

**CITY OF ADA
REGULAR MEETING
NOVEMBER 1, 2021**

The Ada City Council met in a regular meeting, Monday, November 1, 2021 at 5:45 p.m., at Ada City Hall, in the Dr. Ray L. Stout City Council Chamber, 231 S. Townsend. Advanced public notice was given by posting the agenda on the City Hall bulletin board on Friday, October 29, 2021 at 10:50 a.m., and posting on the City of Ada web site Friday, October 29, 2021.

Councilmen Present: John Hargrave, Randy McFarlin, Bryan Morris, Guy Sewell

Councilman Absent: None

The meeting of the Ada City Council was called to order by Vice Mayor Randy McFarlin.

Vice Mayor McFarlin led the audience in the Pledge of Allegiance.

Vice Mayor McFarlin called for a moment of silence.

Election of Mayor

City Manager Holcomb called for nominations for Mayor due to the resignation of former Mayor Tre' Landrum.

Councilman Hargrave nominated Randy McFarlin as Mayor of the Ada City Council. **Councilman Sewell** seconded the nomination. City Manager Holcomb called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Nomination carried 4-0.

Election of Vice Mayor, if needed

Mayor McFarlin called for nomination for the position of Vice Mayor.

Councilman Hargrave nominated Guy Sewell to serve as Vice Mayor. The nomination was seconded by **Councilman Morris**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Nomination carries 4-0.

Discussion of and action on Consent Agenda

1. **Consideration of the Minutes (October 18, 2021 meeting).**
2. **Consideration of approval of “Agreement Releasing Trustee and Receipt of Trust Assets” and authorization for Mayor/Chairman to execute said Agreement.**
3. **Consideration of authorization to surplus inventory for online auction, sale, trade-in or disposal.**
4. **Consideration of supplemental appropriations or transfer of appropriations within the General Fund budget.**
5. **Consideration of supplemental appropriations or transfer of appropriations within the Sub-Funds to the General Fund budget.**
6. **Consideration of supplemental appropriations or transfer of appropriations within the Special Revenue Funds budget.**
7. **Consideration of supplemental appropriations or transfer of appropriations within the Other Funds budget.**
8. **Consideration of receipt of committee/board recommendations and reports:**
 - Ada Municipal Planning Commission October 21, 2021 Minutes**
 - Ada Zoning Board of Adjustment October 21, 2021 Minutes**
9. **Written reports from departments.**

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to approve the Consent Agenda as presented. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, 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.

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 A-2, Suburban District, to C-2, General Commercial District, Planned Unit Development, and declaring an emergency for the following described property:

The west 200 feet of Lot 6 of Timber Lake Subdivision, Pontotoc County, Oklahoma.

This property is located at the intersection of State Highway 377 and County Road 1510.

(If passed, must consider Emergency Clause.)

City Manager Holcomb provided information concerning the re-zoning of property located at 1928 Arlington, stating the request was from Allan and Kendra Frazier, to rezone the property for the location of a fencing company. Mr. Holcomb explained Mr. and Mrs. Frazier planned to build a 30' X 40' shop building for material storage and some fencing fabrication, and also an office for sales located inside the structure.

Mr. Holcomb stated the Long Range Plan does not address this area, but this property is a 200' strip of land starting east of the east right-of-way line of the highway, which the City had annexed in 2000. The City Manager explained the reason for annexing was to allow for possible commercial uses in the future, as an entryway into the City. The remaining 200-foot strip is located outside the city limits and has no zoning designation.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to enact **Ordinance No. 21-16, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from A-2, Suburban District, to C-2, General Commercial District, Planned Unit Development, and declaring an emergency.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to invoke the emergency clause. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, 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-O, Office Commercial District, and declaring an emergency for the following described property:

The west 145 feet of the south 235.82 feet of the E/2 of the SW/4, SE/4, SW/4, SW/4 of Section 26, Township 4 North, Range 6 East, Pontotoc County, Oklahoma.

This property is located at 1928 Arlington.

(If passed, must consider Emergency Clause.)

The City Manager presented the rezoning request from the First Pentecostal Holiness Church, requesting to rezone the described property at 1928 Arlington for a commercial office in an existing dwelling structure. Mr. Holcomb advised both City Staff and the Ada Municipal Planning Commission recommended approval of the request.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to enact **Ordinance No. 21-17, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District, to C-O, Office Commercial District, and declaring and emergency.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to invoke the emergency clause. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, 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 I-2, Light Industrial District, to C-2, General Commercial District, and declaring an emergency for the following described property:

All that part that is not already zoned C-2, General Commercial District, of the following described property: A part of the NW/4 of NW/4 of SE/4 of Section 28, Township 4 North, Range 6 East of the I.B.M. Pontotoc County, Oklahoma, more particularly described as follows: beginning at the northwest corner of the NW/4 of NW/4 of SE/4 of said Section 28; thence east along the north line of said subdivision a distance of 330 feet; thence south and parallel with the east line of said subdivision a distance of 91 feet; thence west and parallel with the north line of said subdivision a distance of 330 feet to the west line of said subdivision; thence north along the west line of said subdivision to the point of beginning.

This property is located at 1406 1/2 North Broadway.

(If passed, must consider Emergency Clause.)

The rezoning request from Ellis Cain was presented by City Manager Holcomb, providing information concerning the rezoning for a retail commercial business in an existing structure. Mr. Holcomb advised this is a down-zoning from the existing zoning and much of the surrounding zoning, but both City Staff and the Ada Municipal Planning Commission recommended approval of the request.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to enact **Ordinance No. 21-18, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from I-2, Light Industrial District, to C-2, General Commercial District, and declaring an emergency.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to invoke the emergency clause. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, 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 I-2, Light Industrial District, to C-2, General Commercial District, and declaring an emergency for the following described property:

Lots 5,6,7, and 8 of Block 40 of Original Townsite of Ada, Pontotoc County, Oklahoma.

This property is located at 630 North Broadway.

(If passed, must consider Emergency Clause.)

Mr. Holcomb presented the rezoning request from Mr. Shane Sweeney, stating rezoning for the property at 630 North Broadway was for a retail auto parts business in an existing structure. City Manager Holcomb advised both City Staff and the Ada Municipal Planning Commission recommended approval of this request.

Motion was made by **Councilman Hargrave**, seconded by **Councilman Morris** to enact **Ordinance No. 21-19, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from I-2, Light Industrial District, to C-2, General Commercial District, and declaring an emergency.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell
NAY: None
Motion Carried 4-0.

Motion was made by **Councilman Hargrave**, seconded by **Councilman Morris** to invoke the emergency clause. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, 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-R, Restricted Neighborhood Commercial District, Planned Unit Development, and declaring an emergency for the following described property:

A part of the south half of the north half of the southwest quarter of the northwest quarter (S/2 N/2 SW/4 NW/4) and the south half of the southwest quarter of the northwest quarter (S/2 SW/4 NW/4) of Section 36, T4N, R6E, more particularly described as follows:

Beginning at the northwest corner of the S/2, N/2, SW/4, NW/4, of Section 36, Township 4 North, Range 6 East; thence east for a distance of 300 feet; thence south for a distance of 225 feet; thence east for a distance of 300 feet; thence south for a distance of 450 feet; thence west for a distance of 600 feet; thence north for a distance of 675 feet to the point of beginning.

This property is located at the northeast corner of the intersection of Monte Vista and Kirby Lane.

(If passed, must consider Emergency Clause.)

The rezoning request from Central Oklahoma Family Medical Center to rezone the property at the northeast corner of the intersection of Monte Vista and Kirby Lane, for a pharmacy and medical center was detailed by the City Manager. Mr. Holcomb explained that they were planning to construct a 7,000 square foot pharmacy with parking as Phase 1, and a two-story 70,000 square foot medical clinic with parking as Phase 2. Mr. Holcomb also discussed the Long-Range Plan indicates that the western portion of the property is suitable for C-1-R, Restricted Neighborhood Commercial Uses, with the exception of the southern 225' being shown as low-density residential, with the remainder of the property to the east indicated as suitable for low-density residential uses.

City Manager Holcomb advised the Ada Municipal Planning Commission recommended to rezone just the western strip, to accommodate Phase 1 and Phase 2, for the pharmacy, the medical clinic, associated parking, and the detention area on the north.

Motion was made by **Councilman Hargrave**, seconded by **Councilman Morris** to enact **Ordinance No. 21-20, 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-R, Restricted Neighborhood Commercial District, Planned Unit Development, and declaring an emergency.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Motion was made by **Councilman Hargrave**, seconded by **Councilman Morris** to invoke the emergency clause. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, 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 C-O, Office Commercial District, to C-2, General Commercial District, with a Use Permitted on Review for Mini-Storage Units in an existing building, and declaring an emergency for the following described property:

A tract of land located in the NE/4 NW/4 of Section 15, Township 3 North, Range 6 East, Pontotoc County, Oklahoma, more particularly described as follows:

Beginning at a point 1814.70 feet east and 480.0 feet south of the northwest corner of said Section 15, said point being on the south right-of-way line of Research Road; thence N 89°31'44" E along said right-of-way a distance of 138.47 feet; thence in an easterly direction along a curve to the left having a radius of 622.96 feet, an arc distance of 65.24 feet; thence N 83°31'44" E along said right of way a distance of 398.62 feet; thence S 0° 25'57" E a distance of 711.48 feet; thence S 89°36'06" W a distance of 600.00 feet to the east property line now or formerly of Robert S. Kerr Research Center; thence N 00°25'57" W along said property line a distance of 665.63 feet to the point of beginning.

This property is located at 3700 IRT Drive.

(If passed, must consider Emergency Clause.)

City Manager Holcomb advised the applicant had requested this tabled at the previous Ada Municipal Planning Commission and will be considered at the November 18th meeting. Mr. Holcomb requested this tabled until the December 6, 2021 City Council meeting.

Motion was made by **Councilman Morris**, seconded by **Councilman Sewell** to table agenda item until the December 6, 2021 council meeting. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Discussion of and action on a resolution setting dates for City Council filing and election

The proposed resolution sets the next City Council primary election for Tuesday, February 8, 2022 and the general election, if needed, for Tuesday, April 5, 2022. The filing period for this election will be December 6, 2021 thru December 8, 2021.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to adopt **Resolution 21-18A, Notice of Election, City of Ada, Oklahoma**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Discussion of and action on an ordinance levying a three-fourths (3/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for capital improvements to the streets and alleys, water system, and sewer system of the City; providing effective date; providing the provisions are cumulative; and providing for severability

City Manager Holcomb provided information for the proposed ordinance, stating this is known as Proposition 1, and levies a $\frac{3}{4}$ cent sales tax to be used for capital improvements to the streets and alleys, water system, and the sewer system. Mr. Holcomb advised this is an extension of the current Prop1 ordinance and is not an additional tax. If approved by voters, it shall become effective May 1, 2023 and shall be a permanent tax.

Mr. Caleb Nunn, 400 West Second Street, address the Council as to why an increase had not been presented in the tax rate due to inflation.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to enact **Ordinance No. 21-14, an ordinance levying a three-fourths (3/4) of one percent (1%) tax upon the gross**

proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for capital improvements to the streets and alleys, water system, and sewer system of the City; providing effective date; providing the provisions are cumulative; and providing for severability. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Discussion of and action on an ordinance levying a one-fourth (1/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for economic development; providing effective date; providing ending date; providing the provisions are cumulative; and providing for severability

The City Manager explained the proposed ordinance, known as Proposition 2, levies a ¼ cent sales tax to be used for economic development, which is an extension of the current Prop 2 ordinance and is not an additional tax.

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to enact **Ordinance No. 21-15, an ordinance levying a one-fourth (1/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for economic development; providing effective date; providing ending date; providing the provisions are cumulative; and providing for severability.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Discussion of and action on a resolution authorizing the calling and holding of an election in the City of Ada, Oklahoma, on the 8th day of February, 2022, for the purpose of submitting to the qualified electors of the City of Ada, Oklahoma, the question of their approval or rejection of Ordinance No. 21-14, levying a three-fourths (3/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for capital improvements to the streets and alleys, water system, and sewer system of the City; providing effective date; providing the provisions are cumulative; providing for severability; and Ordinance No. 21-15,

levying a one-fourth (1/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for economic development; providing effective date; providing ending date; providing the provisions are cumulative; providing for severability

Motion was made by **Councilman Sewell**, seconded by **Councilman Morris** to adopt **Resolution No. 21-19A**, resolution authorizing the calling and holding of an election in the City of Ada, Oklahoma, on the 8th day of February, 2022, for the purpose of submitting to the qualified electors of the City of Ada, Oklahoma, the question of their approval or rejection of **Ordinance No. 21-14**, levying a three-fourths (3/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for capital improvements to the streets and alleys, water system, and sewer system of the City; providing effective date; providing the provisions are cumulative; providing for severability; and **Ordinance No. 21-15**, levying a one-fourth (1/4) of one percent (1%) tax upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code or under Sections 66-31 through 66-56, inclusive, of the Code of Ordinances of the City of Ada, Oklahoma; providing that the revenues from such tax shall be used for economic development; providing effective date; providing ending date; providing the provisions are cumulative; providing for severability. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, McFarlin, Morris, Sewell

NAY: None

Motion Carried 4-0.

Reports by City Manager and/or City Staff

The City Manager reported the CDBG Sidewalk Project at Wintersmith Park had bid and a favorable bid had been received within the funds available. Mr. Holcomb stated this bid would be brought before Council at a future Council Meeting, with more information concerning the project.

The completion date for reconstruction of South Broadway is the end of the year, weather permitting.

The City Manager also reported the approval of Ordinances for Proposition 1 and Proposition 2, would allow City Staff to educate the community about the success of the Propositions since 1998, and the benefit of the Proposition 1 Tax being permanent, instead of five years to plan for larger million dollar projects.

Persons to be heard on any matter not on the agenda

Mr. Caleb Nunn addressed the Council concerning stray animals, and current building regulations. Mr. Nunn spoke of assistance that could be given to residents, stating small things could assist people in tremendous ways.

Adjournment

There being further business to come before the Ada City Council, Mayor McFarlin adjourned the meeting and requested members reconvene as the governing board of the Ada Public Works Authority.

Attest: Sally Pool, City Clerk

Randy McFarlin, Mayor