

**CITY OF ADA
REGULAR MEETING
OCTOBER 19, 2015**

The Ada City Council met in regular session, Monday, October 19, 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, October 16, 2015 at 9:00 a.m.

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

Council Members Absent: None

Councilman McCortney gave the invocation.

Discussion of and action on Consent Agenda

- 1. Consideration of the Minutes (October 5, 2015 meeting).**
- 2. Consideration of Change Order No. 3 to Guaranteed Performance Contracting Agreement between the City of Ada, Oklahoma, and Honeywell International Inc.**
- 3. Consideration of supplemental appropriation to the Special Revenue Fund Street and Alley Fund budget.**
- 4. Consideration of receipt of committee/board recommendations and reports:**

Ada Metropolitan Area Planning & Zoning Commission Minutes, September 17, 2015
- 5. Written reports from departments.**

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

AYE Draper, McCortney, McFarlane, Morris, 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 a resolution setting dates for City Council filing and election

City Manager Holcomb advised the primary election would be held on Tuesday, February 9, 2016, General Election on April 5, 2016, if needed for the council positions of Ward Two and Ward Four. The filing period is scheduled for December 7, 2015 through December 9, 2015.

Motion was made by **Councilman McFarlane** and seconded by **Councilman Morris** to adopt **Resolution No. 15-18A, Notice of Election City of Ada, Oklahoma**. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

Discussion of and action on a resolution directing filing and notification of the publication of Supplement No. 16 (2015) to the City of Ada Code of Ordinances

Motion was made by **Councilman Morris** and seconded by **Councilman Draper** to adopt **Resolution No. 15-19A, a resolution directing filing and notification of the publication of Supplement No. 16 (2015) to the City of Ada Code of Ordinances**. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

Discussion of and action on a resolution of the City Council of the City of Ada, Oklahoma, authorizing the City Manager to execute contract change orders in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00)

Motion was made by **Councilman Draper** and seconded by **Councilman McCortney** to adopt **Resolution No. 15-20A, a resolution of the City Council of the City of Ada, Oklahoma, authorizing the City Manager to execute contract change orders in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00)**. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

Discussion of and action on awarding of contract to Branco Enterprises, Inc. for construction of the new Glenwood Pool Facility; approval of Notice of Award to Branco Enterprises, Inc.; approval of authorization for the Mayor to execute any and all necessary documents related to said project, including, but not limited to, the Contract and Notice to Proceed

City Manager Holcomb discussed with the Council the bids received for the construction of the new Glenwood Pool, stating the lowest bidder of C3 Construction was in current litigation with the City of Ada regarding the work to the Wintersmith Dam spillway apron. Mr. Holcomb reported Staff recommended awarding the bid to Branco Enterprises, Inc.

Vice Mayor Brian Morris stated he would recuse himself from voting on this agenda item, and left the Council Chamber.

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to award the contract to Branco Enterprises, Inc., as the lowest responsible bid, for the construction of the new Glenwood Pool facility, due to current litigation with the lowest bidder, it is inappropriate to accept that bid at this time. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Sewell

NAY: None

ABSTAIN: Morris

Motion carried 4-1.

Discussion of and action on an ordinance amending the Code of Ordinances of the City of Ada, Oklahoma, by adding a new Article VII to Chapter 66 – Taxation, titled, “Hotel Tax,” consisting of new Sections 66-201 through 66-228, inclusive; levying a five percent (5%) tax upon the gross proceeds or gross receipts derived from occupancy of a room or rooms in this city, with said tax to be used for construction, maintenance and operation of parks and recreational facilities and for enhancing and promoting tourism development; providing citation and definitions; providing for tax rate, exemptions, and exemption certificates; requiring tax to be separately stated on bills; requiring records to be kept; providing for tax returns, bonds, assessment, determination of tax, refunds, and notices; providing that remedies are exclusive; providing general powers of the City Clerk; providing for administration of oaths and compelling testimony; providing for certificates of registration, interest, and penalties; providing for handling of delinquent taxes; providing for collection by suit; providing for use of funds; providing for confidentiality of records; providing for proceedings to collect tax and penalties for failure to comply with this article; providing for operator’s discount; providing that provisions are cumulative; providing for severability; and providing effective date and codification

City Manager Holcomb presented the proposed ordinance, which would allow the City to collect a five percent excise tax on hotel/motel rooms rented in the City. The revenues from the collected tax designated to be used for construction, maintenance, and operation of parks and recreational facilities in Ada, and for enhancing and promoting tourism development. Mr. Holcomb noted this hotel tax does not raise the current city sales tax, but is a tax visitors to our

community in Ada's hotels and motels would be paying. The City Manager stated if the Ordinance was approved, the following agenda item was calling and holding of an election on January 12, 2016 to approve or reject the hotel tax as outlined in the ordinance.

Motion was made by **Councilman Morris** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-20, an ordinance amending the Code of Ordinances of the City of Ada, Oklahoma, by adding a new Article VII to Chapter 66 – Taxation, titled, “Hotel Tax,” consisting of new Sections 66-201 through 66-228, inclusive; levying a five percent (5%) tax upon the gross proceeds or gross receipts derived from occupancy of a room or rooms in this city, with said tax to be used for construction, maintenance and operation of parks and recreational facilities and for enhancing and promoting tourism development; providing citation and definitions; providing for tax rate, exemptions, and exemption certificates; requiring tax to be separately stated on bills; requiring records to be kept; providing for tax returns, bonds, assessment, determination of tax, refunds, and notices; providing that remedies are exclusive; providing general powers of the City Clerk; providing for administration of oaths and compelling testimony; providing for certificates of registration, interest, and penalties; providing for handling of delinquent taxes; providing for collection by suit; providing for use of funds; providing for confidentiality of records; providing for proceedings to collect tax and penalties for failure to comply with this article; providing for operator's discount; providing that provisions are cumulative; providing for severability; and providing effective date and codification.** Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

Discussion of and action on a resolution authorizing the calling and holding of an election in the City of Ada, Oklahoma, on the 12th day of January, 2016, 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. 15-20, levying a five percent (5%) tax upon the gross proceeds or gross receipts derived from occupancy of a room or rooms in this city; providing that the revenues from such tax shall be used for construction, maintenance and operation of parks and recreational facilities and for enhancing and promoting tourism development; providing effective date; providing for administration and collection of such tax; providing the provisions are cumulative; and providing for severability

Motion was made by **Councilman Morris** and seconded by **Councilman McCortney** to adopt **Resolution No. 15-21A, a resolution authorizing the calling and holding of an election in the City of Ada, Oklahoma, on the 12th day of January, 2016, 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. 15-20, levying a five percent (5%) tax upon the gross proceeds or gross receipts derived from occupancy of a room or rooms in this city; providing that the revenues from such tax shall be used for construction, maintenance and operation of parks and recreational facilities and for enhancing and promoting tourism development;**

providing effective date; providing for administration and collection of such tax; providing the provisions are cumulative; and providing for severability. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

Reports by City Manager

There were no reports by the City Manager.

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

Attest: Sally Pool, City Clerk

Guy Sewell, Mayor