

**CITY OF ADA  
REGULAR MEETING  
APRIL 6, 2015**

**The Ada City Council met in regular session, Monday, April 6, 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 Thursday, April 2, 2015 at 3:45 p.m.**

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

Council Members Absent: None

Vice Mayor Darrell Nemecek gave the invocation.

**Discussion of and action on Consent Agenda**

**1. Consideration of the Minutes:**

**March 2, 2015 meeting  
March 12, 2015 special called meeting  
March 16, 2015 meeting  
March 20, 2015 special called meeting**

**2. Consideration of supplemental appropriation to the General Fund General Government budget.**

**3. Consideration of transfer of appropriations to the General Fund Police budget.**

**4. Consideration of receipt of committee/board recommendations and reports.**

**5. Written reports from departments:**

**911 Advisory Board Minutes of January 6, 2015  
Ada Airport Commission Minutes of March 10, 2015  
Ada Arts & Heritage Authority Minutes of January 20, 2015  
Ada Water Resources Board Minutes of January 12, 2015**

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 approval of Engagement Letter with Crawford and Associates, P.C. to provide consulting services and to prepare financial statements for the annual audit of fiscal year 2014-2015 for the City of Ada**

The motion to approve Engagement Letter with Crawford and Associates, P.C. to provide consulting services and to prepare financial statements for the annual audit of fiscal year 2014-2015 for the City of Ada was made by **Councilman McCortney**. The motion was seconded by **Councilman Sewell**. 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 Ada Jobs Foundation request for City of Ada to apply for an EDA Investment Grant to fund an industrial incubator building on airport property, and use approximately \$550,000.00 in matching funds from Proposition 2**

Ms. Megan Ryan, Economic Development Specialist of Ada Jobs Foundation addressed the Council concerning the proposal. Ms. Ryan explained the Ada Jobs Foundation Board was requesting the City of Ada apply for the EDA Investment Grant and provides the matching funds of \$550,000.00 funded from Proposition 2.

The proposal as presented by Ms. Ryan is for the grant to provide a 10,000 square foot industrial building on the west side of the airport that will be used as an industrial incubator with approximately 2,000 square feet of office space included.

Motion was made by **Councilman Sewell** and seconded by **Councilman McCortney** to approve the request from Ada Jobs Foundation for the City of Ada to apply for an EDA Investment Grant to fund an industrial incubator building on airport property, and use approximately \$550,000.00 in matching funds from Proposition 2. 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 Ada Jobs Foundation request for City of Ada to provide a one-time allocation of Proposition 2 funds for professional services with Olsson & Associates in the amount of \$55,000.00 for the development of the Ada Industrial Airpark**

City Manager Holcomb discussed the request from Ada Jobs Foundation for a one-time allocation of Proposition 2 funds in the amount of \$55,000.00 in order to commission the design and layout for the Ada Airport Industrial Airpark Master Plan. The City Manager advised Ada Jobs Foundation had received a proposal from Olsson & Associates to design an industrial airpark on the east side of the airport.

The motion to approve request from Ada Jobs Foundation for the City of Ada to provide a one-time allocation of Proposition 2 funds for professional services with Olsson & Associates in the amount of \$55,000.00 for the development of the Ada Industrial Airpark was made by **Councilman Nemecek**. The motion was seconded by **Councilman McFarlane**. 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 an ordinance amending Chapter 42 – Licenses and Business Regulations, Article VII – Pawnbrokers and Secondhand Dealers, by repealing and replacing Article VII; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency**

**(If passed, must consider Emergency Clause.)**

City Manager Holcomb discussed the amending of the ordinances pertaining to Pawnbrokers, Secondhand Dealers, and Precious Metals Dealers, reporting the ordinance amendment was an effort to improve the efficiency of the transaction reporting process, the Police Department has proposed that Pawnbrokers, Secondhand Dealers, and Precious Metals Dealers be required to subscribe to LeadsOnline and register their store online by May 1, 2015.

Motion was made by **Councilman McCortney** and seconded by **Councilman Sewell** to enact **Ordinance No. 15-01, an ordinance amending Chapter 42 – Licenses and Business Regulations, Article VII – Pawnbrokers and Secondhand Dealers, by repealing and replacing Article VII; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency**. Mayor Morris called for the vote recorded as follows:

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

The motion was made by **Councilman McCortney** and seconded by **Councilman Sewell** to invoke the emergency clause. 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 an ordinance amending Chapter 42 – Licenses and Business Regulations, Article IX – Precious Metals Dealers, by repealing and replacing Article IX; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency**

**(If passed, must consider Emergency Clause.)**

Motion was made by **Councilman Nemecek** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-02, an ordinance amending Chapter 42 – Licenses and Business Regulations, Article IX – Precious Metals Dealers, by repealing and replacing Article IX; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.** Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell

NAY: None

Motion carried 5-0.

Motion to invoke the emergency clause was made by **Councilman Nemecek** and seconded by **Councilman McFarlane**. 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 an ordinance amending Chapter 50 – Offenses and Crimes, Article V – Offenses Against Persons, Section 50-141 (Assault and Battery Prohibited) and Section 50-173 (Assault Upon Police or Other Law Officer); repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency**

**(If passed, must consider Emergency Clause.)**

The City Manager explained this amendment to the Ordinance was dealing with assault and battery, adopting state statutory language prohibiting assault, battery or assault and battery upon another person, as well as a police or other law officer.

Motion was made by **Councilman McCortney** and seconded by **Councilman Sewell** to enact **Ordinance No. 15-03, an ordinance amending Chapter 50 – Offenses and Crimes, Article V – Offenses Against Persons, Section 50-141 (Assault and Battery Prohibited) and Section 50-173 (Assault Upon Police or Other Law Officer); repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.** Mayor Morris called for the vote recorded as follows:

AYE McCortney, McFarlane, Morris, Nemecek, Sewell

NAY: None

Motion carried 5-0.

Motion was made by **Councilman McCortney** and seconded by **Councilman Sewell** to invoke the emergency clause. 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 an ordinance amending Chapter 70 – Traffic and Vehicles, Article IX - Railroads, by adding Section 70-525 – Interfering With Railroad; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency**

**(If passed, must consider Emergency Clause.)**

City Manager Holcomb advised the proposed ordinance would adopt state statute, allowing the Ada Police Department to file citations in the municipal court for any person unlawfully trespassing on railroad property, or throwing an object at a train or railroad equipment and to intentionally cause the derailment of a train.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Nemecek** to enact **Ordinance No. 15-04, an ordinance amending Chapter 70 – Traffic and Vehicles, Article IX - Railroads, by adding Section 70-525 – Interfering With Railroad; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.** Mayor Morris called for the vote recorded as follows:

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

Motion was made by **Councilman McFarlane** and seconded by **Councilman Nemecek** to invoke the emergency clause. 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 an ordinance amending Chapter 46 – Nuisances, Article II – Weeds and Trash, by repealing and replacing Article II; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency**

**(If passed, must consider Emergency Clause.)**

Director of Community Development, Todd Kennemer, addressed the Council concerning the proposed ordinance. Mr. Kennemer stated the ordinance amendment would improve the efficiency of the abatement process for weeds and trash.

Motion was made by **Councilman Sewell** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-05, an ordinance amending Chapter 46 – Nuisances, Article II – Weeds**

**and Trash, by repealing and replacing Article II; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.** Mayor Morris called for the vote recorded as follows:

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

Motion was made by **Councilman Sewell** and seconded by **Councilman McFarlane** to invoke the emergency clause. 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 resolution approving an Amended and Restated Trust Indenture for the Oklahoma Municipal Retirement Fund (OMRF); providing amendments to the Trust to authorize daily valuations and daily accounting for assets within the Master Defined Contribution Plans administered by OMRF; providing for daily valuation of participant accounts in the Defined Contribution Plans administered by OMRF and providing procedures and rules for accounting of such assets; providing for effective date of Amended and Restated Trust Indenture and continuing existing Trust as amended in full force and effect**

Finance Director Donna Doolen explained the resolution was the first step in allowing individual participants to obtain their balances and process their requests on a daily basis rather than monthly.

Motion was made by **Councilman Nemecek** and seconded by **Councilman Sewell** to adopt **Resolution No. 15-03A, a resolution approving an Amended and Restated Trust Indenture for the Oklahoma Municipal Retirement Fund (OMRF); providing amendments to the Trust to authorize daily valuations and daily accounting for assets within the Master Defined Contribution Plans administered by OMRF; providing for daily valuation of participant accounts in the Defined Contribution Plans administered by OMRF and providing procedures and rules for accounting of such assets; providing for effective date of Amended and Restated Trust Indenture and continuing existing Trust as amended in full force and effect.** 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 resolution supporting widening of Highway 99 North of Ada and requesting that the Oklahoma Department of Transportation make said widening a priority on its Oklahoma Department of Transportation Eight Year Plan**

The motion to adopt **Resolution No. 15-04A, a resolution supporting widening of Highway 99 North of Ada and requesting that the Oklahoma Department of Transportation make said widening a priority on its Oklahoma Department of Transportation Eight Year Plan** was made by **Councilman Nemecek**. The motion was 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 approval of Contract for Sale of Real Estate with Gregory E. Pierce and Freda A. Pierce, Trustees of the Gregory E. Pierce and Freda A. Pierce Family Trust for the purpose of purchasing real property for the sum of \$45,000.00; authorization for Mayor to execute said contract and all other documents required for the closing of the purchase of said real property; said real property being described as:**

**Lot 17 of Block 113, Original Townsite of the City of Ada, Pontotoc County, State of Oklahoma, also known as 230 West 14<sup>th</sup> Street, Ada, Oklahoma.**

Motion was made by **Councilman McCortney** and seconded by **Councilman Sewell** to approve the Contract for Sale of Real Estate with Gregory E. Pierce and Freda A. Pierce, Trustees of the Gregory E. Pierce and Freda A. Pierce Family Trust for the purpose of purchasing real property for the sum of \$45,000.00; authorization for Mayor to execute said contract and all other documents required for the closing of the purchase of said real property; Lot 17 of Block 113, Original Townsite of the City of Ada, Pontotoc County, State of Oklahoma, also known as 230 West 14<sup>th</sup> Street, 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 asked for the Council to move to Agenda 17 – Reports by City Manager.*

### **Reports by City Manager**

City Manager Holcomb advised the bids for the New Police and Fire Facility would be opened on April 30, 2015, and the bids for the new Sports Complex would be opened on April 14, 2015.

Public Information Director, Lisa Bratcher, reported on the upcoming “City Wide Trash Pickup Day” on Saturday, April 11, 2015 at 9:00 a.m.

### **Persons to be heard on any matter not on the agenda**

Mr. Randall W. Brown II of Center addressed the Council concerning the termination of Police Officer Michael Walker.

Ms. Tammy Kercheval, 820 Wolfe Lane, addressed the Council concerning the termination of Police Officer Michael Walker.

Mr. Merle Stick also addressed the Council concerning the termination of Police Officer Michael Walker.

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Mayor Morris requested to recess the meeting of the Ada City Council and reconvene as the governing body of the Ada Public Works Authority.

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

AYE McCortney, McFarlane, Morris, Nemecek, Sewell

NAY: None

Motion carried 5-0.

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**Executive Session to discuss the purchase or appraisal of real property [as provided in Title 25, Oklahoma Statutes, Section 307(B)(3)]; and, 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)]**

Motion was made by **Councilman Nemecek** and seconded by **Councilman McCortney** to go into Executive Session to discuss the purchase or appraisal of real property [as provided in Title 25, Oklahoma Statutes, Section 307(B)(3)]; and, 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 6:33 p.m.

Council Members returned to the Council Chambers, the motion was made by **Councilman Nemecek** and seconded by **Councilman McCortney** to reconvene the meeting of the Ada City Council. 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, Mayor Morris adjourned the meeting.

Attest: Sally Pool, City Clerk

Bryan Morris, Mayor