5. Consideration of receipt of committee/board recommendations and reports:**

Ada Metropolitan Area Planning & Zoning Commission Minutes of June 18, 2015

Joint 911 Advisory Committee Minutes of July 14, 2015
- 6. Written reports from departments.**

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

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

Motion carried 4-0.

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 Chickasaw Country, LLC to close the following streets from 4:00 A.M. to 11:00 P.M. on Saturday, September 26, 2015, to hold a street festival in the Arts District:

Blake Shelton Blvd., between Mississippi and Center;

Stonewall Street, from the alley south of Blake Shelton Blvd., north to 10th Street;

and Center Street, from the alley south of Blake Shelton Blvd., north to 10th Street.

Ms. Heather Rudd and Ms. Angel Green, representing Chickasaw Country, LLC, spoke to the Council concerning the plans to host a street festival called “1901 Fest” on September 26, 2015 from 1:00 p.m. to 7:00 p.m. They presented their plans for the event, stating “Gloriana” would be in concert from 5:30 to 7:00 p.m.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to approve the request from Chickasaw Country, LLC to close streets in the Arts District from 4:00 A.M. to 11:00 P.M. on Saturday, September 26, 2015, to hold a street festival in the Arts District, with the exception of keeping Blake Shelton Blvd. to Stonewall Street open for “Hot Shots Coffee House” until 11:00 a.m. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

Motion carried 4-0.

Discussion of and action on request from TRG Properties, LP for variance on storage/alley access (driveway) requirements at 127 West 7th Street

City Manager Holcomb advised TRG Properties is constructing commercial rentals at 127 West 7th, and they have requested to use gravel for their storage/alley access beyond the first 100 feet of concrete drive.

City Engineer Gary Kinder addressed the Council, stating he recommended approval of the variance.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Draper** to approve request from TRG Properties, LP for variance on storage/alley access (driveway requirements at 127 West 7th Street. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

Motion carried 4-0.

Public hearing and discussion of and action on an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District, to C-1, Neighborhood Commercial District, and declaring an emergency for the following described property:

All of Lot 3, in Block 1, Norris Hills, a Subdivision of the NE/4 of Section 34, Township 4 North, Range 6 East, Ada, Pontotoc County, Oklahoma.

This property is also known as 1409 Arlington.

(If passed, must consider Emergency Clause.)

City Manager Holcomb presented the rezoning request from Jeri Yates to rezone the property that is directly west of, and adjoining her business, “Nutrition Center” on Arlington. City Manager Holcomb advised the plan is to convert the existing residential structure to a medical billing office.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-13, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1 One-Family District, to C-1, Neighborhood Commercial District and declaring an emergency.** Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

Motion carried 4-0.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to invoke the emergency clause. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

Motion carried 4-0.

Public hearing and discussion of and action on an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-2, Two-Family District, to C-2, General Commercial District, and declaring an emergency for the following described property:

Lot 16, Block 7, Dan Hays Addition to the City of Ada, Oklahoma.

This property is also known as 530 East 15th Street and 417 South Turner.

(If passed, must consider Emergency Clause.)

City Manager Holcomb reported the rezoning request was from Craig and Shawne Rogers, d/b/a Rascal Properties, LLC. The City Manager advised the future use of the property is to house their carpet cleaning business in one structure, and possibly lease the other house for office use. Mr. Holcomb advised the Planning and Zoning Commission had recommended approval of this request.

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-14, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma from R-2, Two-Family District, to C-2 General Commercial District and declaring an emergency.** Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to invoke the emergency clause. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Discussion of and action on Change Order No. 1 to contract with Mid-Plains Construction, Inc., for Police Station and Fire Station

City Manager Holcomb reviewed the Change Order for the Police and Fire Stations, stating there had been deductions totaling \$139,550.00, and the City Manager provided information to what changes had been agreed upon.

The motion to approve Change Order No. 1 to contract with Mid-Plains Construction, Inc., for Police Station and Fire Station was made by **Councilman Draper**. The motion was seconded by **Councilman McFarlane**. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Discussion of and action on Change Order No. 1 to contract with MacHill Construction Company, Inc., for Ada Sports Complex

The City Manager reviewed the proposed Change Order for the Ada Sports Complex, stating there had been value engineering deductions totaling \$613,200.00.

Motion was made by **Councilman McFarlane** and seconded by **Councilman McCortney** to approve Change Order No. 1 to contract with MacHill Construction Company, Inc., for Ada Sports Complex. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Discussion of and action on an ordinance amending Chapter 42 – Licenses and Business Regulations by vacating Article III Amusements, Section 42.71 - Licenses for Circus and Carnivals, Code of Ordinances of the City of Ada, Oklahoma, and adding “Article XIV Special Events”; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency

(If passed, must consider Emergency Clause.)

Assistant City Manager, Angie Dean, discussed with Council the proposed ordinance, stating the ordinance would provide a mechanism for regulating special events within the city limits.

Motion was made by **Councilman Draper** to table this agenda item until the next council meeting.

The motion died for lack of a second.

Motion was made by **Councilman McCortney** to enact **Ordinance No. 15-15, an ordinance amending Chapter 42 – Licenses and Business Regulations by vacating Article III Amusements, Section 42.71 - Licenses for Circus and Carnivals, Code of Ordinances of the City of Ada, Oklahoma, and adding “Article XIV Special Events”; repealing all conflicting ordinances or parts of ordinances; providing for severability.** The motion was seconded by **Councilman McFarlane**. Mayor Sewell called for the vote recorded as follows:

AYE: McCortney, McFarlane, Sewell
NAY: Draper
Motion carried 3-1.

The motion to invoke the emergency clause was made by **Councilman McCortney** and seconded by **Mayor Sewell**. Mayor Sewell called for the vote recorded as follows:

AYE: McCortney, McFarlane, Sewell
NAY: Draper
Motion failed 3-1.

Discussion of and action on an ordinance amending Chapter 6 – Alcoholic Beverages by adding “Article V Beverage Garden”, Code of Ordinances of the City of Ada, Oklahoma; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency

(If passed, must consider Emergency Clause.)

Assistant City Manager Dean addressed the Council concerning the proposed ordinance concerning Beverage Garden.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Draper** to enact **Ordinance No. 15-16, an ordinance amending Chapter 6 – Alcoholic Beverages by adding “Article V Beverage Garden”, Code of Ordinances of the City of Ada, Oklahoma; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.** Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Draper** to invoke the emergency clause. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Discussion of and action on an ordinance amending Section 2-64, titled “Salaries Generally” of the Code of Ordinances of the City of Ada, Oklahoma, by adding the position of Project Director; and declaring an emergency

(If passed, must consider Emergency Clause.)

City Manager Holcomb reported the current Engineering Department Assistant position and duties related to the job had been re-evaluated and the position had been evaluated at a step 147 on the Salary Schedule, with the position renamed Project Director.

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-17, an ordinance amending Section 2-64, titled “Salaries Generally” of the Code of Ordinances of the City of Ada, Oklahoma, by adding the position of Project Director; and declaring an emergency.** Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to invoke the emergency clause. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell
NAY: None
Motion carried 4-0.

Executive Session to discuss threatened or pending litigation, including, but not limited to, 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)]

City Attorney Frank Stout advised there had been no changes to the settlement offer.

Item died for lack of a motion.

Discussion of and action on acceptance of settlement offer of Horizon Engineering, Inc. and The Cummins Corporation in City of Ada, Oklahoma vs. Horizon Engineering, Inc. and The Cummins Construction Company, Inc., Pontotoc County District Court Case No. CJ-2009-166 and authorization for city attorney to execute all settlement documents relating to said settlement, including but not limited to, Dismissal With Prejudice

City Attorney Stout spoke about the Court Case, and the settlement offer of \$700,000.00. The City Attorney recommended the City accept the settlement offer.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to accept settlement offer of Horizon Engineering, Inc. and The Cummins Corporation in City of Ada, Oklahoma vs. Horizon Engineering, Inc. and The Cummins Construction Company, Inc., Pontotoc County District Court Case No. CJ-2009-166, and authorization for city attorney to execute all settlement documents relating to said settlement, including but not limited to, Dismissal With Prejudice. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

Motion carried 4-0.

Reports by City Manager

Public Information Director, Lisa Bratcher, informed the Council about upcoming events at Wintersmith Park.

Persons to be heard on any matter not on the agenda

There were no persons to be heard on any matter not on the agenda.

Adjournment

There being no further business to come before the Ada City Council, Mayor Sewell requested members reconvene as the governing body of the Ada Public Works Authority.

Attest: Sally Pool, City Clerk

Guy Sewell, Mayor