

**CITY OF ADA
REGULAR MEETING
APRIL 3, 2023**

The Ada City Council met in a regular meeting, Monday, April 3, 2023 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, March 31, 2023 at 10:59 a.m., and posting on the City of Ada web site Friday, March 31, 2023.

Council Members Present: John Hargrave, Karen Hudson, Bryan Morris
Randy McFarlin, Yoli Vazquez

Council Members Absent: None

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

Mayor McFarlin led the audience in the Pledge of Allegiance.

Mayor McFarlin called for a moment of silence.

Discussion of and action on Consent Agenda

- 1. Consideration of the Minutes (March 20, 2023 meeting).**
- 2. Consideration of supplemental appropriations or transfer of appropriations within the General Fund budget.**
- 3. Consideration of supplemental appropriations or transfer of appropriations within the Sub-Funds to the General Fund budget.**
- 4. Consideration of supplemental appropriations or transfer of appropriations within the Special Revenue Funds budget.**
- 5. Consideration of supplemental appropriations or transfer of appropriations within the Other Funds budget.**
- 6. Consideration of receipt of committee/board recommendations and reports:**
Ada Municipal Planning Commission Minutes, March 23, 2023
- 7. Written reports from departments.**

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

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
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.

Public Hearing and discussion of and action on a resolution authorizing the use of certain property in a C-2, General Commercial District, within the City of Ada for a Use Permitted on Review in a C-2, General Commercial District for storage units, on the following described property:

A tract of land in the SW/4 of NW/4 of Section 28, Township 4 North, Range 6 East, more particularly described as follows: beginning at the southwest corner of the NW/4 of said section 28; thence N 00deg 54'33" W along the west line of said NW/4 a distance of 85.67 feet to the south right of way line of J.A. Richardson Loop; thence N 89deg 42'52" E along said right of way line a distance of 305.85 feet; thence continuing along said right of way line N 83deg 12'38" E a distance of 265.27 feet; thence S 00deg 54'33" E a distance of 114.71 feet to a point on the south line of said NW/4; thence S 89deg 36'48" W a distance of 569.73 feet to the point of beginning, containing 1.204 acres, more or less.

This property is known as 1500 N. Oak.

City Manager Holcomb reported the purposed Resolution would authorize the use of Storage Units at 1500 N. Oak. Mr. Holcomb advised the Planning & Zoning Commission approved of the rezoning at their Special Called Meeting on March 23, 2023.

Motion was made by **Council Member Hargrave**, seconded by **Council Member Vazquez** to adopt **Resolution No. 23-06A, a resolution authorizing the use of certain property in a C-2, General Commercial District, within the City of Ada for a Use Permitted on Review in a C-2, General Commercial District for storage units.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

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 R-3-L, Low Density Multiple Family District, Planned Unit Development, for a Controlled Access Development for Senior Living, and declaring an emergency for the following property:

A part of the S/2 of NW/4 of Section 25, Township 4 North, Range 6 East of the I.B.M., Pontotoc County, Oklahoma, more particularly described as follows: beginning at the southwest corner of the S/2 of NW/4; thence N 00deg 33'24" W along the west line of the S/2 of NW/4 a distance of 35.00 feet; thence N 89deg 26'31" E a distance of 712.25 feet; thence N 01deg 09'46" E a distance of 287.54 feet; thence N 89deg 27'47" E a distance of 44.01 feet; thence N 01deg 09'52" E a distance of 303.23 feet; thence N 01deg 51'27" E a distance of 51.15 feet; thence N 89deg 32'08" E a distance of 750.00 feet; thence S 00deg 38'13" E a distance of 673.62 feet; thence S 89deg 26'37" W a distance of 1506.25 feet to the point of beginning, containing 11.20 acres, more or less.

This property is located on the south side of the new extension of Lonnie Abbott Industrial Blvd. and east of North Monte Vista.

(If passed, must consider Emergency Clause.)

The City Manager reported the purposed Ordinance is for property located on the south side of the new extension of Lonnie Abbott Industrial Blvd, and east of North Monte Vista. Mr. Holcomb advised the rezoning request would provide for rezoning from R-1 to R-3-L, for the benefit of a Controlled Access Development for Senior Living. City Manager Holcomb advised the Planning & Zoning Commission had approved of the rezoning at their Special Called Meeting held on March 23, 2023.

Ms. Nikki Callison, 409 Wisteria Way, owner of the property, addressed the Council on behalf of her husband Roger Callison and Chris Whisenant, and their plans for developing this property as an area designated for Senior Living.

Motion was made by **Council Member Hargrave**, seconded by **Council Member Hudson** to enact **Ordinance No. 23-04, an ordinance providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District to R-3-L, Low Density Multiple Family District, Planned Unit Development, for a Controlled Access Development for Senior Living, and declaring an emergency.** Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez

NAY: None

Motion Carried 5-0.

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

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez

NAY: None

Motion Carried 5-0.

Public hearing and discussion of and action on Lot Split/Deed Approvals on the following described property:

The east 28.74 feet of Lot 11 and all of Lot 12 in Block 88 of the Original Townsite of Ada, Oklahoma.

This property is located at 416, 418, and 420 West Main.

City Manager Holcomb explained the applicant owns three separate parcels of property that front Main Street, and each parcel has an existing structure on the property line with a shared wall. The City Manager reported behind the three separate parcels is another structure, which straddles property lines and is located on all three parcels. Mr. Holcomb advised the lot split would allow each structure to be located on separate parcels providing for the sale of some or all property with no change to the structures assessed value. The City Manager reported the Planning & Zoning Commission had approved the lot split at their meeting held on March 23, 2023.

Council Members discussed their concerns with city staff.

Property Owner, Mr. Michael Scroggins, 1634 CR 3466, also discussed and answered questions of the city council.

Motion was made by **Council Member Hargrave**, seconded by **Council Member Morris** to approve Lot Split/Deed Approvals for property located at 416, 418, and 420 West Main Street. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez

NAY: None

Motion Carried 5-0.

Discussion of and possible action to enter into executive session to hold confidential communications between the City Council of the City of Ada and its counsel concerning the settling of certain claims in pending litigation (*City of Ada v. Purdue Pharma, L.P.*, et al., Case No. 19-op-45400-DAP, pending in the U.S. District Court for the Northern District of Ohio in, and *City of Ada, et al. v. Walmart Inc., f/k/a Wal-Mart Stores, Inc., et al.*, Case No. CJ-22-250 filed in the District Court of Pottawatomie County, Oklahoma), including potential resolution of certain claims against Walmart, Walgreens, CVS, Teva, and Allergan, related to lawsuits against pharmaceutical supply chain participants of opioid prescription drugs, and taking appropriate action in open session, including possible authorization to settle claims, the disclosure of which may seriously impair the litigation if known by public disclosure as allowed by 25 O.S. § 307(B)(4)

Motion was made by **Council Member Vazquez**, seconded by **Council Member Morris** to adjourn into Executive Session to hold confidential communications between the City Council of the City of Ada and its counsel concerning the settling of certain claims in pending litigation. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

Council Members adjourned out of the Regular Session at 6:25 p.m. and convened into Executive Session.

A motion was made by **Council Member Hargrave**, seconded by **Council Member Morris** to adjourn out of Executive Session and convene into Regular Session at 6:41 p.m. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

Discussion of and action on participation in the Allergan Settlement Agreement dated November 22, 2022, and the Allergan State-Subdivision Agreement and the Allergan State Back-Stop Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Ada and other litigating Oklahoma subdivisions, including approval of Resolution No. 23-07A, and authorize the Mayor of the City of Ada to execute the Subdivision Participation Form for the City of Ada's participation in the Allergan Settlement Agreement

Motion was made by **Council Member Hargrave**, seconded by **Council Member Hudson** adopting **Resolution No. 23-07A, a Resolution to approve participation in Allergan Settlement Agreement**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

Discussion of and action on participation in the CVS Settlement Agreement dated December 9, 2022, and the Retailer State-Subdivision Agreement as it pertains to the CVS Settlement Agreement, and the State Back-Stop Agreement applicable to the CVS Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Ada and other litigating Oklahoma subdivisions, including approval of Resolution No. 23-08A, and authorize the Mayor of the City of Ada to execute the Subdivision Participation Form for the City of Ada's participation in the CVS Settlement Agreement

Motion was made by **Council Member Hudson**, seconded by **Council Member Vazquez** adopting **Resolution No. 23-08A, a Resolution to approve participation in CVS Settlement Agreement**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

Discussion of and action on participation in the Teva Settlement Agreement dated November 22, 2022, and the Teva State-Subdivision Agreement and the Teva State Back-Stop Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Ada and other litigating Oklahoma subdivisions, including approval of Resolution No. 23-09A, and authorize the Mayor of the City of Ada to execute the Subdivision Participation Form for the City of Ada's participation in the Teva Settlement Agreement

Motion was made by **Council Member Hudson**, seconded by **Council Member Hargrave** adopting **Resolution No. 23-09A, a Resolution to approve participation in TEVA Settlement Agreement**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

Discussion of and action on participation in the Walgreens Settlement Agreement dated December 9, 2022, the Retailer State-Subdivision Agreement as it pertains to the Walgreens Settlement Agreement, and the State Back-Stop Agreement applicable to the Walgreens Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Ada and other litigating Oklahoma subdivisions, including approval of Resolution No. 23-10A, and authorize the Mayor of the City of Ada to execute the Subdivision Participation Form for the City of Ada's participation in the Walgreens Settlement Agreement

Motion was made by **Council Member Hudson**, seconded by **Council Member Vazquez** adopting **Resolution No. 23-10A, a Resolution to approve participation in Walgreens Settlement Agreement**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez
NAY: None
Motion Carried 5-0.

Discussion of and participation in the Walmart Settlement Agreement November 22, 2022, the Retailer State-Subdivision Agreement as it pertains to the Walmart Settlement Agreement, and the State Back-Stop Agreement applicable to the Walmart Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Ada and other litigating Oklahoma subdivisions, including approval of Resolution No. 23-11A, and authorize the Mayor of the City of Ada to execute the Subdivision Participation Form for the City of Ada's participation in the Walmart Settlement Agreement

Motion was made by **Council Member Hudson**, seconded by **Council Member Morris** adopting **Resolution No. 23-11A, a Resolution to approve participation in WALMART Settlement Agreement**. Mayor McFarlin called for a vote taken with the following result:

AYE: Hargrave, Hudson, McFarlin, Morris, Vazquez

NAY: None

Motion Carried 5-0.

Presentation and discussion with Ada Jobs Foundation President and CEO, Jim Eldridge, on program updates

Mr. Jim Eldridge, President of Ada Jobs Foundation, provided a report to the Council concerning Ada Jobs Foundation program updates, discussing and answering questions presented by City Council Members.

Reports by City Manager and/or City Staff

City Manager Holcomb spoke about the Main Street Grand Opening held this past Saturday on April 1st, discussing the success of the project. Mr. Holcomb also spoke about the ribbon cutting at the Irving Center Senior Citizens Exercise Trail that has recently opened.

Public Information Director, Lisa Bratcher provided an update of current and upcoming activities happening in our municipality.

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 McFarlin adjourned the meeting and requested members convene as the governing body of the Ada Public Works Authority.

Attest: Sally Pool, City Clerk

Randy McFarlin, Mayor