

**CITY OF ADA  
REGULAR MEETING  
DECEMBER 7, 2015**

**The Ada City Council met in regular session, Monday, December 7, 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, December 4, 2015 at 3:20 p.m.**

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

Council Members Absent: None

Councilman Greg McCortney gave the invocation.

**Discussion of and action on Consent Agenda**

- 1. Consideration of the Minutes (November 16, 2015 meeting).**
- 2. Consideration of supplemental appropriation to the General Fund Park budget.**
- 3. Consideration of transfer of appropriation to the General Fund General Government budget.**
- 4. Consideration of supplemental appropriation to the General Fund General Government budget.**
- 5. Consideration of supplemental appropriation to the Special Revenue Fund Street and Alley Fund budget.**
- 6. Consideration of receipt of committee/board recommendations and reports: None.**
- 7. Written reports from departments.**

City Manager Holcomb informed the Council, a revised supplemental appropriation for the Community Development building roof repair had been left at each of their chairs, explaining the amount had been changed from \$45,000.00 to \$48,000.00.

The motion was made by **Councilman Draper and** seconded by **Councilman McFarlane** to approve the Consent Agenda as revised. 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 an ordinance amending City of Ada Ordinance 15-23, entitled “Providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District and I-1, Light Industrial District, to C-2, General Commercial District, and declaring an emergency” for the following described property:**

A tract of land in the NW/4 of Section 27, Township 4 North, Range 6 East, Pontotoc County, Oklahoma, and being more particularly described as follows: Commencing at the northeast corner of said NW/4 of Section 27; thence S 0°01'20" W along the east line of said NW/4 a distance of 289.08 feet to the point of beginning, said point being on the approximate centerline of Little Sandy Creek; thence along said centerline as follows: N 59°34'33" W a distance of 69.65 feet; thence N 70°13'49" W a distance of 206.59 feet; thence S 61°35'05" W a distance of 361.23 feet; thence N 66°58'17" W a distance of 78.86 feet; thence N 6°34'14" E a distance of 272.19 feet; thence S 79°04'29" W a distance of 239.66 feet; thence S 58°56'24" W a distance of 290.53 feet; thence N 82°26'37" W a distance of 101.22 feet; thence S 31°18'28" W a distance of 258.27 feet; thence S 25°09'52" W a distance of 155.70 feet; thence S 14°23'32" W a distance of 206.75 feet; thence S 82°36'47" W a distance of 91.57 feet; thence S 37°53'15" W a distance of 280.57 feet; thence N 79°15'55" W a distance of 164.00 feet; thence S 70°15'25" W a distance of 83.82 feet; thence S 22°08'09" W a distance of 73.74 feet; thence S 30°45'35" E a distance of 102.09 feet; thence S 36°48'22" W a distance of 161.97 feet to a point on the north line of the SW/4 NW/4 of said Section 27; thence N 89°52'01" W along said north line a distance of 615.98 feet to a point on the west line of said NW/4 of Section 27; thence S 0°10'22" E along said west line a distance of 299.97 feet; thence N 89°54'04" E a distance of 865.00 feet; thence S 22°27'27" W a distance of 108.97 feet; thence S 38°26'25" W a distance of 50.58 feet; thence S 53°28'16" W a distance of 166.48 feet; thence S 41°56'16" W a distance of 80.44 feet; thence S 0°01'20" W a distance of 305.83 feet; thence S 83°38'58" E a distance of 60.37 feet; thence N 0°01'20" E a distance of 214.13 feet; thence S 88°57'27" E a distance of 200.00 feet; thence N 0°01'20" E a distance of 234.66 feet; thence S 88°36'24" E a distance of 40.87 feet; thence S 51°15'16" E a distance of 110.62 feet to a point on the west line of North Hills Shopping Center property: thence N 0°01'20" E a distance of 786.55 feet; thence N 45°01'20" E a distance of 385.00 feet; thence S 44°58'40" E a distance of 115.00 feet; thence S 89°58'40" E a distance of 620.00 feet; thence N 45°01'20" E a distance of 240.00 feet; thence S 44°58'40" E a distance of 290.00 feet; thence S 0°01'20" W a distance of 345.00 feet; thence S 89°58'40" E a distance of 120.00 feet to a point 180.00 feet west of the east line of the NW/4 of said Section 27; thence S 0°01'20" W and parallel with the east line of said NW/4 a distance of

**689.95 feet to a point on the north right-of-way line of the Pontotoc County Industrial Access Road; thence easterly along a curve to the right having a radius of 5809.56 feet and a central angle of 9°10'19", an arc distance of 180.53 feet to a point on the east line of said NW/4 of Section 27; thence N 0°01'20" E along said east line a distance of 1639.90 feet to the point of beginning, containing 36.97 acres, more or less.**

**And,**

**A tract of land located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE/4 NE/4 NW/4) and the Southeast Quarter of the Northwest Quarter (SE/4 NW/4) of Section Twenty-Seven (27), Township Four (4) North, Range Six (6) East of the Indian Base and Meridian, Pontotoc County, Oklahoma, being more particularly described as follows: commencing at the southeast corner of the Northwest Quarter (SE/cor. NW/4) of Section Twenty-Seven (27), Township Four (4) North, Range Six (6) East of the Indian Base and Meridian, Pontotoc County, Oklahoma; thence N 0°01'20" E, along the east line of said NW/4, a distance of 710.63 feet, to a point on the north right-of-way line of Lonnie Abbott Industrial Boulevard, said point being the point of beginning; thence along the north right-of-way line of said Lonnie Abbott Industrial Boulevard, on a non-tangent curve to the left having a radius of 5809.56 feet, a chord length of 180.66 feet and a chord bearing of S 85°36'26" W, a distance of 180.67 feet; thence N 0°01'20" E, parallel with the east line of said NW/4, a distance of 732.92 feet; thence S 89°58'40" E, a distance of 180.12 feet, to a point on the east line of said NW/4; thence S 0°01'20" W, along the east line of said NW/4, a distance of 719.02 feet, to the point of beginning; said tract containing 3.0 acres of land, more or less.**

**And,**

**A tract of land located in the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE/4 NE/4 NW/4) of Section Twenty-Seven (27), Township Four (4) North, Range Six (6) East of the Indian Base and Meridian, Pontotoc County, Oklahoma, being more particularly described as follows: commencing at the southeast corner of the Northwest Quarter (SE/cor. NW/4) of Section Twenty-Seven (27), Township Four (4) North, Range Six (6) East of the Indian Base and Meridian, Pontotoc County, Oklahoma; thence N 0°01'20" E, along the east line of said NW/4, a distance of 1429.65 feet, to the point of beginning; thence N 89°58'40" W, a distance of 180.12 feet; thence S 0°01'20" W, parallel with the east line of said NW/4, a distance of 42.97 feet; thence N 89°58'40" W, a distance of 120.00 feet; thence N 0°01'20" E, parallel with the east line of said NW/4, a distance of 315.76 feet; thence S 89°58'40" E, a distance of 300.12 feet, to a point on the east line of said NW/4; thence S 0°01'20" W, along the east line of said NW/4, a**

distance of 272.79 feet, to the point of beginning; said tract containing 2.0 acres of land, more or less.

Less and Except,

**A tract of land in the SW/4 of NW/4 of Section 27, Township 4 North, Range 6 East, Pontotoc County, Oklahoma, more particularly described as follows; beginning at the northwest corner of said SW/4 of NW/4 N 89°54'04" E a distance of 511.00 feet; thence S 00°10'12" E a distance of 237.90 feet; thence S 89°54'04" W a distance of 511.00 feet to a point on the west line of said SW/4 of NW/4; thence N 00°10'22" W along said west line a distance of 239.97 feet to the point of beginning, containing 2.80 acres, more or less.**

**This property is located around the east, north, and west sides of the perimeter of North Hills Shopping Center.**

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

City Manager Cody Holcomb presented the proposed ordinance, stating this would amend the ordinance approved at the November 2, 2015 council meeting. Mr. Holcomb explained there was a mistake in the legal description which has been corrected in this amended ordinance.

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-26, an ordinance amending City of Ada Ordinance 15-23, entitled "Providing for the re-zoning of certain property within the City of Ada, Oklahoma, from R-1, One-Family District and I-1, Light Industrial District, to C-2, General Commercial District, and declaring an emergency"**. Mayor Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

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

AYE Draper, McCortney, McFarlane, Morris, Sewell

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

**A tract of land lying in the Southeast Quarter of the Northwest Quarter (SE/4-NW/4) of Section 27, Township 4 North, Range 6 East of the Indian**

**Meridian, Pontotoc County, Oklahoma, beginning at the southeast corner of said SE/4-NW/4; thence N 89°49'26" W along the south line of said SE/4-NW/4 for a distance of 446.22 feet; thence N 00°01'12" W for a distance of 120.00 feet; thence S 89°49'26" E for a distance of 446.31 feet; thence S 00°01'20" W along said east line for a distance of 120.00 feet to the point of beginning, containing 1.2294 acres , more or less.**

**This property is located in the 1300 Block of North Texas, west side.**

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

City Manager Holcomb reported rezoning request was from Mr. Michael McElroy, to change the zoning on this property to allow for the construction of three (3) commercial office buildings and a parking area. The City Manager advised the Planning and Zoning Commission recommended approval of the change of the zoning.

Motion was made by **Councilman Morris** and seconded by **Councilman McFarlane** to enact **Ordinance No. 15-27, 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 Sewell called for the vote recorded as follows:

AYE Draper, McCortney, McFarlane, Morris, Sewell

NAY: None

Motion carried 5-0.

Motion was made by **Councilman Morris** and seconded by **Councilman McFarlane** to invoke the emergency clause. 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 request from Shane Sweeney for site plan approval in a C-2, General Commercial District, Planned Unit Development, for the construction of "Legacy Senior Apartments" to be located at 1929 North Country Club Road, approximately ¼ mile north of the Staples store.**

The City Manager spoke about the site plan recommended by the Planning & Zoning Commission for Mr. Shane Sweeney. Mr. Sweeney submitted a site plan for Legacy Senior Apartments, an apartment complex containing twenty (20) one-bedroom units and twenty-eight (28) two-bedroom units.

Motion was made by **Councilman McFarlane** and seconded by **Councilman McCortney** to approve request from Shane Sweeney for site plan approval in a C-2, General Commercial District, Planned Unit Development, for the construction of "Legacy Senior Apartments" to be

located at 1929 North Country Club Road, approximately ¼ mile north of the Staples store. 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 approval of Ada City Council 2016 Calendar Year Schedule of Regular Meetings**

Motion was made by **Councilman McCortney** and seconded by **Councilman Morris** to approve the Ada City Council 2016 Calendar Year Schedule of Regular Meetings. 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 bids for concrete**

Motion was made by **Councilman Draper** and seconded by **Councilman McCortney** to approve the bid with Dolese, as the lowest responsible bid for the City, for concrete. 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 bids for mineral aggregate**

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to approve the bid from Dolese as the lowest responsible bid for the City, for mineral aggregate. 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 bids for truck trailer rental**

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to approve bid with Cummings Trucking as the lowest responsible bid for the City, for truck trailer rental. 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 approval of Proposal for Professional Services with Great Plains Consulting to perform construction inspection and project management services to include the following City of Ada projects: Wintersmith Pool Facility, Glenwood Pool Facility, new Fire Station, new Police Station, Ada Sports Complex, Main Streetscape Project, Street Overlay Project, new Senior Citizens Center, and Wintersmith Music and Movie Venue Project; approval for the Mayor to execute any and all necessary documents related to the construction inspection and project management services, including, but not limited to, the Agreement for Services**

City Manager Holcomb advised the contract with Great Plains consulting would provide construction and inspections and project management services for the various City projects mentioned in the agenda item. Mr. Holcomb explained this will include the attending of pre-construction conferences, and serving as the City's liaison with the contractors, engineers, and architects.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to approve Proposal for Professional Services with Great Plains Consulting to perform construction inspection and project management services to include the following City of Ada projects: Wintersmith Pool Facility, Glenwood Pool Facility, new Fire Station, new Police Station, Ada Sports Complex, Main Streetscape Project, Street Overlay Project, new Senior Citizens Center, and Wintersmith Music and Movie Venue Project; approval for the Mayor to execute any and all necessary documents related to the construction inspection and project management services, including, but not limited to, the Agreement for Services. 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 a one-time merit bonus for employees of the City of Ada and the Ada Public Works Authority; providing for approval of the Unions representing employees of the Police and Fire Departments; providing for effective date; and providing for payment date**

Motion was made by **Councilman Draper** and seconded by **Councilman Morris** to adopt **Resolution No. 15-24A, a resolution authorizing a one-time merit bonus for employees of the City of Ada and the Ada Public Works Authority; providing for approval of the Unions representing employees of the Police and Fire Departments; providing for effective date; and providing for payment date.** Mayor Sewell called for the vote recorded as follows:

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

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

Motion was made by **Councilman Draper** and seconded by **Councilman McFarlane** to go into Executive Session to discuss the purchase or appraisal of real property. Mayor Sewell called for the vote recorded as follows:

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

The Council Members left the Council Chambers at 6:14 p.m.

Council Members returned to the Council Chambers at 6:55 p.m.

Motion was made by **Councilman McCortney** and seconded by **Councilman McFarlane** to return from Executive Session. 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 approval of Contract for Sale of Real Estate with Dunns Fish Farm of Arkansas, Inc. for the purpose of purchasing real property; 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: 1774 County Road 1600, Pontotoc County, Oklahoma, a/k/a Dunns Fish Farm**

Motion was made by **Councilman Morris** and seconded by **Councilman Draper** to table agenda item fifteen until the December 21, 2015 council meeting. 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 City Manager Holcomb.



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

Mr. Brett Tribbey, and Mr. David Elliott, representing the Ada Lodging Association, addressed the Council concerning their opposition to the proposed city's lodging tax to come to a vote of the people this coming January. Mr. Elliott asked to be placed on the city's next city council agenda for discussion of the tax.

**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, Multiple-Family District, and declaring an emergency for the following described property:**

**Reserve "A" of Norris Hills Addition to the City of Ada, Oklahoma, also being described as follows: a part of the SW/4 NE/4 of Section 34, Township 4 North, Range 6 East, Pontotoc County, Oklahoma, more particularly described as follows: commencing at a point on the west line of said SW/4 NE/4, said point being 1472.54 feet south of the North Quarter Corner of said Section 34; thence N 89°59'20" E a distance of 565.18 feet; thence S 13°21'28" E a distance of 722.47 feet; thence westerly along a curve to the left, having a radius of 781.94 feet for a distance of 68.32 feet; thence S 85°11'32" W a distance of 338.93 feet; thence northwesterly along a curve to the right, having a radius of 505.30 feet for a distance of 254.38 feet; thence N 65°57'05" W a distance of 82.28 feet to a point on the west line of said SW/4 NE/4; thence N 00°14'45" W a distance of 658.35 feet to the point of beginning, containing 10.65 acres, more or less.**

**This property is also known as 1312 East 9<sup>th</sup> Street.**

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

Councilman Morris and Councilman Draper both recused themselves for this agenda item, stating there was a conflict of interest regarding their law firms in this matter.

City Manager Holcomb reported the Planning & Zoning Commission submitted no recommendation to the Council for this rezoning request. The City Manager recommended denial of this request.

Mr. Eric Fisher presented his plans for development of "Goose Hill", also known as 1312 East 9<sup>th</sup> Street to the remaining Council Members.

Mr. Jim Kemp, President of the Norris Hills Homeowners Association, Mr. Bob Stick of Oak Hills Country Club, and Joe and Amy Dougherty of 316 West Parkway, addressed the Council and their opposition to the rezoning and the plans for development of "Goose Hill" by Mr. Fisher.

Motion was made by **Councilman McFarlane** and seconded by **Councilman McCortney** to deny 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, Multiple-family District for property known as 1312 East 9<sup>th</sup> Street. Mayor Sewell called for the vote recorded as follows:

AYE McCortney, McFarlane, Sewell

NAY: None

Motion carried 3-0.

### **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