



MIDWEST CITY MEETINGS

FOR NOVEMBER 10, 2020

The regular Council/Authority/Commission meetings are streamed live on the City of Midwest City Government Facebook page as @MidwestCityOK at <https://www.facebook.com/MidwestCityOK/>.

The recorded video will be available on the City's YouTube channel: [Bit.ly/youtubemwc](https://bit.ly/youtubemwc) and the City's website: www.midwestcityok.org within 48 hours. The meeting minutes and video can be found on the City's website in the Agenda Center: <https://midwestcityok.org/AgendaCenter>.

To make a special assistance request, call 739-1213 or email bbundy@midwestcityok.org no less than 24 hours prior to the start of a meeting. If special assistance is needed during a meeting, call 739-1388.

The Council will go directly into the City meetings down in the Council Chambers of City Hall at 6:00 PM. However, they will informally gather at or after 5:00 PM in the Chamber for dinner, but no City Council business will be discussed or acted upon and the room will be open to the public. Meals will only be provided to the City Council and staff.

The CDC recommendations will be followed to the extent allowed by the Oklahoma Open Meetings Act and temporary Amendment. Please stay home if you or anyone in your household is sick or think they may have had a COVID-19 exposure. If attending in person, please practice social distancing and wear a mask to protect yourself and others.





CITY COUNCIL AGENDA

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

November 10, 2020 – 6:00 PM

A. CALL TO ORDER.

B. OPENING BUSINESS.

- Invocation by Assistant City Manager, Vaughn Sullivan
- Pledge of Allegiance by Carl Albert JROTC cadets
- Community-related announcements and comments
- Mayoral Proclamations: "Small Business Saturday," and former employee, "Doug Williams"

C. CONSENT AGENDA. These items are placed on the Consent Agenda so the Council, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with the approval of all Council, or members of the audience wish to discuss an item, it will be removed and heard in a regular order.

1. Discussion and consideration to approve the minutes of the October 29, 2020 special meeting, as submitted. (City Clerk - S. Hancock)
2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: General Fund, expenses/Finance (08) \$12,387; expenses/Neighborhood Services (15) \$57,033; expenses/Information Technology (16) \$14,500. Animals Best Friend Fund, expenses/Animal Welfare (10) \$4,857. Police Impound Fees Fund, expenses/Police (62) \$9,000. (Finance - J. Siemens)
3. Discussion and consideration of entering into a Right-of-Way, Public Utility and Encroachment Agreement and resolution between the Oklahoma Department of Transportation (ODOT) and the City of Midwest City for the Midwest City Elementary School Connector Multi-Use Trail, JP 31433(04) TAP-255D(326)AG. (Community Development - B. Bundy)
4. Discussion and consideration of 1) reappointing Mrs. Teresa Mortimer, and 2) appointing Mr. Aruna Abhayagoonawardhana for a three-year term to the Midwest City Tree Board both terms ending November 14, 2023. (Public Works - P. Streets)
5. Discussion and consideration of declaring various equipment and miscellaneous items of city property on the attached list as surplus and authorizing their disposal by public auction, sealed bid, or destruction if necessary. (City Manager - V. Sullivan)

D. DISCUSSION ITEMS.

1. (PC – 2053) Public hearing with discussion and consideration of approval of an ordinance to rezone from R-6, Single Family Detached Residential to R-2F, Two Family Attached Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property addressed as 2200 Saint Luke. This item was continued from the October 29, 2020 City Council meeting. (Community Development - B. Harless)
2. (PC – 2056) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit (SUP) to allow the use of communication services in the R-6, Single Family Detached Residential District for the property described as a part of the NW/4 of section 36 T-12-N, R-2-W, located at 600 N. Douglas Boulevard. This item was continued from the October 27, 2020 meeting. (Community Development - B. Harless)
3. Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25; and providing for repealer and severability. (Public Works - P. Streets)
4. Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 24, Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1, Generally, Section 24-158, Prohibited in Specified Places; and providing for repealer and severability. (Public Works - P. Streets)

E. NEW BUSINESS/PUBLIC DISCUSSION. The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the City Council on any Subject not scheduled on the Regular Agenda. The Council shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Council will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE COUNCIL ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE COUNCIL.**

F. FURTHER INFORMATION.

1. Minutes of the October 21, 2020 Park Land Review Committee Meeting. (Community Development - B. Harless)

G. ADJOURNMENT.





CONSENT AGENDA



Notice for the Midwest City Council special meeting was filed with the City Clerk of Midwest City 48 hours prior to the meeting. Public notice of this agenda was accessible at least 24 hours before this meeting at City Hall and on the Midwest City website (www.midwestcityok.org).

Midwest City Council Minutes
Special Meeting

October 29, 2020

This meeting was held in the Midwest City Chambers at City Hall, 100 N Midwest Blvd, Midwest City, County of Oklahoma, State of Oklahoma.

Mayor Matt Dukes called the meeting to order at 6:01 PM with following members present: Councilmembers Pat Byrne, Española Bowen, Sean Reed*, Rick Favors and with City Clerk, Sara Hancock, City Attorney Heather Poole, and City Manager Tim Lyon. Absent: Eads and Allen.

*Councilmember Reed was present via teleconference per Oklahoma State Bill 661.

OPENING BUSINESS. Assistant City Manager Vaughn Sullivan opened with the invocation, followed by the Pledge of Allegiance led by Mayor Dukes. Council and Staff made Community-related announcements. Chad Denson, President of the OK Chapter of the American Planning Association presented the State Award for Outstanding Citizen Planner to Stan Greil. Mayor read “Extra Mile Day” and “National American Indian Heritage Month” Proclamations.

CONSENT AGENDA. Byrne made a motion to approve the consent agenda, as submitted, seconded by Bowen. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.

1. Discussion and consideration to approve the minutes of the October 13, 2020 regular meeting, as submitted.
2. Discussion and Consideration of appointing Judy Siemens as the City’s treasurer for an indefinite term effective October 20, 2020.
3. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: Risk Fund, expenses/Risk Insurance (29) \$586,329. Worker’s Comp Fund, expenses/Risk Insurance (29) \$1,357,940. Park & Recreation Fund, expenses/Park & Recreation (06) \$15,000. Grants Fund, revenue/Intergovernmental (00) \$4,424,945; expenses/Transfers Out (14) \$4,424,945. Disaster Relief Fund, revenue/Transfer In (00) \$4,424,945.
4. Discussion and consideration of accepting the City Manager's Report for the month of September 2020.
5. Discussion and consideration of accepting the monthly report on the City of Midwest City Employees' Health Benefits Plan by the City Manager and action as deemed necessary by the Council to maintain the plan.
6. Discussion and consideration of awarding a bid and entering into a contract with A- Tech Paving in the amount of \$2,500,000.00 for the Street Rehabilitation Asphalt Phase 2 Project funded by the 2018 G.O. Bond proposal.

7. Discussion and consideration of ratifying, approving and entering into the FY 20-21 Unified Planning Work Program (UPWP) contract between the Association of Central Oklahoma Governments and the City of Midwest City.
8. Discussion and consideration of awarding the bid to and entering into a contract with Rudy Construction Co. in the amount of \$51,886.00 for the City Complex Sidewalk, construction project.
9. Discussion and consideration of accepting the Midwest City YMCA baseball 2019-20 financial statement.
10. Discussion and consideration of declaring (61) Zebra Mobile Printers and associated equipment, such as docking stations and keyboards, and miscellaneous police department equipment as surplus and authorizing disposal by public auction, sealed bid or other means necessary.
11. Discussion and consideration of declaring (56) Midwest City PD department owned firearms as surplus and authorizing their disposal by trade-in for the purchase of new Glock 9 mm with GT Distributors, Austin, TX.
12. Discussion and consideration of declaring the following equipment from Street Department: (2) Stihl Weed Eaters and (3) Stihl Edgers as surplus and authorizing their disposal by sealed bid, public auction, or by other means as necessary.

DISCUSSION ITEMS.

1. **Discussion and consideration of 1) appointing Suzi Byrne to the Park Land Review Committee as the Tree Board's appointment to fill the unexpired term of Grace Sullivan, and 2) to reappoint Suzi Byrne to the Parkland Review Committee for an additional 3-year term.** Bowen made motion to appoint and reappoint Suzi Byrne, as submitted, seconded by Favors. Voting Aye: Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Recused: Byrne. Motion carried.
2. **Discussion and Consideration of 1) approving an ordinance amending Chapter 11, City Emergency Management, Section 11-4, Face Covering and Social Distancing During "COVID-19 Pandemic Emergency"; and providing for repealer and severability.** *Recessed meeting from 6:39 PM to 6:40 PM to restore Councilmember Reed's teleconference.

Lindsay Oudit, 912 Covington and Richard Cochran, 204 W Marshall, addressed Council. After Staff and Council Discussion, Byrne made motion to approve Ordinance 3428, after amending Section 1. Expiration of Ordinance, to read as follows: shall expire the earlier of: if less than 5% of the tests in Oklahoma County are positive for more than two consecutive weeks, seconded by Reed. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.

Reed made motion approve the emergency clause for Ordinance 3428, seconded by Byrne. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.

3. **(PC-2054) Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code, Section 5, Supplemental Regulations, by amending Subsection 5.7.2., Trash Dumpster(s) and Enclosure; and providing for repealer and severability.** After Staff and Council Discussion, Bowen made motion approve Ordinance 3427, seconded by Byrne. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.
4. **(PC – 2055) Discussion and consideration of approval of the Final Plat of the Soldier Creek Industrial Park (SCIP), described as a part of the NE/4 of Section 27, T-12-N, R- 2-W, located at 7900 NE 23RD Street.** Richard Cochran, 204 W. Marshall, and staff addressed Council. After discussion, Byrne made a motion to approve the Final Plat, as submitted, seconded by Favors. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.
5. **(PC – 2053) Public hearing with discussion and consideration of approval of an ordinance to rezone from R-6, Single Family Detached Residential to R-2F, Two Family Attached Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property addressed as 2200 Saint Luke. The Planning Commission continued this item to the November meeting.** Item was tabled.
6. **(PC – 2056) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit (SUP) to allow the use of communication services in the R-6, Single Family Detached Residential District for the property described as a part of the NW/4 of section 36 T-12-N, R-2-W, located at 600 N. Douglas Boulevard.** Item was tabled.
7. **(PC – 2051) Discussion and consideration of approval of the proposed preliminary plat of The Curve, described as a part of the SW/4 of Section 8, T11N, R1W, located at 11004 SE 28th Street. This item was continued from September.** Tim Fanning, 9321 Pear St, Brad Reid, Crafton Tull Associate, and staff addressed Council. After discussion, Favors made a motion to approve preliminary plat, as submitted, seconded by Byrne. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.
8. **(PC-2057) Public hearing with discussion and consideration of an ordinance to redistrict from R-6, Single Family Detached Residential to PUD, Planned Unit Development, governed by the R-HD, High Density Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential and PSP, Public/Semi-Public, to HDR, High Density Residential, for the property described as Lots 9-13, 17 and 18, Block 5 of the Pine Addition.** Tabled to December 8, 2020.
9. **Discussion and consideration of declaring an immediate emergency under Section 2-126 of the Midwest City Code and authorizing an immediate outlay of city funds possibly in an amount in excess of the limit set in Section 2-118 of the City Code and the Public Competitive Bidding Act of 1974, and authorizing the City Manager to contract as necessary or appropriate to address the recent severe and extraordinary weather conditions with public notice or competitive bids.** Byrne made a motion to approve, seconded by Bowen. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.

PUBLIC DISCUSSION. Chief Norton and Richard Cochran, 204 W Marshall, addressed Council.

ADJOURMENT. There being no further business, Mayor Dukes adjourned the meeting at 7:18 PM.

ATTEST:

MATTHEW D. DUKES II, Mayor

SARA HANCOCK, City Clerk



Finance Department
100 N. Midwest Boulevard
Midwest City, OK 73110
cbarron@midwestcity.org
Office: 405-739-1245
www.midwestcityok.org

TO: Honorable Mayor and City Council

FROM: Judy Siemens, Interim Finance Director

DATE: November 10, 2020

SUBJECT: Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: General Fund, expenses/Finance (08) \$12,387; expenses/Neighborhood Services (15) \$57,033; expenses/Information Technology (16) \$14,500. Animals Best Friend Fund, expenses/Animal Welfare (10) \$4,857. Police Impound Fees Fund, expenses/Police (62) \$9,000.

The first supplement is needed to budget re-assigned employee for Staff Accountant in the Finance Department. The second supplement is needed to budget re-assigned employee for Neighborhood Initiative Coordinator for Neighborhood Services. The third supplement is needed to budget an unplanned part time Tech for Information Technology. The fourth supplement is needed to budget for gas line repairs at the animal shelter. The fifth supplement is needed to budget for professional services on the cost analysis/review of the jail.

Judy Siemens

Judy Siemens
Interim Finance Director

SUPPLEMENTS
November 10, 2020

Fund GENERAL (010)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
08	Finance			12,387	
		<u>0</u>	<u>0</u>	<u>12,387</u>	<u>0</u>
Explanation: To budget re-assigned employee for Staff Accountant. Funding to come from fund balance.					

Fund GENERAL (010)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
15	Neighborhood Services			57,033	
		<u>0</u>	<u>0</u>	<u>57,033</u>	<u>0</u>
Explanation: To budget re-assigned employee for Neighborhood Initiative Coordinator. Funding to come from fund balance.					

Fund GENERAL FUND (010)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
16	Information Technology			14,500	
		<u>0</u>	<u>0</u>	<u>14,500</u>	<u>0</u>
Explanation: To budget unplanned part time Tech. Funding to come from fund balance.					

Fund ANIMALS BEST FRIEND (220)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
10	Animal Welfare			4,857	
		<u>0</u>	<u>0</u>	<u>4,857</u>	<u>0</u>
Explanation: To budget for gas line repairs at the animal shelter. Funding to come from fund balance.					

SUPPLEMENTS
November 10, 2020

Fund POLICE IMPOUND FEES (037)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
62	Police			9,000	
		<u>0</u>	<u>0</u>	<u>9,000</u>	<u>0</u>

Explanation:
To budget for professional services on cost analysis/review of the jail. Funding to come from fund balance.



CITY of MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
ENGINEERING DIVISION

Billy Harless, Community Development Director
Brandon Bundy, P.E., City Engineer

ENGINEERING DIVISION
Brandon Bundy, P.E., City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNER
Petya Stefanoff, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

TO : Honorable Mayor and Council

FROM : Brandon Bundy, P.E., City Engineer

DATE : November 10th, 2020

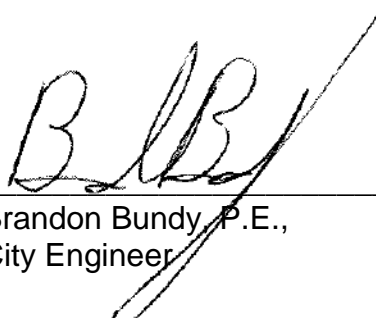
SUBJECT : Discussion and consideration of entering and into a Right-of-Way, Public Utility and Encroachment Agreement and resolution between the Oklahoma Department of Transportation (ODOT) and the City of Midwest City for the Midwest City Elementary School Connector Multi-Use Trail, JP 31433(04) TAP-255D(326)AG.

The City of Midwest City was awarded federal funds in 2014 for two trail projects; West Palmer Loop Trail and Midwest City Elementary School Trail. Because of the physical proximity; both trails were to be designed and bid together along with the previously awarded Safe Routes to School Trail.

The Midwest City Elementary School Trail has fallen behind in plan development because of a few utility and right-of-way issues that cannot be rapidly resolved. Staff has asked ODOT to consider removing this trail from the immediate bid package in efforts not to hold up the West Palmer Loop and Safe Routes to School Trails. As a result, the City will need to enter into a separate agreement specifically for the Midwest City Elementary School Trail.

The West Palmer Loop and Safe Routes to School Trails are currently scheduled to be bid by ODOT in early 2021 with construction likely in summer 2021. Staff will continue to work through the remaining issues with the Midwest City Elementary School Trail.

Staff recommends acceptance as this is consistent with past policy.



Brandon Bundy, P.E.,
City Engineer

Attachment

**RIGHT-OF-WAY, PUBLIC UTILITY
AND ENCROACHMENT AGREEMENT**

This Agreement, made and entered into this ___ day of _____, 20___, by and between the City of Midwest City, County of Oklahoma, Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as 31433(04) TAP-255D(326)AGMIDWEST CITY ELEM SCHOOL CONNECTOR; MULTI-USE TRAIL TO CONNECT WITH WEST PALMER LOOP W/ MID-BLOCK CROSSING OF MIDWEST BLVD.PEDESTRIAN / BIKE IMPROVEMENTS

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the

plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City and City shall not permit the vacation of any such street, alley or other rights-of-way without the prior written approval of Chief, Right of Way Division, Department of Transportation, State of Oklahoma.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:
 - (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.
 - (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.
 - (c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.
 - (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.

- (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

- (a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.
- (b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.
- (c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.
- (d) To the extent permitted by the **Oklahoma Governmental Tort Claims Act**, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, its officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property

caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the **Oklahoma Governmental Tort Claims Act**, 51 O.S. § 151 et seq., all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.

- e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans

4. That subsequent to the construction of said project, City will:

- (a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.
- (b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.
- (c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes

in the provisions thereof without the approval of the Department.

- (d) Maintain all that part of said project within the corporate limits of the City.
 - (e) The City shall have the authority pursuant to 69 O.S. 2001 § 1001 and 69 O.S. 2001 § 1004 to sell any lands, or interest therein, which were acquired for highway purposes as long as such sale is conducted in accordance with the above cited statutes. Prior written approval by the Chief, Right-of-Way Division for the Department shall be required before any sale is made.
5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.
 6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
 7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.
 - (a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.

- (b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.
 - (c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".
8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all cost associated with the relocation assistance payments. The Department will supply a list of approved service providers qualified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the approved list and comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma. Before any relocation assistance payments are made, all files with parcels requiring relocation shall be audited by the Department. The Department shall be notified in writing within seven (7) days of the date of the offer to the property owner on any parcel which will require relocation assistance. Written notifications of offers to acquire shall be addressed to Project Manager, Right-of-Way Division, Oklahoma Department of Transportation, 200 N. E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the

faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the ___ day of _____, 20__, and the State on the ___ day of _____, 20__.

ATTEST:

CITY OF MIDWEST CITY

City Clerk

Mayor

REVIEWED AND APPROVED AS TO
FORM AND LEGALITY

STATE OF OKLAHOMA
DEPARTMENT OF
TRANSPORTATION

Chief, Legal Division (ODOT)

Director

RESOLUTION

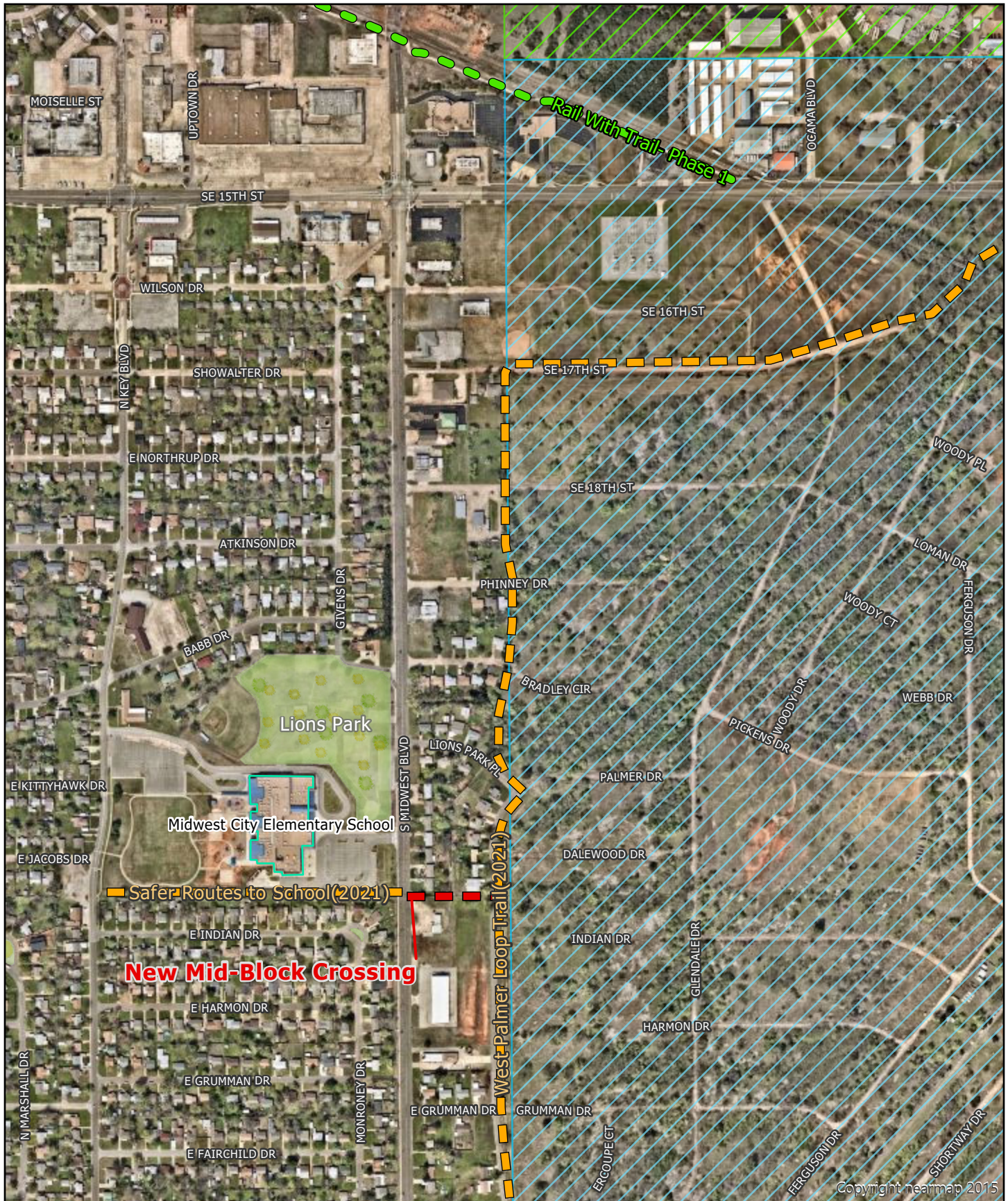
WHEREAS, it appearing reasonable and necessary for the CITY OF MIDWEST CITY , OKLAHOMA COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known 31433(04) TAP-255D(326)AG MIDWEST CITY ELEM SCHOOL CONNECTOR; MULTI-USE TRAIL TO CONNECT WITH WEST PALMER LOOP W/ MID-BLOCK CROSSING OF MIDWEST BLVD. PEDESTRIAN / BIKE IMPROVEMENTS, in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

CITY CLERK

MAYOR



Copyright nearmap 2015

Legend

Trails

- Existing Trails
- Future Trails
- School Buildings

TAFB Accident Potential Zone

- APZ II
- APZ I
- Parks



1 in = 500 ft
when printed actual size
on 8-1/2"x11" paper

DISCLAIMER

This map is a general information public resource. The City of Midwest City makes no warranty, representation or guarantee as to the content, accuracy, timeliness or completeness of any of the information provided on this map. Any party's use or reliance on this map, or any information on it, is at that party's own risk and without liability to the City of Midwest City, its officials or its employees for any discrepancies, errors or variances that may exist.



Public Works Administration

R. Paul Streets,
Public Works Director
pstreets@midwestcityok.org
405-739-1061

Patrick Menefee,
City Engineer of Public Works
pmenefee@midwestcityok.org
405-739-1062
8730 S.E. 15th Street,
Midwest City, Oklahoma 73110

To: Honorable Mayor and Council

From: R. Paul Streets, Public Works Director

Date: November 10, 2020

Subject: Discussion and consideration of 1) reappointing Mrs. Teresa Mortimer, and 2) appointing Mr. Aruna Abhayagoonawardhana for a three-year term to the Midwest City Tree Board both terms ending November 14, 2023.

With the agreement of Mayor Dukes, who confirmed with Councilmember Eads and Councilmember Favors, we are recommending the following two nominees for appointment to the Midwest City Tree Board.

For re-appointment to the Tree Board, we recommend Mrs. Teresa Mortimer from Ward 1 for a three-year term ending on November 14, 2023. Her current term on the Tree Board expires on November 10, 2020. Teresa has graciously agreed to serve another three-year term.

For a new appointment replacing Sherri Anderson, who resigned from the Tree Board on June 18, 2020, we recommend Mr. Aruna Abhayagoonawardhana from Ward 6 for a three-year term ending on November 14, 2023.

Action is at the discretion of the Council.

R. Paul Streets
Public Works Director



City Manager's Office
Vaughn Sullivan,
Assistant City Manager
vsullivan@midwestcityok.org
100 N. Midwest Blvd,
Midwest City, Oklahoma 73110
O: 405-739-1207 /Fax: 405-739-1208

MEMORANDUM

To: Honorable Mayor and Council

From: Vaughn K. Sullivan, Assistant City Manager

Date: November 10, 2020

Subject: Discussion and consideration of declaring various items of city property on the attached list as surplus and authorizing their disposal by public auction, sealed bid, or destruction if necessary. (City Managers – V. Sullivan)

The Welcome Center officially closed in July 2020. As a result of the closure there is a multitude of items that did not sell.

Staff recommends approval.

Vaughn K. Sullivan
Assistant City Manager

Item Name	Description	Current Quant
Ball Cap - Midwest City Solid & Mesh		1
Oklahoma Shaped Basket 12"		1
Oklahoma Shaped Basket 18"		1
Book - Are We There Yet?	Rand McNally kids activity book	1
Book - The Important Book	Harper Collins sent in error and did not want returned (SV)	1
Cook Book - Kids in the Kitchen Cook Book	Great Am Pub	1
Cook Book - Kitchen Memories	Great American Publishers	1
Maps - Historic Oklahoma	OK Historic Map - OK Historical Society	
Pioneer Scents - 9 oz. Candles (Assorted)	07/26/19 Sample Map added to Inventory (SV)	1
Pioneer Scents - Room Spray (Assorted)	Assorted 9 oz. Candle Jars	1
Coaster, OK Flag, Acrylic	Assorted Room Sprays	1
OK Stemless Wine Glass w/Etched Design	OK Flag Acrylic Coaster Single	1
Cookie Cutter - Buffalo	Real Time Item 2698/OK	1
Cookie Cutter - Mermaid	Ann Clark Cookie Cutter - Buffalo	1
Dreamcatchers 3" Assorted Leather MIO	Ann Clark	1
Ace in the Bowl 16 oz. Mild Salsa	Sandie Rogers MIO	1
Rock Hound Candy	Ace in the Bowl	
Trader Daves Bloody Red Sauce	07/02/19 1 Cs/12 Received	1
Trader Daves Fiery Lime Spice		1
Trader Daves Savory Peppermill Spice		1
Trader Daves Spicy Garlic Seasoning	Trader Daves	1
Farm to Table Wood Picture		1
OK Wood Signs 5.5" x 12" by Iley's Innovations	Assorted Wood OK Signs by Iley's	1
Oklahoma Melamine Tray from One Hundred 80 Degrees		
Rt 66 Metal Sign Picture	OK Blue Melamine Serving Tray	1
Honey Central OK 12 Oz. Bottle (Assorted Flavors)		1
Trader Daves Peach Jalapeno Jam	Kenuc Honey	1
Wildhorse Canyon Mini Strawberry Jalapeno		1
Wildhorse Canyon Piot Noir Wine 9 oz. Jelly	Mini Strawberry Jalapeno	1
Wildhorse Canyon Strawberry 9 oz. Fruit Spread	9 oz. Piot Noir Wine Jelly	1
Earrings - Wire Oklahoma Shaped Silver	9 oz. Jar Strawberry Fruit Spread	1
Key Chain OK Buffalo Bottle Openere Assorted	T Usa Streamline	1
OK Moveable Buffalo Key Chain Silver		1
Magnet - OK Welcome Sign Magnet	Real Time #3124/OK	1
Magnet God Bless American, Acrylic	Real Time #ASWM-136/OK	1
Magnet OK Estimated 1907, Acrylic	God Bless America Acrylic Magnet	1
	OK Estimated 1907 Acrylic Magnet	1

Magnet OK Flag, Acrylic	OK Flag Acrylic Magnet	1
Old World Police Officer Ornament		1
Old World Rt 66 Ornament	Old World Rt. 66 Ornament	1
Ornament - City Souvenir OK Flag	City Souvenir Round Ceramic Disc	1
Patch - Rt 66		1
Rose Rock - Single (Medium)		1
OK State Collage Shot Glass	Real Time	1
Oklahoma Redneck Shot Glass	Real Time Item 3220 OK	1
Pink Who Let the Girls Out Oklahoma Shooter	Real Time Item 3068/OK	1
Shot Glass - OK Brown Buffalo	Real Time Item 2665/OK	1
10" Cactus Wooden Rain Stick		1
Horseshoe (Large)	Large Horseshoe (Was decor) Added 7/27/20 SV	1
Woven Mat 10" x 10" (Assorted Colors)	Pawnee Bills Woven Mats	1
Wild Republic Llama	Wild Republic Item 23540	1
Oklahoma Shaped Basket 15"		2
Cook Book - Great American Grilling	Great American Publishers	2
Warren Route 66 Map	Rt 66 Foldable Map High Point Distribution	2
Coaster, God Bless America, Acry	God Bless America Acrylic Coaster Single	2
	Ace in the Bowl	
	1 CS/12 Received 07/02/19	
Ace in the Bowl 16 oz. Medium Salsa	10/11/19 Susan gave 6 Medium & took 6 Hot	2
Trader Daves Jalapeno Slices - 16 oz. Jar		2
Trader Daves Spicy Cajun Seasoning		2
Oklahoma Tea Towel (Keep the Faye)	One Hundred 80 Degrees OK Dish Towel	2
Wildhorse Canyon Mini Blackberry 1.5 oz.	Mini Jar Blackberry	2
Wildhorse Canyon Mini Strawberry Fruit	Mini Strawberry Fruit Spread	2
Arrowhead Necklace	Pawnee Bills Arrowhead Necklace	2
Key Chain Midwest City Spirit		2
Key Chain Oklahoma Bottle Opener		2
Key Chain, OK Flag, Acrylic	OK Flag Acrylic Key Chain	2
	Real Time Sunset Cowboy Magnet	
Magnet OK Sunset Cowboy	C-OXSUN	2
Magnet OK Tornado Thermometer	Real Time #MAG-104/OK	2
Magnet Oklahoma Bedazzled	Real Time Magnet	2
Magnet Oklahoma Osage Shield	Real Time	2
	Single Rose Rock Broach Pin	
Rose Rock Broach Pin	Rose rock from Larry, pins from Hobby Lobby, made by SV	2
Indian Leather Poke Bags (Assorted)	Pawnee Bills Indian Leather Pokes	2
Natural Wood Walking Canes		2
Oklahoma Bumper Stick (Red & White)		2
Wild Republic 8" Black Bear	Wild Republic #10832	2

Animal Travel Coloring Book Color and Go	Highpoint Distribution	2
Wild Republic Bison Rubber Duck	Wild Republic	2
Rand McNally Mid Size Road Atlas 2020	Highpoint Distribution (052802105-2 ISB)	3
Warren EZ Fold Oklahoma Map	Oklahoma EZ Fold Laminated Map	3
Warren EZ Fold US Map Laminated	US EZ Fold Laminated Map Highpoint Distribution	3
Coaster, OK Estimated 1907, Acrylic	OK Estimated 1907 Acrylic Coaster	3
Dreamcatchers Assorted 6" Leather MIO	Sandie Rogers MIO 6" Leather	3
Cutting Board OK Shaped Bamboo	Totally Bamboo	3
	Clearanced to \$3.75 07/12/19 (SV)	
	Reduced to 75% Off \$1.88 08/30/19 (SV)	
	Deprived to 5.99 for final closing sale	3
MWC Apothecary Glass Jar		3
Key Chain Red Poster Art		3
Key Chain, OK Estimated 1907 Acrylic	OK Estimated 1907 Acrylic Key Chain	3
OK Buffalo Mug Key Ring (Assorted)	Real Time #2620/OK	3
Magnet OK Boot & Hat Glam Assorted Colors	Real Time	3
Pet Tornado	Real Time #X1154/OK	3
OK Sunset Emblem Decal Sticker	Real Time Item X2037 OK 2	3
Wild Republic 8" Chimpanzee	Wild Republic #10834	3
Drawing Stencil Traveling Set	Real Time #11529	3
Rand McNally Best Travel Activity Book Ever	Best Travel Activity Book Ever	4
Air Force Flag 3 x 5		4
Earrings - Dream Catcher	Dream Catcher Earrings	4
Key Chain - OK Wood Key Chain w/Buffalo	Real Time Item X2749 OK	4
Key Chain, God Bless America, Acrylic	God Bless America Acrylic Magnet	4
Magnet OK Green Jumbo Artwood Map	Real Time MAPP-136/OK	4
Magnet OK State Montage	Real Time PSM-136/OK	4
Magnet Red Poster Art	Real Time	4
Old World Holly Pig Ornament		4
Buffalo Bison 8" Mini Plush Animal - Wild Republic	Mini Bison Buffalo - Highpoint Distribution (10856)	4
Spin Drum - Indian Chief	Wood Spin Drum - Indian Chief	4
Dreamcatchers 3" Assorted Kids MIO	Sandie Rogers 3" Kids Assorted	5
Dreamcatchers 4" Assorted Leather MIO	Sandie Rogers MIO Assorted 4" Leather	5
Bracelet - Copper w/Silver Oklahoma	T USA Streamline - Copper with Leather Straps	5
Lapel Pin - OK Laser Cut Wood Buffalo Pin	Real Time Item X3299LAS OK	5
Magnet - OK State Info Magnet	Real Time Item C-OKINFO	5
	Real Time Scissor Tail Magnet	
Magnet OK Scissor Tail	C-OKSCIS	5
OK Wooden Bottle Opener Magnet Buffalo	Real Time Item #X3218MLAS/OK	5
Patch - Oklahoma Jumbo	Real Time #1033/50 OK	5
OK Red Poster Art Shooter Glass	Real Time #3070FC/OK-20	5
Natural Rustic Walking Stick	Pawnee Bills Rustic Walking Sticks	5

OK Dog Collar (Pink & Blue)	Real Time #2656/OK	5
	Real Time 2294/OK-15	
Photo Album OK Retro Collage 4" x 6"	OK Retro Collage Photo Album 36 Photos	5
Okie Sticker Decal Sticker (Black & White)	Real Time	5
Cookie Cutter - Cowboy Hat	Ann Clark Cookie Cutter - Cowboy Hat	6
Oklahoma Flag - 3 x 5	Real Time #1166/OK	6
Key Chain Oklahoma The Sooner State		6
Magnet Cherokee Rose Metal	Real Time #2039/OK	6
Hand Rattle Drum on Stick (Black & Pink)	3/9/20 - Removed 3 pink items that had dried and torn off stick. SV	6
Custom Buffalo Unisex Lime Infant & Toddlers Asst Sz	Lime Green Infant 3, 6 & 12 months & Toddlers, 2, 3 & 4T	6
Spin Drum - Eagle	Wood Spin Drum - Eagle	6
Key Chain Horseshoe Lucky Penny Spinner	Real Time #2376/OK	7
Rt 66 Metal Full Size License Plate		7
Magnet - OK State Home Map Brown/Gold	Real Time Item #HOM-136/OK	7
Oklahoma US 66 Magnet	Real Time Item 2586/OK-66	7
Clear Rt 66 Shot Glass	Real Time #X1075/OK-R66	7
OK Tornado Shot Glass	Real Time Item 2218W/OK-19	7
Tee Shirt - Bella Okla-Homa Arrow (Red Assorted Sizes)	Dale Rogers Training Cntr Assorted Sizes - Adult, Infant & Toddlers	7
Tee Shirt - Oklahoma Buffalo Est 1907 (Assort Sizes)	Dale Rogers Training Center - Assorted Blueish Green Adults and blue for infants & toddlers - Assorted Sizes	7
Key Ring - OK Silver/Red Bottle Opener	Real Time Item X3278 OK	8
Magnet - OK Green Map	Real Time Item #CSM-136/OK	8
Magnet - OK Wood Magnet w/Buffalo	Real Time Item X2749M OK	8
Magnet Tomahawk	Real Time #C-OK TOMA	8
Natural Wood Walking Sticks w/Compass	Pawnee Bills 07/02/19 1 CS/12 Received	8
Ace in the Bowl 16 oz. Hot Salsa	10/11/19 Susan swapped 6 Hot for 6 Medium	9
Earrings Oklahoma Shaped	Silver & Copper Oklahoma Shaped Earrings	9
OK Osage Shield Patch	Real Time Item 2058/OK-3-02	9
Cat Studio Coffee Mug	Cat Studio Oklahoma Mug	10
Earrings - Artesian Spirit Woven	Woven Earrings from Pawnee Bills	10
Oklahoma Flag Decal Sticker 3.5" x 5"		10
OK Nail Clipper Key Ring	Real Time #X3134/OK	11
Magnet - OK Boot w/Thermometer	Real Time Item MAG 104BT OK	11
Magnet - Someone Love Me in OK	Real Time Item #RTP-132/OK	11
Magnet OK Multi Color State Map	Real Time C-MCSTATE	11
Magnet Oklahoma Sooner State Wood	Real Time Item SCM 136 OK	11
Magnet Oklahoma USA Map Wood	Real Time UST-136/OK	11
Key Chain - OK Oval Buffalo	Real Time #X2653/OK	12
Magnet - OK Olde Time Bottle Opener Black	Real Time #X2654/OK	12

Key Chain Acrylic Map Green	Real Time Item AK 136 OK	13
Patch - American Flag		13
Cook Book - Eat & Explore Oklahoma	Great American Publishers	14
Coasters - Assorted Tile Oklahoma Coasters	Coasters by Jack & Lynne Gossett Designs	14
Magnet Oklahoma Est 1907 Retro	Real Time	14
	Reduced from \$3.99 to \$2.99 09/26/18	
	Custom Print Order	
	11/4/19 - 3 added from last sleeve (sv)	
Oklahoma/MWC Individual Golf Balls	Some pulled for promo items	14
Cookie Cutter - Oklahoma Shaped	Ann Clark Cookie Cutter - Oklahoma Shaped	15
OK Osage License Plate	OK Osage License Plate Real Time 2458/OK-2	15
	Custom Oklahoma Tote Bag Natural with Black Lettering	
Oklahoma Tote Bag	3 Pulled for Promo/Door Prize	17
Patch - Oklahoma Iron On 2.25" x 3.5"		18
OK Dream Catcher Ceramic Plate 9"		20
Oklahoma Ornament - One Hundred 80	One Hundred 80 Degrees Oklahoma Glass Ornament	21
	City Souvenir - Round Ceramic Disc Ornament	
Ornaments - City Souvenir Oklahoma	Dec, 2019 - 2 Pulled for Door Prizes (SV)	21
Oklahoma Glitter Back Scratchers - Assorted Colors	Real Time #2363/OK	21
	Bedre Chocolate Melts	
Bedre Melts - All Flavors	Some for promotion; baskets, giveaways, etc.	31
Oklahoma Frosted Glass	Cat Studio OK Frosted Glass Tumbler	36
Bedre Oklahoma Shaped Mold		40
Arrowhead in Display Box	Arrowhead in clear display box	45
Rose Rock - Bag (Medium)		50
Assorted Energy Gem Stones - Assorted		60
OK Greeting Cards Assorted	Dale Rogers Training Center	65
Water Bottled - MIO Artesian	96 Bottles Received 6/8/20 (SV)	72
Arrowheads - Assorted Colors/Sizes		121
Pencils - Assorted Colors (OK & Rt. 66)	Vendors: Real Time & For Teacher's Only	177
Rose Rock - Bag (Small)		236
Lapel Pin - All Pins (Unless Marked Separately)	Note: Set up UPC Code and combined all hat pins from PinEfx 07/25/19	589
Assorted Post Cards (Including MWC 3k +)	Includes old boxes of MWC Post Card before SV was here	3950



DISCUSSION ITEMS





The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Brandon Bundy, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNING
Petya Stefanoff, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: November 10, 2020

Subject: (PC – 2053) Public hearing with discussion and consideration of approval of an ordinance to rezone from R-6, Single Family Detached Residential to R-2F, Two Family Attached Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property addressed as 2200 Saint Luke. This item was continued from the October 29, 2020 City Council meeting.

Executive Summary

This is a request to rezone a single parcel to R-2F, two-family residential, for use of an existing structure as a duplex. In August of 2020, Utility Services staff became aware that this structure was being used as a duplex and notified Planning staff to see if the zoning was appropriate for a duplex. The property is zoned R-6, Single Family Detached Residential. This zoning district does not allow for the use of a duplex. Staff met with the current owner who explained that he purchased the property in May 2020 and the second floor of the 2 story home had already been converted to an individual dwelling unit at the time of purchase and that structure was advertised as a duplex when he purchased it. The applicant would like to use the structure as a duplex and has made this application to rezone the property to R-2F. The lot does meet the minimum size requirements for R-2F zoning. Included in this memo is a report from the Chief Building Official. As the conversion from a single family residence to a duplex was done without permits, inspections will be necessary to ensure that the structure is safe and meets minimum building standards if this request is approved. If this request is denied, permits and inspections will be necessary to convert the structure from a duplex back into one single family residence. Action is at the discretion of the City Council

Dates of Hearing: Planning Commission – October 6, 2020 and November 3, 2020
City Council – October 29, 2020 and November 10, 2020

Owner/Applicant: Roshan Kalra, Ad Infinitum LLC

Proposed Use: Duplex – One structure, two dwelling units

Size:

The area of request has a frontage along Saint Luke Ave. of 80' and a depth of approximately 279', containing an area of approximately 22, 320 square feet, or .51 acres more or less.



Development Proposed by Comprehensive Plan:

Area of Request – LDR, Low Density Residential
North, South, East and West – LDR, Low Density Residential

Zoning Districts:

Area of Request – R-6, Single Family Detached Residential
North, South, East and West – R-6, Single Family Detached Residential

Land Use:

Area of Request – one residential structure
North, South, East and West – single family residences

Comprehensive Plan Citation:

Medium Density Residential Land Use

This use is representative of two-family, attached dwelling units, such as duplex units and townhomes. Medium density land uses often provide areas for “empty nesters” who may not want the maintenance of a large-lot single-family home and for young families who may find a townhome or duplex more affordable than a single-family home. It is anticipated that new areas for medium density land use will be developed in the future.

Municipal Code Citation:

2.8. R-2F, Two Family Attached Residential District

2.8.1 General Description

This district allows two family attached dwellings. The principal use of land is for two family attached dwellings with provisions for accommodating the sale of individual attached units.

Internal stability, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship and arrangement of each element.

History:

1. The Kanaly's Second NE 23rd Street Addition was created in 1951.
2. This area was zoned single family residential with the adoption of the 1985 and the 2010 Zoning Ordinances.
3. This item was continued from the October PC and CC meetings.
4. Planning Commission recommended approval of this item November 3, 2020.

Staff Comments:

Fire Comments:

PC-2053 is a request to rezone a parcel at 2200 N. Saint Luke. This parcel is zoned R-6, Single Family Residential and sometime in the past was converted to a duplex. The current owner bought the parcel in May under the assumption that it was allowed to be a duplex. He is applying to rezone to R-2F, Two Family Attached Residential to be allowed to continue to use the structure as a duplex.

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Engineering Comments:

Note: This application is for rezoning the property at 2200 N Saint Luke Avenue. No engineering improvements are required with this application.

Water Supply and Distribution

An eight (8) inch public water main is located along the west side of Saint Luke Avenue. Public water mains extend along the full frontage of this property and the existing facility is connected to the city water main, therefore water line improvements are not required as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located along the east side of Saint Luke Avenue and accessible to the property. Sewer line improvements are not required as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the area of request is available off Saint Luke Avenue which is classified as a local street in the 2008 Comprehensive Plan.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is has a grade break approximately 50 feet from the back of the lot. Overall all the drainage runs to the north into Silver Creek. Water falling on the back portion of the lot runs to the east via sheet flow. Water falling to the west of the grade break falls to the west and north into existing ditching running along Saint Luke Avenue. There is no existing detention.

The area of request is entirely within flood zone AE as shown on Flood Insurance Rate map (FIRM) number 40109C0330H, dated December 18th, 2009. None of the proposed development is affected by flood zone AE.

Easements and Right-of-Way

As outlined in Municipal Code 38-45, a collector road shall have a total right-of-way of fifty (50) feet, twenty-five (25) feet each side of center line. The area of request currently is platted for (50) feet therefore no additional right of way will be required with this application.

Chief Building Official Comments:

If the request to rezone from R-6, Single Family Residential to R-2F, Residential Two-Family is **denied** the home must be brought back into compliance with the requirements for a single-family structure. To achieve this the minimum requirement would be to reestablish access from inside the ground floor main unit to the upstairs unit. All work done as part of the initial non-conforming conversion and the modifications to return it to a single family home will require permits and inspections and must meet current codes as amended and adopted by the State of Oklahoma and the City of Midwest City.

If request to rezone from R-6, Single Family Residential to R-2F, Residential Two-Family is **approved** all work done as part of the conversion must be properly permitted and inspected. Any work or violations found to be below the minimum code requirements will be brought into full compliance with current codes as amended and adopted by the State of Oklahoma and the City of Midwest City.

Planning Comments:

As mentioned in the executive summary, Utility Services staff was alerted to the fact that this structure was being used as a two-family attached residential (duplex) structure in August of 2020. For duplex structures, the Utility Services department bills for water and sanitation services separately for each dwelling unit. Utility Services staff contacted Community Development staff to see if this property was zoned properly for use as a duplex. Community Development staff determined that the property is zoned R-6, Single Family Detached Residential and according to the 2010 Zoning Ordinance, the use of a duplex is not allowed in the R-6 district. Staff contacted the owner of the property and set up a meeting to discuss his options.

Planning, building and legal staff met with the owner and his property manager on August 6, 2020. The owner stated that when he purchased the property in May of 2020, the upstairs had already been converted into an individual dwelling unit and he believed the property was zoned properly for use as a duplex.

Staff explained that the property is zoned only for single family use and that if he wanted to use it as a duplex, he must apply to rezone the property to R-2F and a decision would be made by the City Council to approve or deny the request.

Planning and building staff visited the site on August 7 and verified that the second floor unit is completely separated from the first-floor unit. The conversion work was done without permits. Pending the City Council's decision on this application permits and inspections will be required per the Chief Building Official's comments above.

Action is at the discretion of the City Council.

Action Required: Approve or reject the ordinance to rezone to R2-F, Two Family Residential and the resolution to amend the Comprehensive Plan to MDR, Medium Density Residential for the property as noted herein, subject to the staff comments and recommendations as found in the December 8, 2020, agenda packet, and as noted in PC – 2053.

A handwritten signature in black ink, appearing to read "Billy Harless". The signature is fluid and cursive, with a long horizontal stroke at the end.

Billy Harless, AICP
Community Development Director

KG



Midwest City Fire Marshal's Office

8201 E Reno Avenue, Midwest City, OK 73110
dhelmberger@midwestcityok.org Office: 405-739-1355
www.midwestcityok.org



Re: PC - 2053

Date: 18 September 2020

PC-2053 is a request to rezone a parcel at 2200 N. Saint Luke. This parcel is zoned R-6, Single Family Residential and sometime in the past was converted to a duplex. The current owner bought the parcel in May under the assumption that it was allowed to be a duplex. He is applying to rezone to R-2F, Two Family Attached Residential to be allowed to continue to use the structure as a duplex.

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Helmberger".

Duane Helmberger
Fire Marshal
Midwest City Fire Department

The Midwest City Fire Department is committed to providing the highest level of public safety services for our community and citizens. We protect lives and property through fire suppression, emergency medical response, disaster management, fire prevention and public education.

The City of
MIDWEST CITY

COMMUNITY DEVELOPMENT DEPARTMENT - ENGINEERING DIVISION

William Harless, Community Development Director

Brandon Bundy, P.E., C.F.M., City Engineer

To: Kellie Gilles, Plans Review Manager

From: Brandon Bundy, City Engineer

Date: September 15th, 2020

Subject: Engineering staff comments for pc-2053 application to rezone 2200 N Saint Luke Avenue.

ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2053:

Note: This application is for rezoning the property at 2200 N Saint Luke Avenue. No engineering improvements are required with this application.

Water Supply and Distribution

An eight (8) inch public water main is located along the west side of Saint Luke Avenue. Public water mains extend along the full frontage of this property and the existing facility is connected to the city water main, therefore water line improvements are not required as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located along the east side of Saint Luke Avenue and accessible to the property. Sewer line improvements are not required as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the area of request is available off Saint Luke Avenue which is classified as a local street in the 2008 Comprehensive Plan.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is has a grade break approximately 50 feet from the back of the lot. Overall all the drainage runs to the north into Silver Creek. Water falling on the back portion of the lot runs to the east via sheet flow. Water falling to the west of the grade break falls to the west and north into existing ditching running along Saint Luke Avenue. There is no existing detention.

The area of request is entirely within flood zone AE as shown on Flood Insurance Rate map (FIRM) number 40109C0330H, dated December 18th, 2009. None of the proposed development is affected by flood zone AE.

Easements and Right-of-Way

As outlined in Municipal Code 38-45, a collector road shall have a total right-of-way of fifty (50) feet, twenty five (25) feet each side of center line. The area of request currently is platted for (50) feet therefore no additional right of way will be required with this application.



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Christine Brakefield, Chief Building Official

ENGINEERING DIVISION
Brandon Bundy, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Current Planning Manager
COMPREHENSIVE PLANNING
Petya Stefanoff, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

Date: September 08, 2020

RE: 2200 N Saint Luke Ave
Non-Conforming Duplex

If the request to rezone from R-6, Single Family Residential to R-2F, Residential Two-Family is **denied** the home must be brought back into compliance with the requirements for a single-family structure. To achieve this the minimum requirement would be to reestablish access from inside the ground floor main unit to the upstairs unit. All work done as part of the initial non-conforming conversion and the modifications to return it to a single family home will require permits and inspections and must meet current codes as amended and adopted by the State of Oklahoma and the City of Midwest City.

If request to rezone from R-6, Single Family Residential to R-2F, Residential Two-Family is **approved** all work done as part of the conversion must be properly permitted and inspected. Any work or violations found to be below the minimum code requirements will be brought into full compliance with current codes as amended and adopted by the State of Oklahoma and the City of Midwest City.

Sincerely,

Christine Brakefield, MPA
Chief Building Official
Community Development

RESOLUTION NO. 2020-_____

A RESOLUTION AMENDING THE 2008 COMPREHENSIVE PLAN MAP CLASSIFICATION FROM LDR, LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL, FOR THE PROPERTY DESCRIBED IN THIS RESOLUTION WITHIN THE CITY OF MIDWEST CITY, OKLAHOMA.

WHEREAS, the 2008 Comprehensive Plan Map of Midwest City, Oklahoma shows the following described property identified as LDR:

All of Lot 8 and the South 5 ft. of Lot 7, Block 1 of the Kanalys 2nd NE 23rd St Addition, located in the NW/4 of Section 25, T-12-N, R-2-W, Oklahoma County, Oklahoma and addressed as 2200 N Saint Luke Ave.

WHEREAS, it is the desire of the Midwest City Council to amend the classification of the referenced property to Medium Density Residential;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

That the classification of above described property located in Midwest City, Oklahoma is hereby changed to Medium Density Residential on the 2008 Comprehensive Plan Map.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, this _____ day of _____, 2020.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

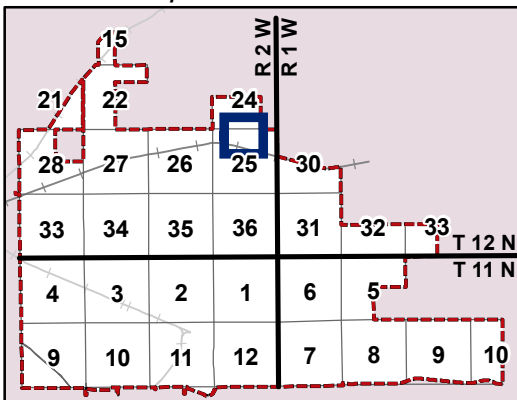
SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2020.

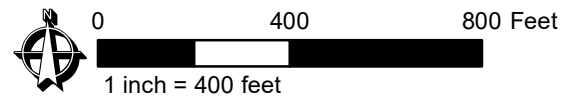
HEATHER POOLE, City Attorney



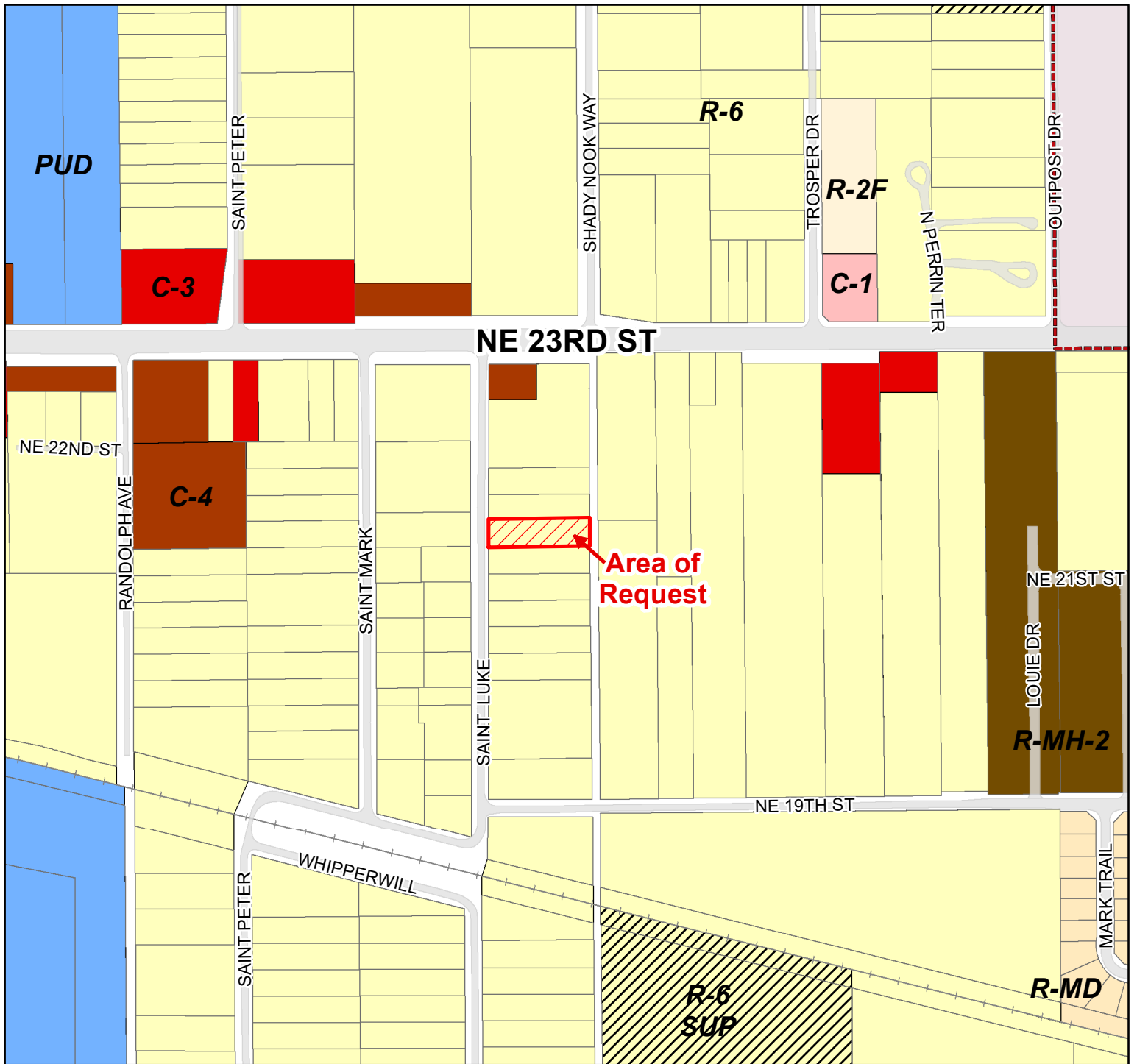
Locator Map



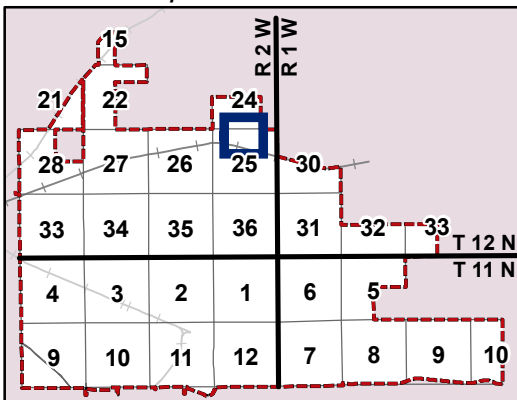
**3/2020 NEARMAP AERIAL VIEW FOR
PC-2053
(NW/4, Sec. 25, T12N, R2W)**



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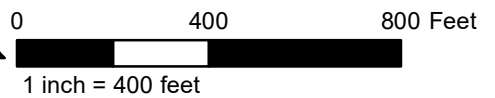
Locator Map



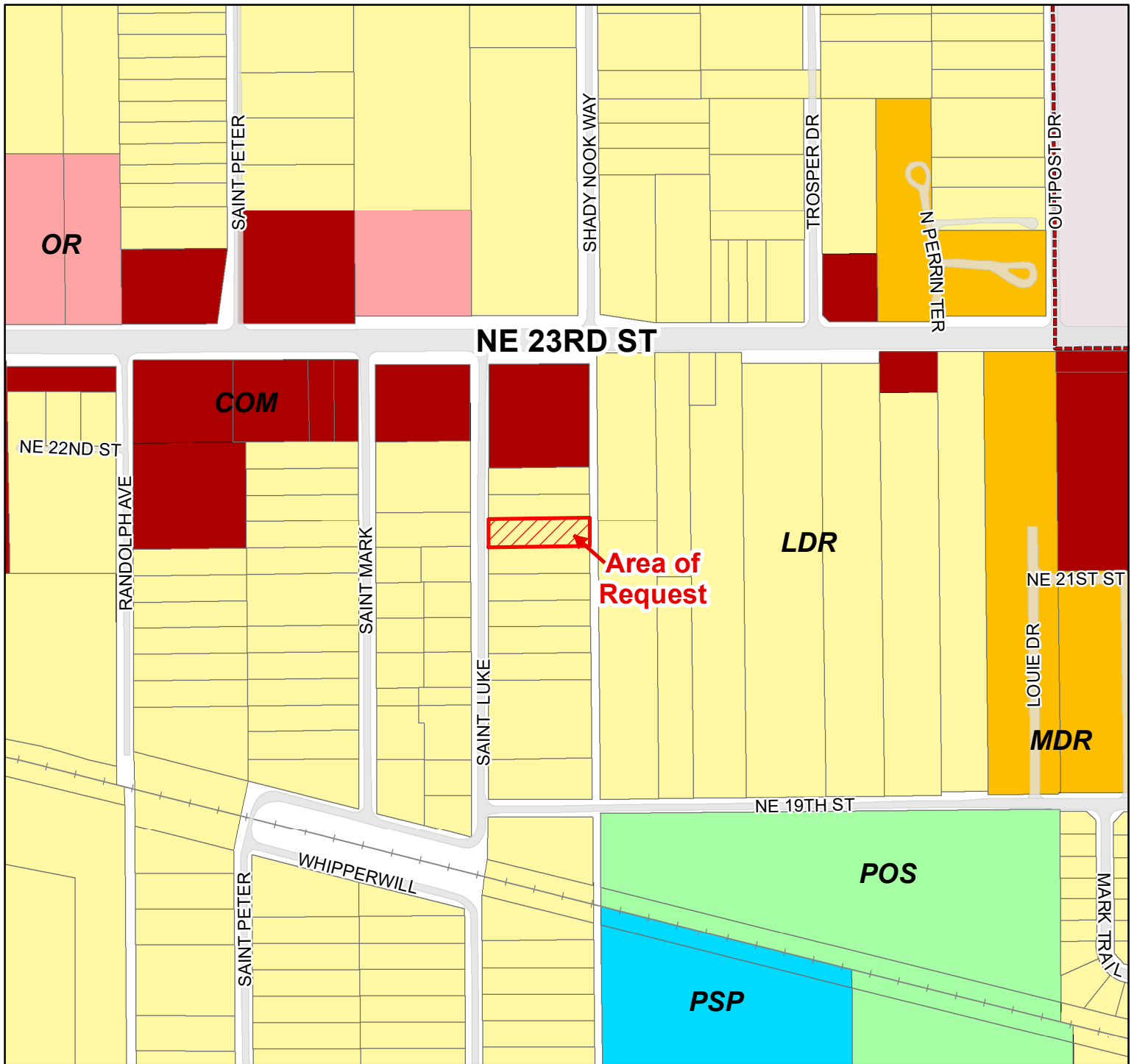
Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-2 SUP	O-2 SUP	R-HD SUP
C-3	R-6	R-MH-1
C-3 SUP	R-6 SUP	R-MH-2
C-4	R-8	PUD
C-4 SUP	R-10	SPUD
I-1	R-22	HOS
I-2		HOS SUP

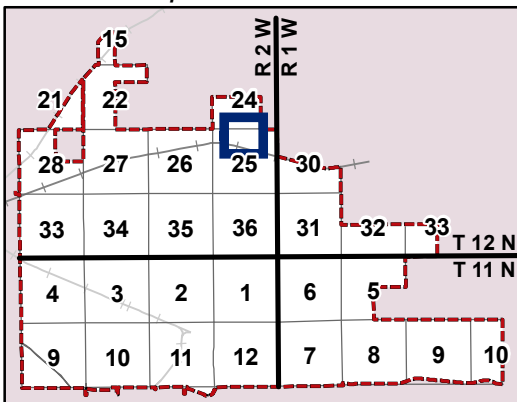
**ZONING MAP FOR
PC-2053
(NW/4, Sec. 25, T12N, R2W)**



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Locator Map

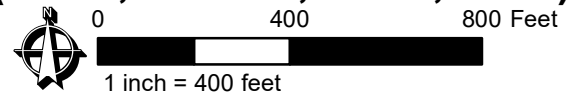


Future Land Use Legend

- Single-Family Detached Residential
- Medium Density Residential
- High Density Residential
- Manufactured Home
- Public/Semi-Public
- Parks/Open Space
- Office/Retail
- Commercial
- Industrial
- Town Center

**FUTURE LAND USE
MAP FOR
PC-2053**

(NW/4, Sec. 25, T12N, R2W)



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1 **PC-2053**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**
4 **DESCRIBED IN THIS ORDINANCE TO R-2F, TWO FAMILY ATTACHED RESIDEN-**
5 **TIAL, AND DIRECTING AMENDMENT OF THE OFFICIAL ZONING DISTRICT**
6 **MAP TO REFLECT THE RECLASSIFICATION OF THE PROPERTY’S ZONING DIS-**
7 **TRICT; AND PROVIDING FOR REPEALER AND SEVERABILITY**

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

9 **ORDINANCE**

10 **SECTION 1.** That the zoning district of the following described property is hereby reclassified
11 to R-2F, Two Family Attached Residential, subject to the conditions contained in the PC-2053
12 file, and that the official Zoning District Map shall be amended to reflect the reclassification of
13 the property’s zoning district as specified in this ordinance:

14 All of Lot 8 and the South 5 ft. of Lot 7, Block 1 of the Kanalys 2nd NE 23rd St Addition,
15 located in the NW/4 of Section 25, T-12-N, R-2-W, Oklahoma County, Oklahoma and
16 addressed as 2200 N Saint Luke Ave.

17 **SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are
18 hereby repealed.

19 **SECTION 3. SEVERABILITY.** If any section, sentence, clause or portion of this ordinance is
20 for any reason held to be invalid, such decision shall not affect the validity of the remaining por-
21 tions of the ordinance.

22 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
23 on the _____ day of _____, 2020.

24 THE CITY OF MIDWEST CITY, OKLA-
25 HOMA

26 _____
27 MATTHEW D. DUKES II, Mayor

28 ATTEST:

29 _____
30 SARA HANCOCK, City Clerk

31 APPROVED as to form and legality this _____ day of _____, 2020.

32 _____
33 HEATHER POOLE, City Attorney



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Brandon Bundy, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Planning Manager
COMPREHENSIVE PLANNING
Petya Stefanoff, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Brakefield, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: November 10, 2020

Subject: (PC – 2056) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit (SUP) to allow the use of communication services in the R-6, Single Family Detached Residential District for the property described as a part of the NW/4 of section 36 T-12-N, R-2-W, located at 600 N. Douglas Boulevard. This item was continued from the October 27, 2020 City Council meeting.

Executive Summary: This is a request for a Special Use Permit to allow for the placement of a 110' monopole cell tower with 10' lightning rod for Verizon Wireless. Included within the agenda packet is a "Determination of No Hazard to Air Navigation" from the FAA. Staff received an email from Tinker Planning Staff on August 25, 2020 stating that this location is outside the APZ zone and does not violate the imaginary surfaces. If approved, the base of the tower should be locked to the public. Several residents spoke in opposition of this request at the Planning Commission meeting. Action is at the discretion of the City Council.

Dates of Hearing: Planning Commission – October 6, 2020
City Council – October 27, 2020, November 10, 2020

Owner: Highland Park Baptist Church, Inc.

Applicant: Verizon Wireless

Representative: Faulk & Foster by Ralph Wyngarden

Proposed Use: site for the placement of a 110' cell tower and associated equipment buildings

Size:

The pad site for the proposed cell tower is 49' X 49' with an easement from E. Cardinal Pl. to the pad site.

Development Proposed by Comprehensive Plan:

Area of Request – PSP, Public/Semi-Public
North and East – LDR, Low Density Residential
South and West – LDR, Low Density Residential

Zoning Districts:

Area of Request – R-6, Single Family Detached Residential with SUP, Special Use Permit for a Church

North – R-6, Single Family Detached Residential

East – R-6, Single Family Detached Residential

South – R-HD, Residential High Density

West – R-6, Single Family Detached Residential



Land Use:

Area of Request – Highland Park Missionary Baptist

North – Single Family Residence

East – Single Family Residences

South – Multifamily Residences

West – Single Family Residences

Municipal Code Citation:

2.7.1. R-6, Single Family Detached Residential District

The R-6, Single-Family Detached Residential District is intended for single-family residences on lots of not less than 6,000 square feet in size. This district is estimated to yield a maximum density of 5.1 gross dwelling units per acre (DUA).

Additional uses for the district shall include churches, schools and public parks in logical neighborhood units.

7.6 Special Use Permit

7.6.1 General Description and Authorization

The uses listed under the various districts as special use permits are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district.

A. Consideration for compatibility

With consideration given to setting, physical features, compatibility with surrounding land uses, traffic and aesthetics, certain uses may locate in an area where they will be compatible with existing or planned land uses.

B. Review and approval

The Planning Commission shall review each case on its own merit, apply the criteria established herein and recommend either approval or denial of the special use permit to the City Council. Following the Planning Commission's recommendation, the City Council shall review each case on its own merit, apply the criteria established herein, and, if appropriate, authorize said use by granting a special use permit.

C. Use identified by individual zoning district

If a special use permit is granted it shall be for all the uses permitted in the specified districted plus the special use permit requested.

History:

1. A Special Use Permit was approved prior to the adoption of the 2010 Zoning Map
2. This area has been zoned R-6, Single Family Residential since the adoption of the 2010 Zoning Ordinance.
3. The Planning Commission recommended approval of this item October 6, 2020.
4. This item was continued from the October 27, 2020 Council meeting.

Staff Comments:

Engineering Division Comments:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

A twelve (12) inch public water main is located along the west of N Douglas Boulevard bordering the western edge of the parcel. Municipal Code 43-32 does not apply since the proposed improvement does not have facilities which use water or wastewater.

Sanitary Sewerage Collection and Disposal

A twelve (12) inch public sanitary sewer is located on the south side of Cardinal Place from approximately the midpoint of the parcel to the west and then running along the east end of N Douglas Boulevard. Municipal Code 43-109 does not apply since the proposed improvement does not have facilities which use water or wastewater.

Streets and Sidewalks

Access to the area of request is available off of Cardinal Place which is classified as a collector street in the 2008 Comprehensive Plan.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is developed with commercial businesses bordering residential to the southwest.

The area of request is shown to be in an “Area of Minimal Flood Hazard” meaning no floodplain on Flood Insurance Rate map (FIRM) number 40109C0330H, dated December 18th, 2009.

Drainage and detention improvements are not required with this application.

Easements and Right-of-Way

No further easements or right of way would be required with this application.

Fire Marshal’s Comments:

PC-2056 is a request for a 110' cell tower with a 10' lightning rod at 600 N. Douglas.

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Planning Division Comments:

The criteria for special use permit approval is outlined in Section 7.6.3. of the Midwest City Zoning Ordinance and listed below.

7.6.3 Criteria for Special Use Permit Approval

A. Special use permit criteria

The Planning Commission and City Council shall use the following criteria to evaluate a special use permit:

- (1) Whether the proposed use shall be in harmony with the policies of the Comprehensive Plan.
- (2) Whether the proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
- (3) Whether the proposed use shall not adversely affect the use of neighboring properties.
- (4) Whether the proposed use shall not generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood.
- (5) Whether utility, drainage, parking, loading, signs, lighting access and other necessary public facilities to serve the proposed use shall meet the adopted codes of the city.

B. Specific conditions

The City Council may impose specific conditions regarding location, design, operation and screening to assure safety, to prevent a nuisance and to control the noxious effects of excessive sound, light, odor, dust or similar conditions.

Regarding the Comprehensive Plan, the only reference to telecommunications and broadcasting towers is in Chapter 1, Baseline Analysis. This section indicates that telecommunications and broadcasting towers are commercial uses.

With regard to the Zoning Ordinance, the use of Communication Services:
Tower/Antennas require a Special Use Permit in all zoning districts within Midwest City.

There are currently cell towers in a variety of zoning districts within Midwest City including commercial and residential.

Action is at the discretion of the City Council.

Action Required: Approve or reject the resolution for a Special Use Permit to allow the use of a cell tower for the property noted in this report and subject to staff's comments as found in the November 10, 2020, agenda packet, and as noted in PC – 2056 file.

A handwritten signature in black ink, appearing to read "Billy Harless". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Billy Harless, AICP
Community Development Director
KG

The City of
MIDWEST CITY

COMMUNITY DEVELOPMENT DEPARTMENT - ENGINEERING DIVISION

William Harless, Community Development Director

Brandon Bundy, P.E., C.F.M., City Engineer

To: Kellie Gilles, Current Planning Manager

From: Brandon Bundy, City Engineer

Date: September 15th, 2020

Subject: Engineering staff comments for pc-2056 application

ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2056:

Note: No engineering improvements are required with this application.

Water Supply and Distribution

A twelve (12) inch public water main is located along the west of N Douglas Boulevard bordering the western edge of the parcel. Municipal Code 43-32 does not apply since the proposed improvement does not have facilities which use water or wastewater.

Sanitary Sewerage Collection and Disposal

A twelve (12) inch public sanitary sewer is located on the south side of Cardinal Place from approximately the midpoint of the parcel to the west and then running along the east end of N Douglas Boulevard. Municipal Code 43-109 does not apply since the proposed improvement does not have facilities which use water or wastewater.

Streets and Sidewalks

Access to the area of request is available off Cardinal Place which is classified as a collector street in the 2008 Comprehensive Plan.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is developed with commercial businesses bordering residential to the southwest.

The area of request is shown to be in an "Area of Minimal Flood Hazard" meaning no floodplain on Flood Insurance Rate map (FIRM) number 40109C0330H, dated December 18th, 2009.

Drainage and detention improvements are not required with this application.

Easements and Right-of-Way

No further easements or right of way would be required with this application.



Midwest City Fire Marshal's Office

8201 E Reno Avenue, Midwest City, OK 73110
dhelmberger@midwestcityok.org Office: 405-739-1355
www.midwestcityok.org



Re: PC - 2056

Date: 18 September 2020

PC-2056 is a request for a 110' cell tower with a 10' lightning rod at 600 N. Douglas.

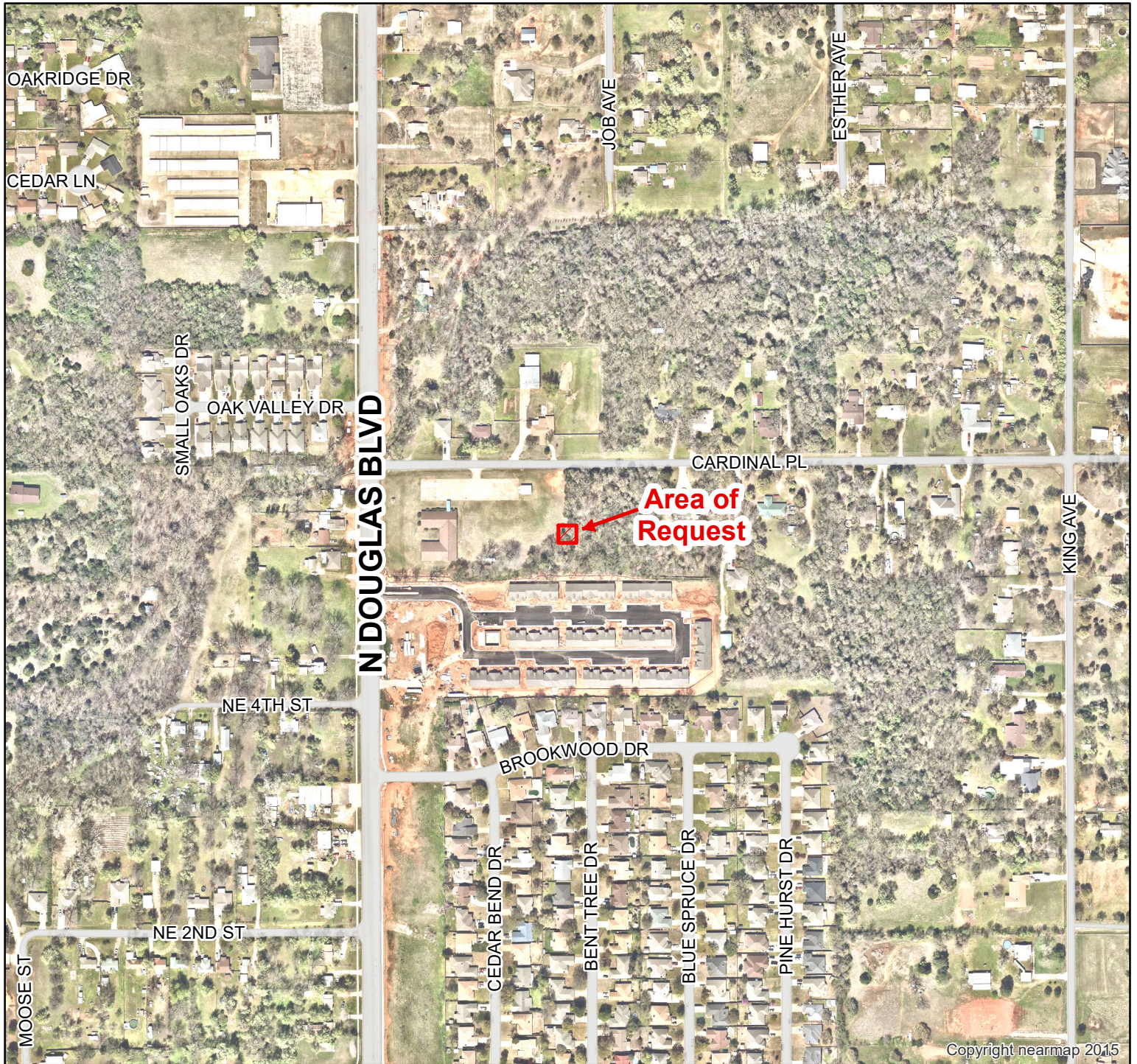
- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Respectfully,

A handwritten signature in black ink, appearing to read "D. Helmberger".

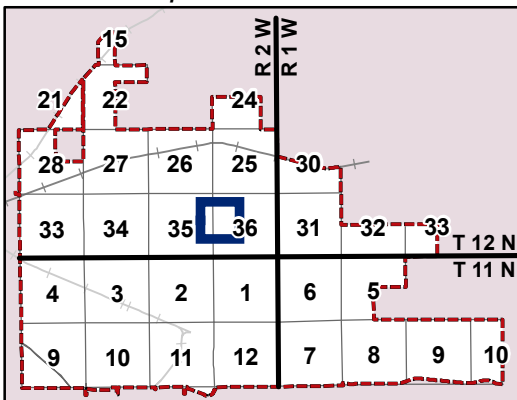
Duane Helmberger
Fire Marshal
Midwest City Fire Department

The Midwest City Fire Department is committed to providing the highest level of public safety services for our community and citizens. We protect lives and property through fire suppression, emergency medical response, disaster management, fire prevention and public education.



Copyright nearmap 2015

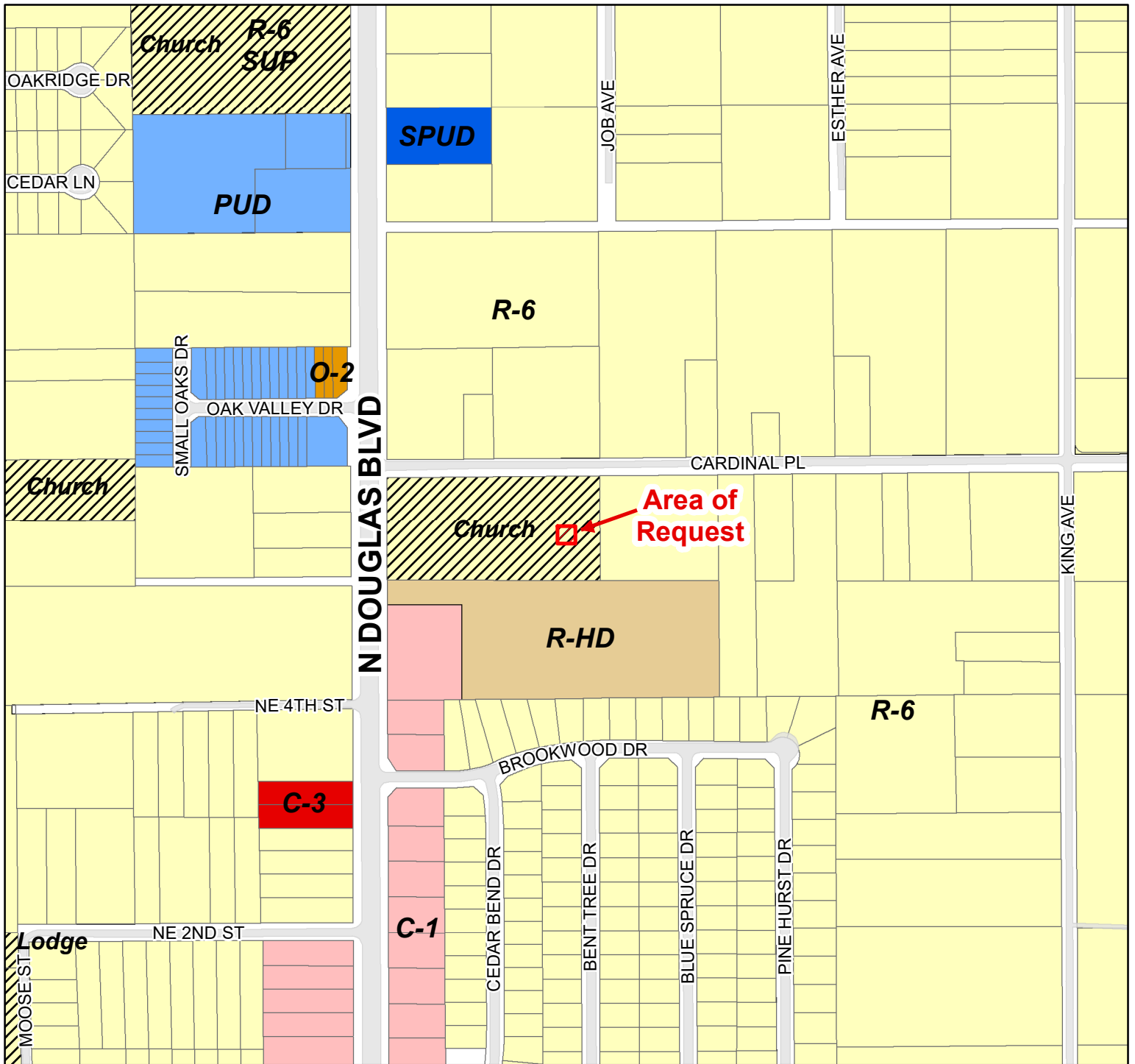
Locator Map



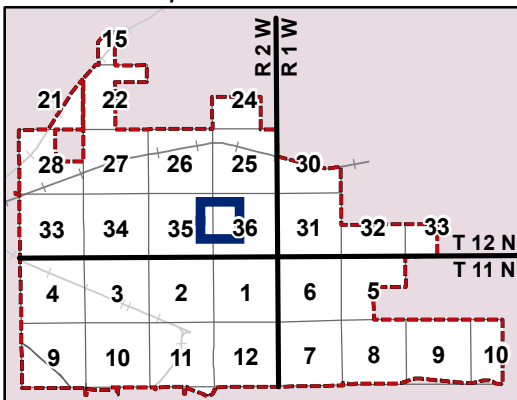
**3/2020 NEARMAP AERIAL VIEW FOR
PC-2056
(NW/4, Sec. 36, T12N, R2W)**



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Locator Map



Current Zoning Legend

A-1	I-2 SUP	R-35
A-1 SUP	I-3	R-2F
C-1	O-1	R-MD
C-1 SUP	O-1 SUP	R-MD SUP
C-2	O-2	R-HD
C-3	O-2 SUP	R-HD SUP
C-3 SUP	R-6	R-MH-1
C-4	R-6 SUP	R-MH-2
C-4 SUP	R-8	PUD
I-1	R-10	SPUD
I-2	R-22	HOS
		HOS SUP

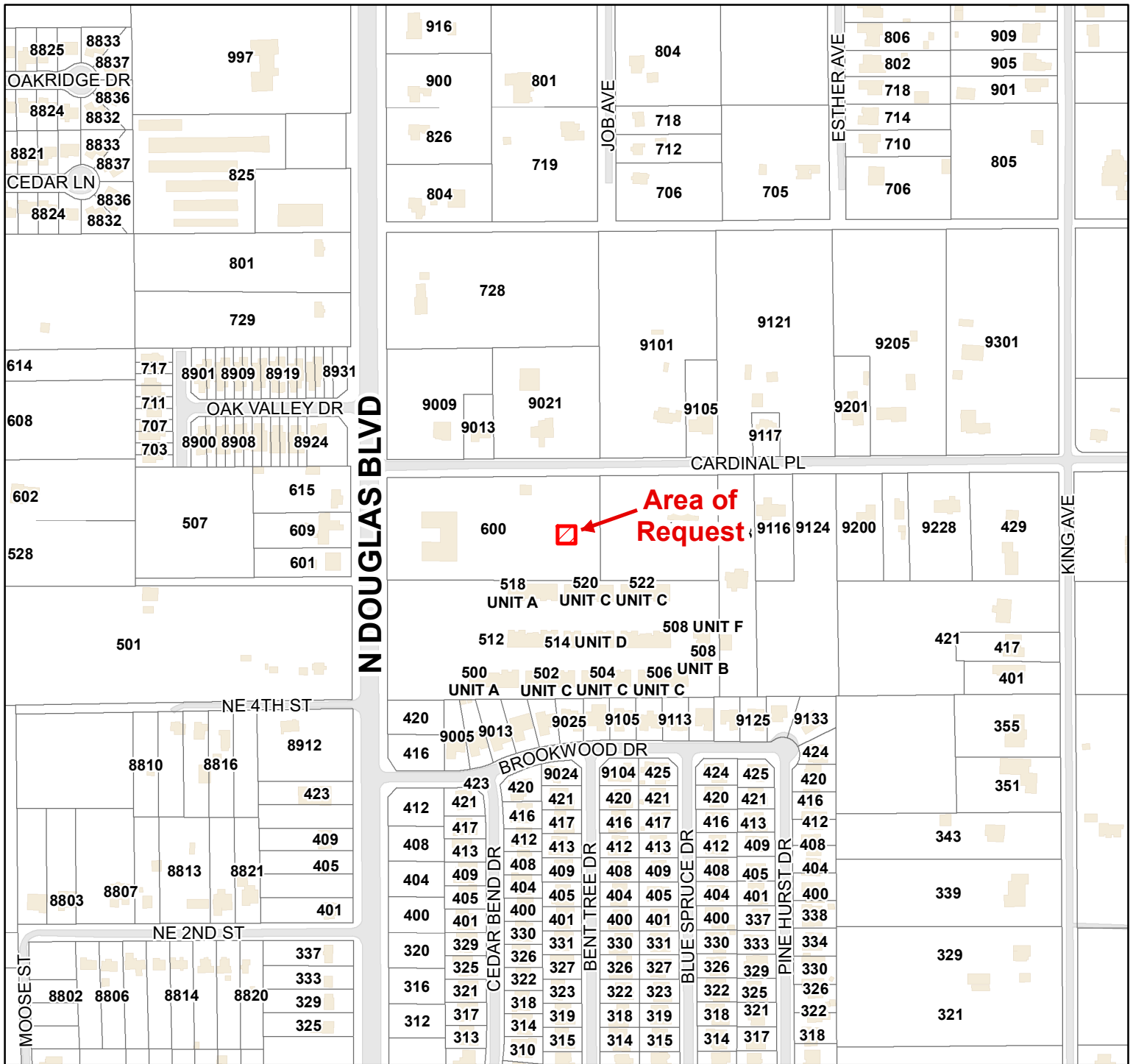
ZONING MAP FOR PC-2056 (NW/4, Sec. 36 T12N, R2W)



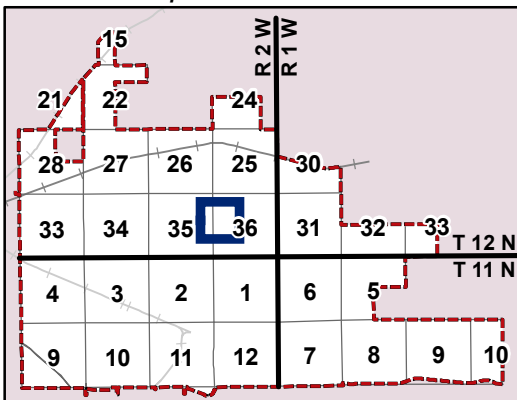
0 400 800 Feet

1 inch = 400 feet






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Locator Map



General Map Legend

-  Area of Request
-  Parcels with Addresses
-  Buildings
-  Edge of Pavement
-  MWC City Limits

Railroads

-  Active
-  Inactive / Closed

**GENERAL MAP FOR
PC-2056**

(NW/4, Sec. 36, T12N, R2W)



0 400 800 Feet

1 inch = 400 feet

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E. CARDINAL PLACE
20' ASPHALT ROAD
50' PUBLIC RIGHT-OF-WAY

ROW - - - - - ROW - - - - - ROW - - - - - ROW - - - - - ROW - - - - -

PARENT TRACT
ACCT #R156552097
HIGHLAND PARK BAPTIST CHURCH
(BOOK 4121, PAGE 472)

PROPOSED 12' GRAVEL ACCESS
ROAD (APPROX. 250LF)

ACCT #R156552050
PARKS, JACQUELYN
(BOOK 12873, PAGE 9)

LANDSCAPE BUFFER
TREES TO BE PLANTED
@ 10 O.C. AROUND
PROPOSED COMPOUND.
MATURE HEIGHT TO BE
NOT LESS THAN 6 FEET.

PROPOSED 30'
INGRESS/EGRESS &
UTILITY EASEMENT
6,750.3 SQ. FT.±
0.15 ACRES±

LANDSCAPE BUFFER SHRUBS
TO BE PLANTED AS NEEDED
AROUND PROPOSED
COMPOUND MATURE HEIGHT TO
BE NOT MORE THAN 3 FEET.

PROPOSED 50'x50'
LEASE AREA
2,500.0 SQ. FT.±
0.06 ACRES±
(SEE SHEET C2)

PROPOSED 110' MONOPOLE TOWER
PROPOSED 110' RAD CENTER

EXISTING TREELINE
TO BE TRIMMED
WITHIN LEASE AREA
AS NECESSARY

PROPOSED 8'
WOODEN FENCE
(49'x49')

PROPOSED EQUIPMENT
LEASE AREA (24'x11.5')



CALL "CALL OKIE"
1-800-522-6543
THREE WORKING DAYS
BEFORE ANY CONSTRUCTION
BEGINS.
OKLAHOMA ONE CALL SYSTEM, INC

THE UTILITIES AS SHOWN ON THIS
DRAWING WERE DEVELOPED FROM THE
INFORMATION AVAILABLE. THIS IS NOT
IMPLIED NOR INTENDED TO BE THE
COMPLETE INVENTORY OF UTILITIES
IN THIS AREA. IT IS THE CONTRACTORS
RESPONSIBILITY TO VERIFY THE
LOCATION OF ALL UTILITIES (WHETHER
SHOWN OR NOT) AND PROTECT SAID
UTILITIES FROM ANY DAMAGE.

SUBJECT PROPERTY IS LOCATED IN PANEL #
40109C0330H, DATED DECEMBER 18, 2009
AND IS IN THE BASE FLOOD ZONE X AND
IS NOT IN A SPECIAL FLOOD HAZARD AREA.



SCALE: 1" = 30' (11x17 PRINT)

**PRELIMINARY
DRAWING**
(NOT VALID UNLESS
STAMPED AND SIGNED)



REVISIONS	NO.	DESCRIPTION	DATE
	0	ISSUED FOR CLIENT REVIEW	07/08/20



RENO & DOUGLAS OK
E911 ADDRESS NOT PROVIDED
MIDWEST CITY, OK 73130
OVERALL SITE PLAN

CA #:	OK 5140
DESIGNED BY:	JDS
DRAWN BY:	DTT
CHECKED BY:	JDS

SITE NO.	267589
DATE	07/08/2020
PROJECT NO.	19-10483

C1



Mail Processing Center
 Federal Aviation Administration
 Southwest Regional Office
 Obstruction Evaluation Group
 10101 Hillwood Parkway
 Fort Worth, TX 76177

Aeronautical Study No.
 2020-ASW-11992-OE

Issued Date: 09/08/2020

Network Regulatory
 Alltel Corporation
 5055 North Point Pkwy
 NP2NE Network Engineering
 Alpharetta, GA 30022

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure: Monopole Reno and Douglas OK - B-15965725
 Location: Midwest City, OK
 Latitude: 35-28-21.18N NAD 83
 Longitude: 97-22-08.18W
 Heights: 1219 feet site elevation (SE)
 120 feet above ground level (AGL)
 1339 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

- At least 10 days prior to start of construction (7460-2, Part 1)
- Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 03/08/2022 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination of No Hazard is granted provided the following conditional statement is included in the proponent's construction permit or license to radiate:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as is necessary to eliminate the harmful interference. This condition expires after 1 year of interference-free operation.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (817) 222-4848, or Brian.Oliver@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ASW-11992-OE.

Signature Control No: 449355575-450292688

(DNE)

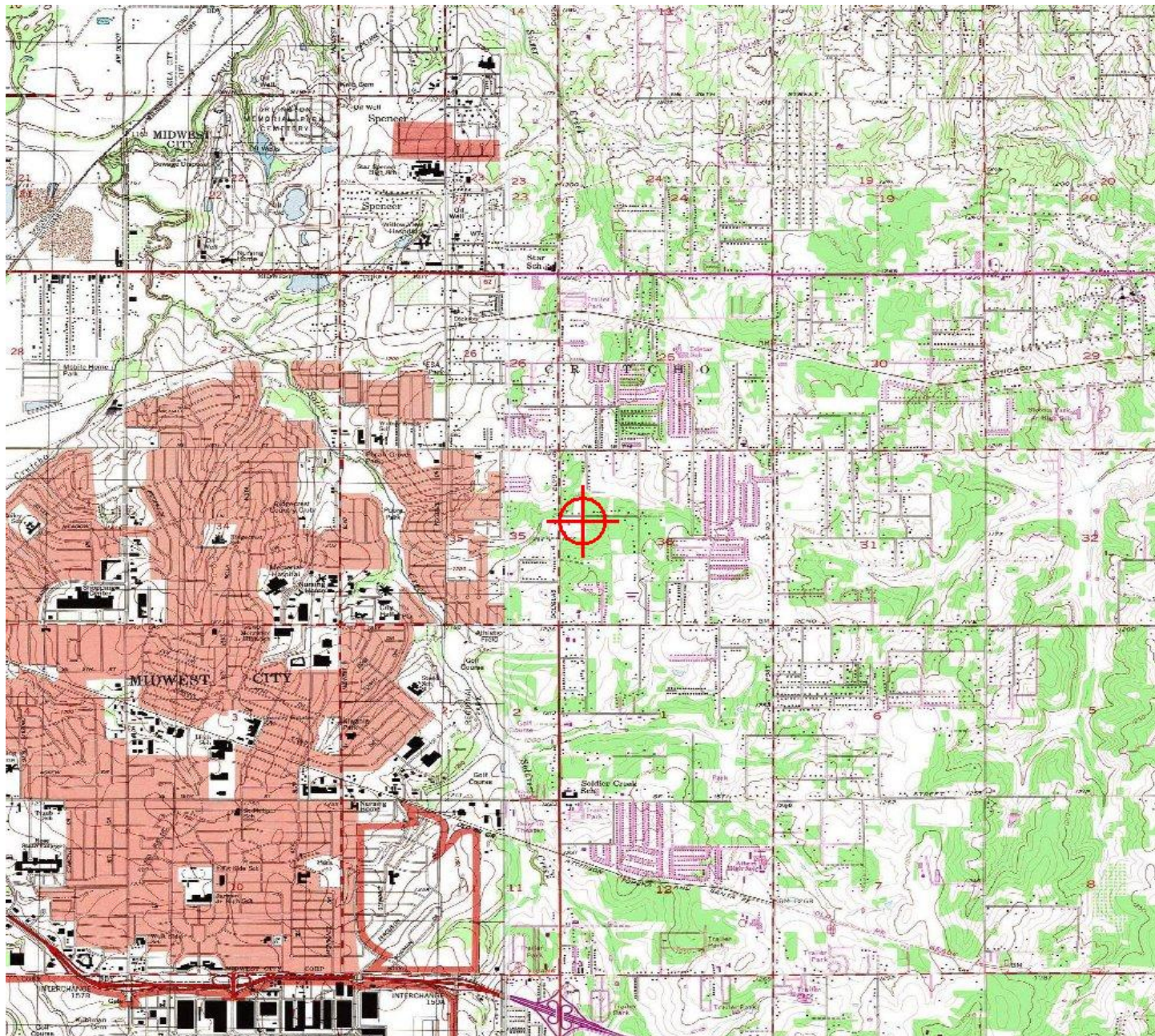
Brian Oliver
Specialist

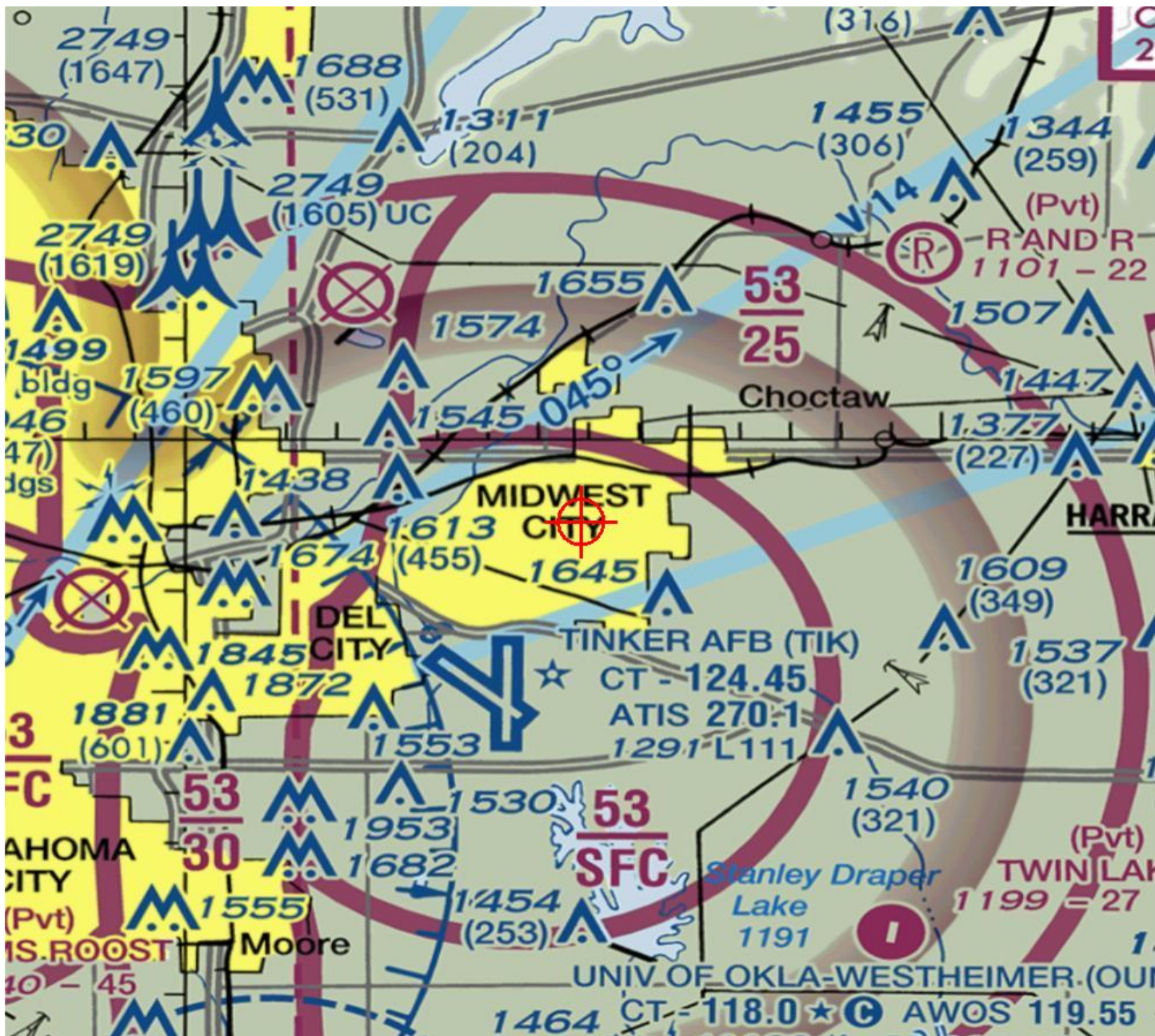
Attachment(s)
Frequency Data
Map(s)

cc: FCC

Frequency Data for ASN 2020-ASW-11992-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	2000	W
614	698	MHz	1000	W
698	806	MHz	1000	W
806	824	MHz	500	W
806	901	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1990	MHz	1640	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W
27500	28350	MHz	75	dBm
29100	29250	MHz	75	dBm
31000	31225	MHz	75	dBm
31225	31300	MHz	75	dBm
38600	40000	MHz	75	dBm





From: [TURNBULL, HEARTSONG GS-11 USAF AFMC 72 ABW/CENPD](#)
To: [Kellie Gilles](#)
Cc: [Ralph Wyngarden](#); [RHODES, STEVEN B NH-03 USAF AFMC 72 ABW/CENPD](#)
Subject: FW: Tinker AFB Clearance for Proposed Verizon Wireless Tower at 600 N. Douglas, Midwest City, OK
Date: Tuesday, August 25, 2020 4:16:57 PM

Good afternoon,

I have shared the below information with our Flight Operations group as well as Flight Safety. The location indicated is outside of our APZ zones and the height does not violate the imaginary surfaces. However, it is our recommendation that a notice be filed with the FAA.

Let me know if you have further questions.

Very respectfully,

Heartsong Turnbull

Community Planner, 72 ABW/CENPL
Tinker Air Force Base
405-734-2074

From: Ralph Wyngarden <ralph.wyngarden@faulkandfoster.com>
Sent: Tuesday, August 11, 2020 12:40 PM
To: TURNBULL, HEARTSONG GS-11 USAF AFMC 72 ABW/CENPD <heartsong.turnbull@us.af.mil>
Subject: [Non-DoD Source] Tinker AFB Clearance for Proposed Verizon Wireless Tower at 600 N. Douglas, Midwest City, OK

Good afternoon,

I had a pre-application meeting with Midwest City Planner Kellie Gilles about a Conditional Use Permit for a proposed Verizon Wireless monopole tower at 600 N. Douglas. She indicated one of the application requirements was to present documentation from Tinker Air Force Base indicating the proposed height and location would not interfere with base operations and she gave me your name as a contact point.

The proposed height and location information is as follows:

Latitude: 35-28-21.184 N

Longitude: 97-22-8.181 W

Monopole Tower Height: 110' AGL + 10' Lightning Rod = Total Tip Height of 120' AGL

Ground Elevation: 1218.7' AMSL

Tip Elevation (including lightning rod): 1338.7 AMSL

Please let me know if you have questions or need any additional information to address this request. Thanks very much for your assistance.

Best Regards,

Ralph

Ralph Wyngarden | Sr. Zoning Specialist

678 Front Avenue NW, Suite 215 | Grand Rapids, MI 49504

Cell 616.490.9804 | Desk 616.647.3720 x115

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Please reply to sender if you cannot access the hyperlink.

2 RESOLUTION NO. _____

3
4 **A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW THE USE OF**
5 **COMMUNICATION SERVICES: TOWERS/ANTENNAS IN THE R-6 SINGLE FAM-**
6 **ILY DETACHED RESIDENTIAL DISTRICT AND DIRECTING AMENDMENT OF**
7 **THE OFFICIAL ZONING DISTRICT MAP TO REFLECT THE RECLASSIFICATION**
8 **OF THE PROPERTY’S ZONING DISTRICT; AND PROVIDING FOR REPEALER**
9 **AND SEVERABILITY**

10 **WHEREAS**, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described
11 property with a classification of **R-6, Single Family Detached Residential with a Special Use**
12 **Permit for a church:**

13 A tract of land lying in and being a part of the SE/4 of Section 31, Township 12 North,
14 Range 1 West, Indian Base and Meridian and being further described in Book 9387, Page
15 505, Deed Records of Oklahoma County, Oklahoma; Said tract of land being more par-
16 ticularly described as follows:

17 Commencing at a PK Nail found for the Southwest corner of said SE/4; Thence N
18 89°32’56” E on the South line of said SE/4, a distance of 749.83 feet to a point; Thence N
19 00°27’04” W perpendicular to said South line, a distance of 141.00 feet to a ½” Iron Rod
20 with cap set for the Southwest corner, said corner being the point of beginning; Thence
21 continuing N 00°27’04” W a distance of 50.00 feet to a ½” Iron Rod with cap set for the
22 Northwest corner; Thence N 89°32’56” E parallel to said South line, a distance of 50.00
23 feet to a ½” Iron Rod with cap set for the Northeast corner; Thence S 00°27’04” E per-
24 pendicular to said South line, a distance of 50.00 feet to a 1/2” Iron Rod with cap set for
25 the Southeast corner; Thence S 89°32’56” W parallel to said South line, a distance of
26 50.00 feet to the Point of Beginning, containing 2,500.00 square feet or 0.057 acres, more
27 or less.

28 **WHEREAS**, it is the desire of the Midwest City Council to grant a Special Use
29 Permit for said property.

30 **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF MID-**
31 **WEST CITY, OKLAHOMA COUNTY, STATE OF OKLAHOMA:**

32 That the above described property located in Midwest City, Oklahoma be and is
33 hereby granted a Special Use Permit to allow the use of **Communication Services: Tow-**
34 **ers/Antennas.**

35 **PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City, Okla-
36 homa, on the _____ day of _____, 2020.

THE CITY OF MIDWEST CITY, OKLA-
HOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2020.

HEATHER POOLE, City Attorney



**Federal
Communications
Commission**

Submitted to staff by
the applicant 10/7/20

**Local and State
Government
Advisory
Committee**

**A Local Government Official's Guide to
Transmitting Antenna RF Emission Safety:
Rules, Procedures, and Practical Guidance**



June 2, 2000

A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance

Over the past two years, the Federal Communications Commission (FCC) and its Local and State Government Advisory Committee (LSGAC) have been working together to prepare a voluntary guide to assist state and local governments in devising efficient procedures for ensuring that the antenna facilities located in their communities comply with the FCC's limits for human exposure to radiofrequency (RF) electromagnetic fields. The attached guide is the product of this joint effort.

We encourage state and local government officials to consult this guide when addressing issues of facilities siting within their communities. This guide contains basic information, in a form accessible to officials and citizens alike, that will alleviate misunderstandings in the complex area of RF emissions safety. This guide is not intended to replace OET Bulletin 65, which contains detailed technical information regarding RF issues, and should continue to be used and consulted for complex sites. The guide contains information, tables, and a model checklist to assist state and local officials in identifying sites that do not raise concerns regarding compliance with the Commission's RF exposure limits. In many cases, the model checklist offers a quick and effective way for state and local officials to establish that particular RF facilities are unlikely to exceed specific federal guidelines that protect the public from the environmental effects of RF emissions. Thus, we believe this guide will facilitate federal, state, and local governments working together to protect the public while bringing advanced and innovative communications services to consumers as rapidly as possible. We hope and expect that use of this guide will benefit state and local governments, service providers, and, most importantly, the American public.

We wish all of you good luck in your facilities siting endeavors.

William E. Kennard, Chairman
Federal Communications Commission

Kenneth S. Fellman, Chair
Local and State Government
Advisory Committee

A LOCAL GOVERNMENT OFFICIAL'S GUIDE TO TRANSMITTING ANTENNA RF EMISSION SAFETY: RULES, PROCEDURES, AND PRACTICAL GUIDANCE

A common question raised in discussions about the siting of wireless telecommunications and broadcast antennas is, "Will this tower create any health concerns for our citizens?" We have designed this guide to provide you with information and guidance in devising efficient procedures for assuring that the antenna facilities located in your community comply with the Federal Communication Commission's (FCC's) limits for human exposure to radiofrequency (RF) electromagnetic fields.¹

We have included a checklist and tables to help you quickly identify siting applications that do not raise RF exposure concerns. Appendix A to this guide contains a checklist that you may use to identify "categorically excluded" facilities that are unlikely to cause RF exposures in excess of the FCC's guidelines. Appendix B contains tables and figures that set forth, for some of the most common types of facilities, "worst case" distances beyond which there is no realistic possibility that exposure could exceed the FCC's guidelines.

As discussed below, FCC rules require transmitting facilities to comply with RF exposure guidelines. The limits established in the guidelines are designed to protect the public health with a very large margin of safety. These limits have been endorsed by federal health and safety agencies such as the Environmental Protection Agency and the Food and Drug Administration. The FCC's rules have been upheld by a Federal Court of Appeals.² As discussed below, most facilities create maximum exposures that are only a small fraction of the limits. Moreover, the limits themselves are many times below levels that are generally accepted as having the potential to cause adverse health effects. Nonetheless, it is recognized that any instance of noncompliance with the guidelines is potentially very serious, and the FCC has therefore implemented procedures to enforce compliance with its rules. At the same time, state and local governments may wish to verify compliance with the FCC's exposure limits in order to protect their own citizens. As a state or local government official, you can play an important role in ensuring that innovative and beneficial communications services are provided in a manner that is consistent with public health and safety.

This document addresses only the issue of compliance with RF exposure limits established by the FCC. It does not address other issues such as construction, siting, permits, inspection, zoning, environmental review, and placement of antenna facilities within communities. Such issues fall generally under the jurisdiction of states and local governments, within the limits imposed for personal wireless service facilities by Section 332(c)(7) of the Communications Act.³

¹ This guide is intended to complement, but not to replace, the FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields," August 1997. Bulletin 65 can be obtained from the FCC's Office of Engineering and Technology (phone: 202-418-2464 or e-mail: rfsafety@fcc.gov). Bulletin 65 can also be accessed and downloaded from the FCC's "RF Safety" website: <http://www.fcc.gov/oet/rfsafety>.

² See *Cellular Phone Taskforce v. FCC*, 205 F.3d 82 (2d Cir. 2000).

This document is not intended to provide legal guidance regarding the scope of state or local government authority under Section 332(c)(7) or any other provision of law. Section 332(c)(7)⁴ generally preserves state and local authority over decisions regarding the placement, construction, and modification of personal wireless service facilities,⁵ subject to specific limitations set forth in Section 332(c)(7). Among other things, Section 332(c)(7) provides that “[n]o State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the [FCC’s] regulations concerning such emissions.” The full text of Section 332(c)(7) is set forth in Appendix C.

State and local governments and the FCC may differ regarding the extent of state and local legal authority under Section 332(c)(7) and other provisions of law. To the extent questions arise regarding such authority, they are being addressed by the courts. Rather than address these legal questions, this document recognizes that, as a practical matter, state and local governments have a role to play in ensuring compliance with the FCC’s limits, and it provides guidance to assist you in effectively fulfilling that role. The twin goals of this document are: (1) to define and promote locally-adaptable procedures that will provide you, as a local official concerned about transmitting antenna emissions, with adequate assurance of compliance, while (2), at the same time, avoiding the imposition of unnecessary burdens on either the local government process or the FCC’s licensees.

First, we'll start with a summary of the FCC’s RF exposure guidelines and some background information that you'll find helpful. Next, we'll review the FCC’s procedures for verifying compliance with the guidelines and enforcing its rules. Finally, we'll offer you some practical guidance to help you determine if personal wireless service facilities may raise compliance concerns. Note, however, that this guide is only intended to help you distinguish sites that are unlikely to raise compliance concerns from those that may raise compliance concerns, not to identify sites that are out of compliance. Detailed technical information necessary to determine compliance for individual sites is contained in the FCC’s OET Bulletin 65 (see footnote 1, above).

³ 47 U.S.C. § 332(c)(7). Under limited circumstances, the FCC also plays a role in the siting of wireless facilities. Specifically, the FCC reviews applications for facilities that fall within certain environmental categories under the National Environmental Policy Act of 1969 (NEPA), *see* 47 C.F.R. § 1.1307(a). Antenna structures that are over 200 feet in height or located near airport runways must be marked or lighted as specified by the Federal Aviation Administration and must be registered with the FCC, *see* 47 C.F.R. Part 17.

⁴ Section 332(c)(7) of the Communications Act is identical to Section 704(a) of the Telecommunications Act of 1996.

⁵ “Personal wireless services” generally includes wireless telecommunications services that are interconnected with the public telephone network and are offered commercially to the public. Examples include cellular and similar services (such as Personal Communications Service or “PCS”), paging and similar services, certain dispatch services, and services that use wireless technology to provide telephone service to a fixed location such as a home or office.

Before we start, however, let's take a short tour of the radiofrequency spectrum. RF signals may be transmitted over a wide range of frequencies. The frequency of an RF signal is expressed in terms of cycles per second or "Hertz," abbreviated "Hz." One kilohertz (kHz) equals one thousand Hz, one megahertz (MHz) equals one million Hz, and one gigahertz (GHz) equals one billion Hz. In the figure below, you'll see that AM radio signals are at the lower end of the RF spectrum, while other radio services, such as analog and digital TV (DTV), cellular and PCS telephony, and point-to-point microwave services are much higher in frequency.

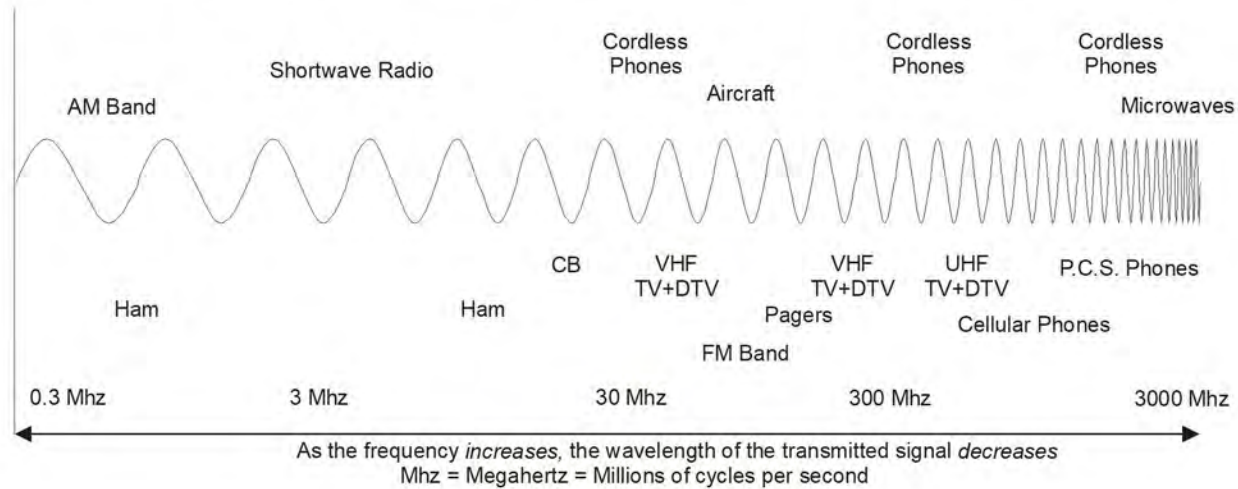


Illustration 1

The FCC's limits for maximum permissible exposure (MPE) to RF emissions depend on the frequency or frequencies that a person is exposed to. Different frequencies may have different MPE levels. Later in this document we'll show you how this relationship of frequency to MPE limit works.

I. The FCC's RF Exposure Guidelines and Rules.

Part 1 of the FCC's Rules and Regulations contains provisions implementing the National Environmental Policy Act of 1969 (NEPA). NEPA requires all federal agencies to evaluate the potential environmental significance of an agency action. Exposure to RF energy has been identified by the FCC as a potential environmental factor that must be considered before a facility, operation or transmitter can be authorized or licensed. The FCC's requirements dealing with RF exposure can be found in Part 1 of its rules at 47 C.F.R. § 1.1307(b). The exposure limits themselves are specified in 47 C.F.R. § 1.1310 in terms of frequency, field strength, power density and averaging time. Facilities and transmitters licensed and authorized by the FCC must either comply with these guidelines or else an applicant must file an Environmental Assessment (EA) with the FCC as specified in 47 C.F.R. § 1.1301 *et seq.* An EA is an official document required by the FCC's rules whenever an action may have a significant environmental impact (see discussion below). In practice, however, a potential environmental RF exposure problem is typically resolved before an EA would become necessary. Therefore, compliance with the FCC's RF guidelines constitutes a *de facto* threshold for obtaining FCC approval to construct or operate a station or transmitter. The FCC guidelines are based on exposure criteria

recommended in 1986 by the National Council on Radiation Protection and Measurements (NCRP) and on the 1991 standard developed by the Institute of Electrical and Electronics Engineers (IEEE) and later adopted as a standard by the American National Standards Institute (ANSI/IEEE C95.1-1992).

The FCC's guidelines establish separate MPE limits for "general population/uncontrolled exposure" and for "occupational/controlled exposure." The general population/uncontrolled limits set the maximum exposure to which most people may be subjected. People in this group include the general public not associated with the installation and maintenance of the transmitting equipment. Higher exposure limits are permitted under the "occupational/controlled exposure" category, but only for persons who are exposed as a consequence of their employment (*e.g.*, wireless radio engineers, technicians). To qualify for the occupational/controlled exposure category, exposed persons must be made fully aware of the potential for exposure (*e.g.*, through training), and they must be able to exercise control over their exposure. In addition, people passing through a location, who are made aware of the potential for exposure, may be exposed under the occupational/controlled criteria. The MPE limits adopted by the FCC for occupational/controlled and general population/uncontrolled exposure incorporate a substantial margin of safety and have been established to be well below levels generally accepted as having the potential to cause adverse health effects.

Determining whether a potential health hazard could exist with respect to a given transmitting antenna is not always a simple matter. Several important factors must be considered in making that determination. They include the following: (1) What is the frequency of the RF signal being transmitted? (2) What is the operating power of the transmitting station and what is the actual power radiated from the antenna?⁶ (3) How long will someone be exposed to the RF signal at a given distance from the antenna? (4) What other antennas are located in the area, and what is the exposure from those antennas? We'll explore each of these issues in greater detail below.

For all frequency ranges at which FCC licensees operate, Section 1.1310 of the FCC's rules establishes maximum permissible exposure (MPE) limits to which people may be exposed. The MPE limits vary by frequency because of the different absorptive properties of the human body at different frequencies when exposed to whole-body RF fields. Section 1.1310 establishes MPE limits in terms of "electric field strength," "magnetic field strength," and "far-field equivalent power density" (power density). For most frequencies used by the wireless services, the most relevant measurement is power density. The MPE limits for power density are given in terms of "milliwatts per square centimeter" or mW/cm^2 . One milliwatt equals one thousandth of one watt (1/1000 of a watt).⁷ In terms of power density, for a given frequency the FCC MPE limits can be interpreted as specifying the maximum rate that energy can be transferred (*i.e.*, the power) to a square centimeter of a person's body over a period of time (either 6 or 30 minutes, as explained

⁶ Power travels from a transmitter through cable or other connecting device to the radiating antenna. "Operating power of the transmitting station" refers to the power that is fed from the transmitter (transmitter output power) into the cable or connecting device. "Actual power radiated from the antenna" is the transmitter output power minus the power lost (power losses) in the connecting device plus an apparent increase in power (if any) due to the design of the antenna. Radiated power is often specified in terms of "effective radiated power" or "ERP" or "effective isotropic radiated power" or "EIRP" (see footnote 14).

⁷ Thus, by way of illustration, it takes 100,000 milliwatts of power to fully illuminate a 100 watt light bulb.

below). In practice, however, since it is unrealistic to measure separately the exposure of each square centimeter of the body, actual compliance with the FCC limits on RF emissions should be determined by “spatially averaging” a person’s exposure over the projected area of an adult human body (this concept is discussed in the FCC’s OET Bulletin 65).

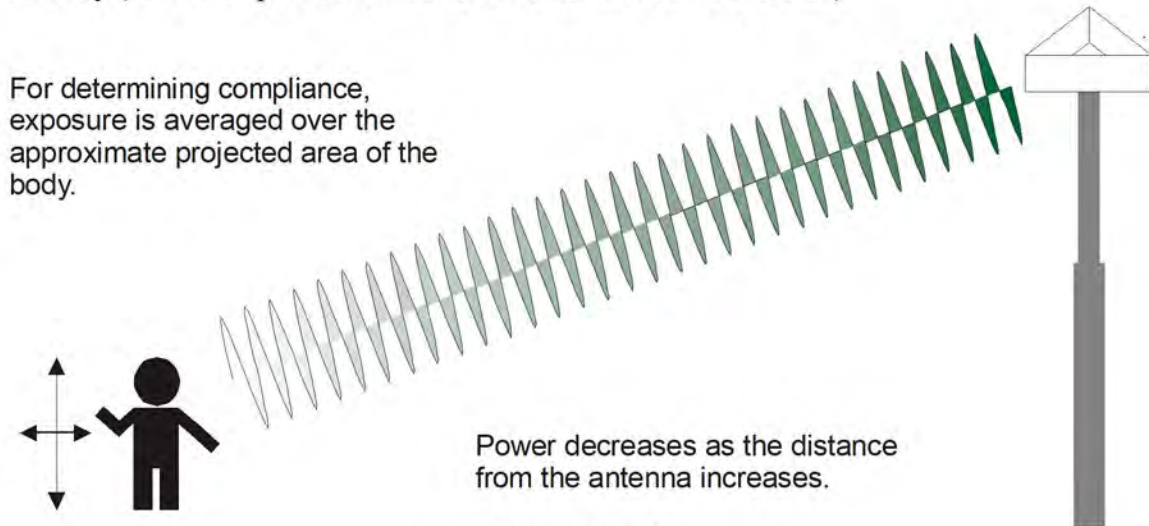


Illustration 2

Electric field strength and magnetic field strength are used to measure “near field” exposure. At frequencies below 300 MHz, these are typically the more relevant measures of exposure, and power density values are given primarily for reference purposes. However, evaluation of far-field equivalent power density exposure may still be appropriate for evaluating exposure in some such cases. For frequencies above 300 MHz, only one field component need be evaluated, and exposure is usually more easily characterized in terms of power density. Transmitters and antennas that operate at 300 MHz or lower include radio broadcast stations, some television broadcast stations, and certain personal wireless service facilities (*e.g.*, some paging stations). Most personal wireless services, including all cellular and PCS, as well as some television broadcast stations, operate at frequencies above 300 MHz. (See Illustration 1.)

As noted above, the MPE limits are specified as time-averaged exposure limits. This means that exposure can be averaged over the identified time interval (30 minutes for general population/uncontrolled exposure or 6 minutes for occupational/controlled exposure). However, for the case of exposure of the general public, time averaging is usually not applied because of uncertainties over exact exposure conditions and difficulty in controlling time of exposure. Therefore, the typical conservative approach is to assume that any RF exposure to the general public will be continuous. The FCC’s limits for exposure at different frequencies are shown in Illustration 3, below:

Illustration 3. FCC Limits for Maximum Permissible Exposure (MPE)**(A) Limits for Occupational/Controlled Exposure**

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6
300-1500	--	--	f/300	6
1500-100,000	--	--	5	6

(B) Limits for General Population/Uncontrolled Exposure

Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time E ² , H ² or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1500	--	--	f/1500	30
1500-100,000	--	--	1.0	30

f = frequency in MHz

*Plane-wave equivalent power density

NOTE 1: Occupational/controlled limits apply in situations in which persons are exposed as a consequence of their employment provided those persons are fully aware of the potential for exposure and can exercise control over their exposure. Limits for occupational/controlled exposure also apply in situations when an individual is transient through a location where occupational/controlled limits apply provided he or she is made aware of the potential for exposure.

NOTE 2: General population/uncontrolled exposures apply in situations in which the general public may be exposed, or in which persons that are exposed as a consequence of their employment may not be fully aware of the potential for exposure or cannot exercise control over their exposure.

Finally, it is important to understand that the FCC's limits apply cumulatively to all sources of RF emissions affecting a given area. A common example is where two or more wireless operators have agreed to share the cost of building and maintaining a tower, and to place their antennas on that joint structure. In such a case, the total exposure from the two facilities taken together must be within the FCC guidelines, or else an EA will be required.

A. Categorically Excluded Facilities

The Commission has determined through calculations and technical analysis that due to their low power or height above ground level, many facilities by their very nature are highly unlikely to

cause human exposures in excess of the guideline limits, and operators of those facilities are exempt from routinely having to determine compliance. Facilities with these characteristics are considered "categorically excluded" from the requirement for routine environmental processing for RF exposure.

Section 1.1307(b)(1) of the Commission's rules sets forth which facilities are categorically excluded.⁸ If a facility is categorically excluded, an applicant or licensee may ordinarily assume compliance with the guideline limits for exposure. However, an applicant or licensee must evaluate and determine compliance for a facility that is otherwise categorically excluded if specifically requested to do so by the FCC.⁹ If potential environmental significance is found as a result, an EA must be filed with the FCC.

No radio or television broadcast facilities are categorically excluded. Thus, broadcast applicants and licensees must affirmatively determine their facility's compliance with the guidelines before construction, and upon every facility modification or license renewal application. With respect to personal wireless services, a cellular facility is categorically excluded if the total effective radiated power (ERP) of all channels operated by the licensee at a site is 1000 watts or less. If the facility uses sectorized antennas, only the total effective radiated power in each direction is considered. Examples of a 3 sector and a single sector antenna array are shown below:

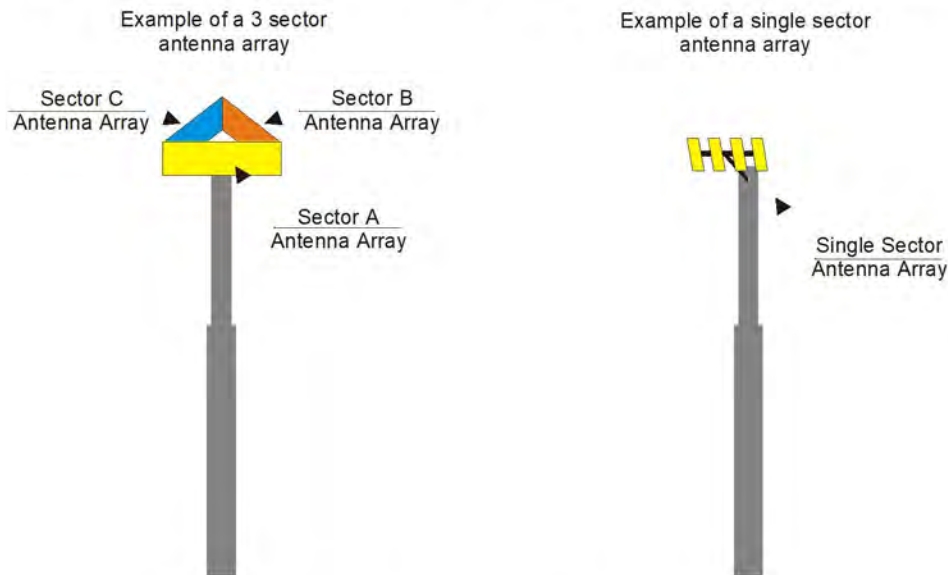


Illustration 4

⁸ "The appropriate exposure limits . . . are generally applicable to all facilities, operations and transmitters regulated by the Commission. However, a determination of compliance with the exposure limits . . . (routine environmental evaluation), and preparation of an EA if the limits are exceeded, is necessary only for facilities, operations and transmitters that fall into the categories listed in table 1 [of §1.1307], or those specified in paragraph (b)(2) of this section. All other facilities, operations and transmitters are categorically excluded from making studies or preparing an EA . . ."

⁹ See 47 C.F.R §1.1307(c) and (d).

In addition, a cellular facility is categorically excluded, regardless of its power, if it is not mounted on a building and the lowest point of the antenna is at least 10 meters (about 33 feet) above ground level. A broadband PCS antenna array is categorically excluded if the total effective radiated power of all channels operated by the licensee at a site (or all channels in any one direction, in the case of sectorized antennas) is 2000 watts or less. Like cellular, another way for a broadband PCS facility to be categorically excluded is if it is not mounted on a building and the lowest point of the antenna is at least 10 meters (about 33 feet) above ground level. The power threshold for categorical exclusion is higher for broadband PCS than for cellular because broadband PCS operates at a higher frequency where exposure limits are less restrictive. For categorical exclusion thresholds for other personal wireless services, consult Table 1 of Section 1.1307(b)(1).¹⁰

For your convenience, we have developed the checklist in Appendix A that may be used to streamline the process of determining whether a proposed facility is categorically excluded. You are encouraged to adopt the use of this checklist in your jurisdiction, although such use is not mandatory.

B. What If An Applicant Or Licensee Wants To Exceed The Limits Shown In Illustration 3?

Any FCC applicant or licensee who wishes to construct or operate a facility that, by itself or in combination with other sources of emissions (*i.e.*, other transmitting antennas), may cause human exposures in excess of the guideline limits must file an Environmental Assessment (EA) with the FCC. Where more than one antenna is collocated (for example, on a single tower or rooftop or at a hilltop site), the applicant must take into consideration all of the RF power transmitted by all of the antennas when determining maximum exposure levels. Compliance at an existing site is the shared responsibility of all licensees whose transmitters produce exposure levels in excess of 5% of the applicable exposure limit. A new applicant is responsible for compliance (or submitting an EA) at a multiple-use site if the proposed transmitter would cause non-compliance and if it would produce exposure levels in excess of 5% of the applicable limit.¹¹

An applicant or licensee is not permitted to construct or operate a facility that would result in exposure in excess of the guideline limits until the FCC has reviewed the EA and either found no significant environmental impact, or pursued further environmental processing including the preparation of a formal Environmental Impact Statement. As a practical matter, however, this process is almost never invoked for RF exposure issues because applicants and licensees normally undertake corrective actions to ensure compliance with the guidelines before submitting an application to the FCC.

Unless a facility is categorically excluded (explained above), the FCC's rules require a licensee to evaluate a proposed or existing facility's compliance with the RF exposure guidelines and to

¹⁰ Table 1 of §1.1307(b)(1) is reproduced in Appendix A to this guide.

¹¹ For more information, see OET Bulletin 65, or see 47 CFR §1.1307(b)(3).

determine whether an EA is required. In the case of broadcast licensees, who are required to obtain a construction permit from the FCC, this evaluation is required before the application for a construction permit is filed, or the facility is constructed. In addition, if a facility requires the filing of an EA for any reason other than RF emissions, the RF evaluation must be performed before the EA is filed. Factors other than RF emissions that may require the filing of an EA are set out in 47 C.F.R. § 1.1307(a). Otherwise, new facilities that do not require FCC-issued construction permits should be evaluated before they are placed in operation. The FCC also requires its licensees to evaluate existing facilities and operations that are not categorically excluded if the licensee seeks to modify its facilities or renew its license. These requirements are intended to enhance public safety by requiring periodic site compliance reviews.

All facilities that were placed in service before October 15, 1997 (when the current RF exposure guidelines became effective) are expected to comply with the current guidelines no later than September 1, 2000, or the date of a license renewal, whichever is earlier.¹² If a facility cannot meet the September 1, 2000, date, the licensee of that facility must file an EA by that date. Section 1.1307(b) of the FCC's rules requires the licensee to provide the FCC with technical information showing the basis for its determination of compliance upon request.

II. How the FCC Verifies Compliance with and Enforces Its Rules.

A. Procedures Upon Initial Construction, Modification, and Renewal.

The FCC's procedures for verifying that a new facility, or a facility that is the subject of a facility modification or license renewal application, will comply with the RF exposure rules vary depending upon the service involved. Applications for broadcast services (for example, AM and FM stations, and television stations) are reviewed by the FCC's Mass Media Bureau (MMB). As part of every relevant application, the MMB requires an applicant to submit an explanation of what steps will be taken to limit RF exposure and comply with FCC guidelines. The applicant must certify that RF exposure procedures will be coordinated with all collocated entities (usually other stations at a common transmitter site or hill or mountain peak). If the submitted explanation does not adequately demonstrate a facility's compliance with the guidelines, the MMB will require additional supporting data before granting the application.

The Wireless Telecommunications Bureau (WTB) reviews personal wireless service applications (for cellular, PCS, SMR, etc.). For those services that operate under blanket area licenses, including cellular and PCS, the license application and renewal form require the applicant to certify whether grant of the application would have a significant environmental impact so as to require submission of an EA. The applicant's answer to this question covers all of the facilities sites included within the area of the license.

For those services that continue to be licensed by site (*e.g.*, certain paging renewals), the WTB requires a similar certification on the application form for each site. To comply with the FCC's rules, an applicant must determine its own compliance before completing this certification for

¹² Prior to October 15, 1997, the Commission applied a different set of substantive guidelines.

every site that is not categorically excluded. The WTB does not, however, routinely require the submission of any information supporting the determination of compliance.

B. Procedures For Responding To Complaints About Existing Facilities.

The FCC frequently receives inquiries from members of the public as to whether a particular site complies with the RF exposure guidelines. Upon receiving these inquiries, FCC staff may ask the inquiring party to describe the site at issue. In many instances, the information provided by the inquiring party does not raise any concern that the site could exceed the limits in the guidelines. FCC staff will then inform the inquiring party of this determination.

In some cases, the information provided by the inquiring party does not preclude the possibility that the limits could be exceeded. Under these circumstances, FCC staff may ask the licensee who operates the facility to supply information demonstrating its compliance. FCC staff may also inspect the site to determine whether it is accessible to the public, and examine other relevant physical attributes. Usually, the information obtained in this manner is sufficient to establish compliance. If compliance is established in this way, FCC staff will inform the inquiring party of this determination.

In some instances, a licensee may be unable to provide information sufficient to establish compliance with the guideline limits. In these cases, FCC staff may test the output levels of individual facilities and evaluate the physical installation. Keep in mind, however, that instances in which physical testing is necessary to verify compliance are relatively rare.

If a site is found to be out of compliance with the RF guidelines, the FCC will require the licensees at the site to remedy the situation. Depending on the service and the nature and extent of the violation, these remedies can include, for example, an immediate reduction in power, a modification of safety barriers, or a modification of the equipment or its installation. Actions necessary to bring a site into compliance are the shared responsibility of all licensees whose facilities cause exposures in that area that exceed 5% of the applicable MPE limit. In addition, licensees may be subject to sanctions for violating the FCC's rules and/or for misrepresentation.

The FCC is committed to responding fully, promptly, and accurately to all inquiries regarding compliance with the RF exposure guidelines, and to taking swift and appropriate action whenever the evidence suggests potential noncompliance. To perform this function effectively, however, the FCC needs accurate information about potentially problematic situations. By applying the principles discussed in this guide about RF emissions, exposure and the FCC's guidelines, state and local officials can fulfill a vital role in identifying and winnowing out situations that merit further attention.

III. Practical Guidance Regarding Compliance.

This section is intended to provide some general guidelines that can be used to identify sites that should not raise serious questions about compliance with FCC RF exposure guidelines. Sites that don't fall into the categories described here may still meet the guidelines, but the determination

of compliance will not be as straightforward. In such cases, a detailed review may be required. The tables and graphs shown in Appendix B are intended only to assist in distinguishing sites that should not raise serious issues from sites that may require further inquiry. They are not intended for use in identifying sites that are out of compliance. As noted above, the factors that can affect exposure at any individual site, particularly a site containing multiple facilities, are too numerous and subtle to be practically encompassed within this framework.

Applying the basic principles discussed in this guide should allow you to eliminate a large number of sites from further consideration with respect to health concerns. You may find it useful to contact a qualified radio engineer to assist you in your inquiry. Many larger cities and counties, and most states, have radio engineers on staff or under contract. In smaller jurisdictions, we recommend you seek initial assistance from other jurisdictions, universities that have RF engineering programs, or perhaps the engineer in charge of your local broadcast station(s).

We'll exclude any discussion of broadcast sites. As explained before, broadcast licensees are required to submit site-specific information on each facility to the FCC for review, and that information is publicly available at the station as long as the application is pending. The focus in this section is on personal wireless services, particularly cellular and broadband PCS, the services that currently require the largest numbers of new and modified facilities. Many other personal wireless services, however, such as paging services, operate in approximately the same frequency ranges as cellular and broadband PCS.¹³ Much of the information here is broadly applicable to those services as well, and specific information is provided in Appendix B for paging and narrowband PCS operations over frequency bands between 901 and 940 MHz.

Finally, this section only addresses the general population/uncontrolled exposure guidelines, since compliance with these guidelines generally causes the most concern to state and local governments. Compliance with occupational/controlled exposure limits should be examined independently.

A. Categorically Excluded Facilities.

As a first step in evaluating a siting application for compliance with the FCC's guidelines, you will probably want to consider whether the facility is categorically excluded under the FCC's rules from routine evaluation for compliance. The checklist in Appendix A will guide you in making this determination. Because categorically excluded facilities are unlikely to cause any exposure in excess of the FCC's guidelines, determination that a facility is categorically excluded should generally suffice to end the inquiry.

B. Single Facility Sites.

If a wireless telecommunications facility is not categorically excluded, you may want to evaluate potential exposure using the methods discussed below and the tables and figures in Appendix B.

¹³ The major exception is fixed wireless services, which often operate at much higher frequencies. In addition, some paging and other licensees operate at lower frequencies

If you "run the numbers" using the conservative approaches promoted in this paper and the site in question does not exceed these values, then you generally need look no further. Alternately, if the "numbers" don't pass muster, you may have a genuine concern. But remember, there may be other factors (*i.e.*, power level, height, blockages, etc.) that contribute to whether the site complies with FCC guidelines.

Where a site contains only one antenna array, the maximum exposure at any point in the horizontal plane can be predicted by calculations. The tables and graphs in Appendix B show the maximum distances in the horizontal plane from an antenna at which a person could possibly be exposed in excess of the guidelines at various levels of effective radiated power (ERP).¹⁴ Thus, if people are not able to come closer to an antenna than the applicable distance shown in Appendix B, there should be no cause for concern about exposure exceeding the FCC guidelines. The tables and graphs apply to the following wireless antennas: (1) cellular omni-directional antennas (Table B1-1 and Figure B1-1); (2) cellular sectorized antennas (Table B1-2 and Figure B1-2); (3) broadband PCS sectorized antennas (Table B1-3 and Figure B1-3);¹⁵ and (4) high-power (900 MHz-band) paging antennas (Table B1-4 and Figure B1-4). Table B1-4 and Figure B1-4 can also be used for omni-directional, narrowband (900 MHz) PCS antennas. Note that both tables and figures in Appendix B have been provided. In some cases it may be easier to use a table to estimate exposure distances, but figures may also be used when a more precise value is needed that may not be listed in a table.

It's important to note that the predicted distances set forth in Appendix B are based on a very conservative, "worst case" scenario. In other words, Appendix B identifies the furthest distance from the antenna that presents even a remote realistic possibility of RF exposure that could exceed the FCC guidelines. The power levels are based on the approximate maximum number of channels that an operator is likely to operate at one site. It is further assumed that each channel operates with the maximum power permitted under the FCC's rules and that all of these channels are "on" simultaneously, an unlikely scenario. This is a very conservative assumption. In reality, most sites operate at a fraction of the maximum permissible power and many sites use fewer than the maximum number of channels. Therefore, actual exposure levels would be expected to be well below the predicted values. Another mitigating factor could be the presence of intervening structures, such as walls, that will reduce RF exposure by variable amounts. For all these reasons, the values given in these tables and graphs are considered to be quite conservative and should over-predict actual exposure levels.

¹⁴ ERP is the apparent effective amount of power leaving the transmit antenna. The ERP is determined by factors including but not limited to transmitter output power, coaxial line loss between the transmitter and the antenna, and the "gain" (focusing effect) of the antenna. In some cases, power may also be expressed in terms of EIRP (effective isotropically radiated power). Therefore, for convenience, the tables in Appendix B also include a column for EIRP. ERP and EIRP are related by the mathematical expression: $(1.64) \times \text{ERP} = \text{EIRP}$.

¹⁵ Because broadband PCS antennas are virtually always sectorized, no information is provided for omni-directional PCS antennas.

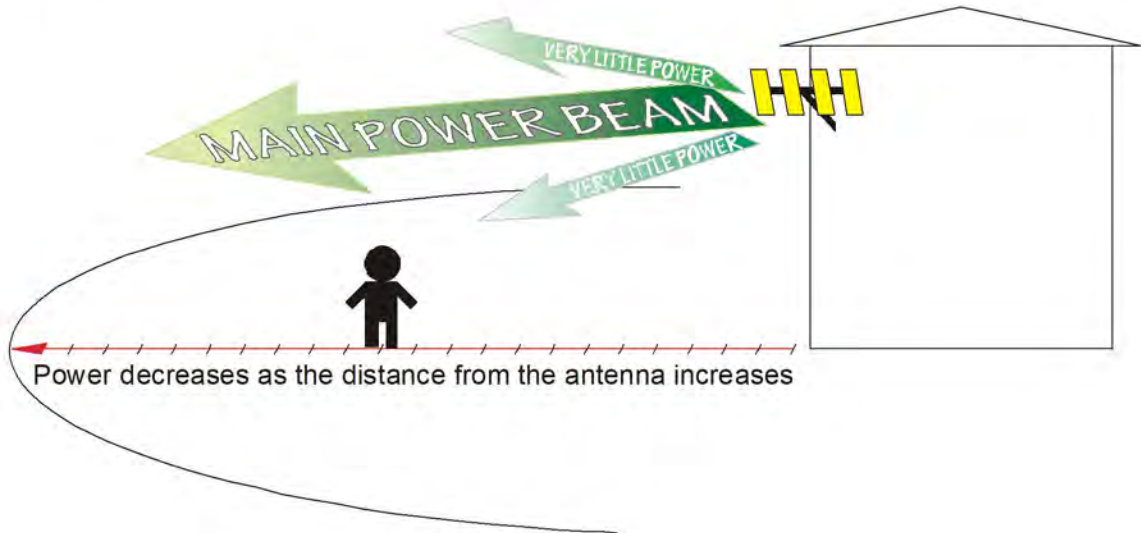


Illustration 5

Personal wireless service antennas typically do not emit high levels of RF energy directed above or below the horizontal plane of the antenna. Although the precise amount of energy transmitted outside the horizontal plane will depend upon the type of antenna used, we are aware of no wireless antennas that produce significant non-horizontal transmissions. Thus, exposures even a small distance below the horizontal plane of these antennas would be significantly less than in the horizontal plane. As discussed above, the tables and figures in Appendix B show distances in the horizontal plane from typical antennas at which exposures could potentially exceed the guidelines, assuming “worst case” operating conditions at maximum possible power levels. In any direction other than horizontal, including diagonal or straight down, these “worst case” distances would be significantly less.

Where unidirectional antennas are used, exposure levels within or outside the horizontal plane in directions other than those where the antennas are aimed will typically be insignificant. In addition, many new antennas are being designed with shielding capabilities to minimize emissions in undesired directions.

C. Multiple Facility Sites.

Where multiple facilities are located at a single site, the FCC’s rules require the total exposure from all facilities to fall within the guideline limits, unless an EA is filed and approved. In such cases, however, calculations of predicted exposure levels and overall evaluation of the site may become much more complicated. For example, different transmitters at a site may operate different numbers of channels, or the operating power per channel may vary from transmitter to transmitter. Transmitters may also operate on different frequencies (for example, one antenna array may belong to a PCS operator, while the other belongs to a cellular operator). A large number of variables such as these make the calculations more time consuming, and make it difficult to apply a simple rule-of-thumb test. See the following illustration.

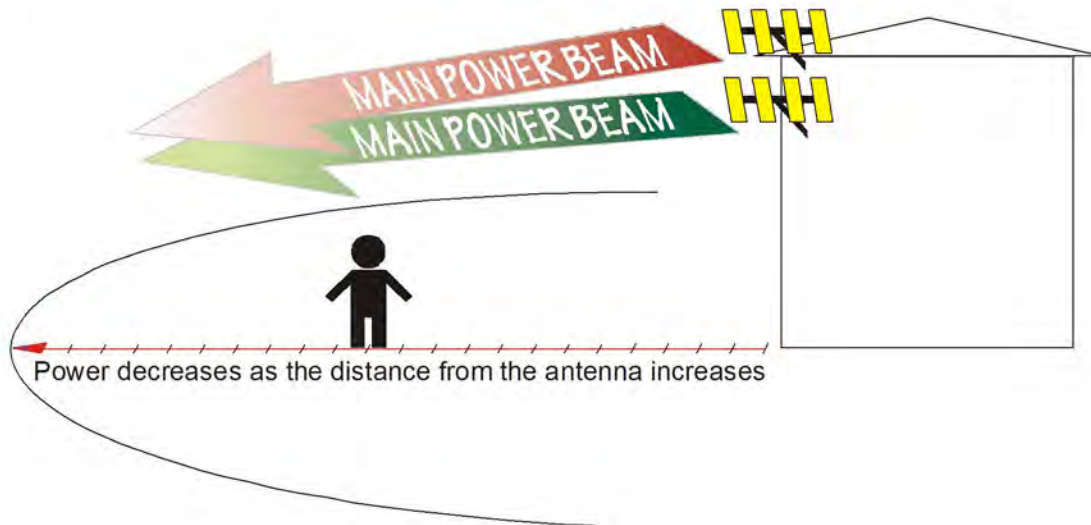


Illustration 6

However, we can be overly conservative and estimate a "worst case" exposure distance for compliance by assuming that the total power (e.g., ERP) of all transmitting antennas at the site is concentrated in the antenna that is closest to the area in question. (In the illustration above, this would be the antenna that is mounted lower on the building.) Then the values in the tables and graphs in Appendix B may be used as if this were the only antenna at the site, with radiated power equal to the sum of the actual radiated power of all antennas at the site. Actual RF exposure at any point will always be less than the exposure calculated using these assumptions. Thus, if people are not able to come closer to a group of antennas than the applicable distance shown in Appendix B using these assumptions, there should be no cause for concern about exposure exceeding the FCC guidelines. This is admittedly an extremely conservative procedure, but it may be of assistance in making a "first cut" at eliminating sites from further consideration.

IV. Conclusion.

We've highlighted many of the most common concerns and questions raised by the siting of wireless telecommunications and broadcast antennas. Applying the principles outlined in this guide will allow you to make initial conservative judgments about whether RF emissions are or should be of concern, consistent with the FCC's rules.

As we have explained, when first evaluating a siting application for compliance with the FCC's guidelines, you will probably want to consider whether the facility is categorically excluded under the FCC's rules from routine evaluation for compliance. The checklist in Appendix A will guide you in making this determination. Because categorically excluded facilities are unlikely to cause any exposure in excess of the FCC's guidelines, determination that a facility is categorically excluded should generally suffice to end the inquiry.

If a wireless telecommunications facility is not categorically excluded, you may want to evaluate potential exposure using the methods discussed in Part III of this paper and the tables and figures in Appendix B. If the site in question does not exceed the values, then you generally need look no further. Alternately, if the values don't pass muster, you may have a genuine concern. But

remember, there may be other factors (*i.e.*, power level, height, blockages, etc.) that contribute to whether the site complies with FCC guidelines.

If you have questions about compliance, your initial point of exploration should be with the facilities operator in question. That operator is required to understand the FCC's rules and to know how to apply them in specific cases at specific sites. If, after diligently pursuing answers from the operator, you still have genuine questions regarding compliance, you should contact the FCC at one of the numbers listed below. Provision of the information identified in the checklist in Appendix A may assist the FCC in evaluating your inquiry.

General Information: Compliance and Information Bureau, (888) CALL-FCC

Concerns About RF Emissions Exposure at a Particular Site: Office of Engineering and Technology, RF Safety Program, phone (202) 418-2464, FAX (202) 418-1918, e-mail rfsafety@fcc.gov

Licensing and Site Information Regarding Wireless Telecommunications Services: Wireless Telecommunications Bureau, Commercial Wireless Division, (202) 418-0620

Licensing and Site Information Regarding Broadcast Radio Services: Mass Media Bureau, Audio Services Division, (202) 418-2700

Licensing and Site Information Regarding Television Service (Including DTV): Mass Media Bureau, Video Services Division, (202) 418-1600

Also, note that the RF Safety Program Web site is a valuable source of general information on the topic of potential biological effects and hazards of RF energy. For example, OET recently updated its OET Bulletin 56 ("Questions and Answers about Biological Effects and Potential Hazards of Radiofrequency Electromagnetic Fields"). This latest version is available from the program and can be accessed and downloaded from the FCC's web site at:

<http://www.fcc.gov/oet/rfsafety/>

APPENDIX A

*Optional Checklist for Determination
Of Whether a Facility is Categorically Excluded*

**Optional Checklist for Local Government
To Determine Whether a Facility is Categorically Excluded**

Purpose: The FCC has determined that many wireless facilities are unlikely to cause human exposures in excess of RF exposure guidelines. Operators of those facilities are exempt from routinely having to determine their compliance. These facilities are termed "categorically excluded." Section 1.1307(b)(1) of the Commission's rules defines those categorically excluded facilities. This checklist will assist state and local government agencies in identifying those wireless facilities that are categorically excluded, and thus are highly unlikely to cause exposure in excess of the FCC's guidelines. Provision of the information identified on this checklist may also assist FCC staff in evaluating any inquiry regarding a facility's compliance with the RF exposure guidelines.

BACKGROUND INFORMATION

1. Facility Operator's Legal Name: _____
2. Facility Operator's Mailing Address: _____
3. Facility Operator's Contact Name/Title: _____
4. Facility Operator's Office Telephone: _____
5. Facility Operator's Fax: _____
6. Facility Name: _____
7. Facility Address: _____
8. Facility City/Community: _____
9. Facility State and Zip Code: _____
10. Latitude: _____
11. Longitude: _____

continue
→

Optional Local Government Checklist (page 2)

EVALUATION OF CATEGORICAL EXCLUSION

12. Licensed Radio Service (see attached Table 1): _____
13. Structure Type (free-standing or building/roof-mounted): _____
14. Antenna Type [omnidirectional or directional (includes sectored)]: _____
15. Height above ground of the lowest point of the antenna (in meters): _____
16. Check if all of the following are true:
- (a) This facility will be operated in the Multipoint Distribution Service, Paging and Radiotelephone Service, Cellular Radiotelephone Service, Narrowband or Broadband Personal Communications Service, Private Land Mobile Radio Services Paging Operations, Private Land Mobile Radio Service Specialized Mobile Radio, Local Multipoint Distribution Service, or service regulated under Part 74, Subpart I (see question 12).
 - (b) This facility will not be mounted on a building (see question 13).
 - (c) The lowest point of the antenna will be at least 10 meters above the ground (see question 15).

If box 16 is checked, this facility is categorically excluded and is unlikely to cause exposure in excess of the FCC's guidelines. The remainder of the checklist need not be completed. If box 16 is not checked, continue to question 17.

17. Enter the power threshold for categorical exclusion for this service from the attached Table 1 in watts ERP or EIRP* (note: $EIRP = (1.64) \times ERP$): _____
18. Enter the total number of channels if this will be an omnidirectional antenna, or the maximum number of channels in any sector if this will be a sectored antenna: _____
19. Enter the ERP or EIRP per channel (using the same units as in question 17): _____
20. Multiply answer 18 by answer 19: _____
21. Is the answer to question 20 less than or equal to the value from question 17 (yes or no)? _____

If the answer to question 21 is YES, this facility is categorically excluded. It is unlikely to cause exposure in excess of the FCC's guidelines.

If the answer to question 21 is NO, this facility is not categorically excluded. Further investigation may be appropriate to verify whether the facility may cause exposure in excess of the FCC's guidelines.

*"ERP" means "effective radiated power" and "EIRP" means "effective isotropic radiated power"

TABLE 1: TRANSMITTERS, FACILITIES AND OPERATIONS SUBJECT TO ROUTINE ENVIRONMENTAL EVALUATION

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Experimental Radio Services (part 5)	power > 100 W ERP (164 W EIRP)
Multipoint Distribution Service (subpart K of part 21)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1640 W EIRP <u>building-mounted antennas</u> : power > 1640 W EIRP
Paging and Radiotelephone Service (subpart E of part 22)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : power > 1000 W ERP (1640 W EIRP)
Cellular Radiotelephone Service (subpart H of part 22)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : total power of all channels > 1000 W ERP (1640 W EIRP)

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
<p>Personal Communications Services (part 24)</p>	<p>(1) Narrowband PCS (subpart D): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 1000 W ERP (1640 W EIRP)</p> <p>(2) Broadband PCS (subpart E): <u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 2000 W ERP (3280 W EIRP) <u>building-mounted antennas</u>: total power of all channels > 2000 W ERP (3280 W EIRP)</p>
<p>Satellite Communications (part 25)</p>	<p>all included</p>
<p>General Wireless Communications Service (part 26)</p>	<p>total power of all channels > 1640 W EIRP</p>
<p>Wireless Communications Service (part 27)</p>	<p>total power of all channels > 1640 W EIRP</p>
<p>Radio Broadcast Services (part 73)</p>	<p>all included</p>

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Experimental, auxiliary, and special broadcast and other program distributional services (part 74)	subparts A, G, L: power > 100 W ERP subpart I: <u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1640 W EIRP <u>building-mounted antennas</u> : power > 1640 W EIRP
Stations in the Maritime Services (part 80)	ship earth stations only
Private Land Mobile Radio Services Paging Operations (part 90)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : power > 1000 W ERP (1640 W EIRP)
Private Land Mobile Radio Services Specialized Mobile Radio (part 90)	<u>non-building-mounted antennas</u> : height above ground level to lowest point of antenna < 10 m <u>and</u> total power of all channels > 1000 W ERP (1640 W EIRP) <u>building-mounted antennas</u> : total power of all channels > 1000 W ERP (1640 W EIRP)

TABLE 1 (cont.)

SERVICE (TITLE 47 CFR RULE PART)	EVALUATION REQUIRED IF:
Amateur Radio Service (part 97)	transmitter output power > levels specified in § 97.13(c)(1) of this chapter
Local Multipoint Distribution Service (subpart L of part 101)	<p><u>non-building-mounted antennas</u>: height above ground level to lowest point of antenna < 10 m <u>and</u> power > 1640 W EIRP</p> <p><u>building-mounted antennas</u>: power > 1640 W EIRP</p> <p>LMDS licensees are required to attach a label to subscriber transceiver antennas that: (1) provides adequate notice regarding potential radiofrequency safety hazards, <i>e.g.</i>, information regarding the safe minimum separation distance required between users and transceiver antennas; and (2) references the applicable FCC-adopted limits for radiofrequency exposure specified in § 1.1310 of this chapter.</p>

APPENDIX B

*Estimated "Worst Case" Distances that Should be Maintained from
Single Cellular, PCS, and Paging Base Station Antennas*

Table B1-1. Estimated "worst case" horizontal* distances that should be maintained from a single, omni-directional, **cellular base-station** antenna to meet FCC RF exposure guidelines

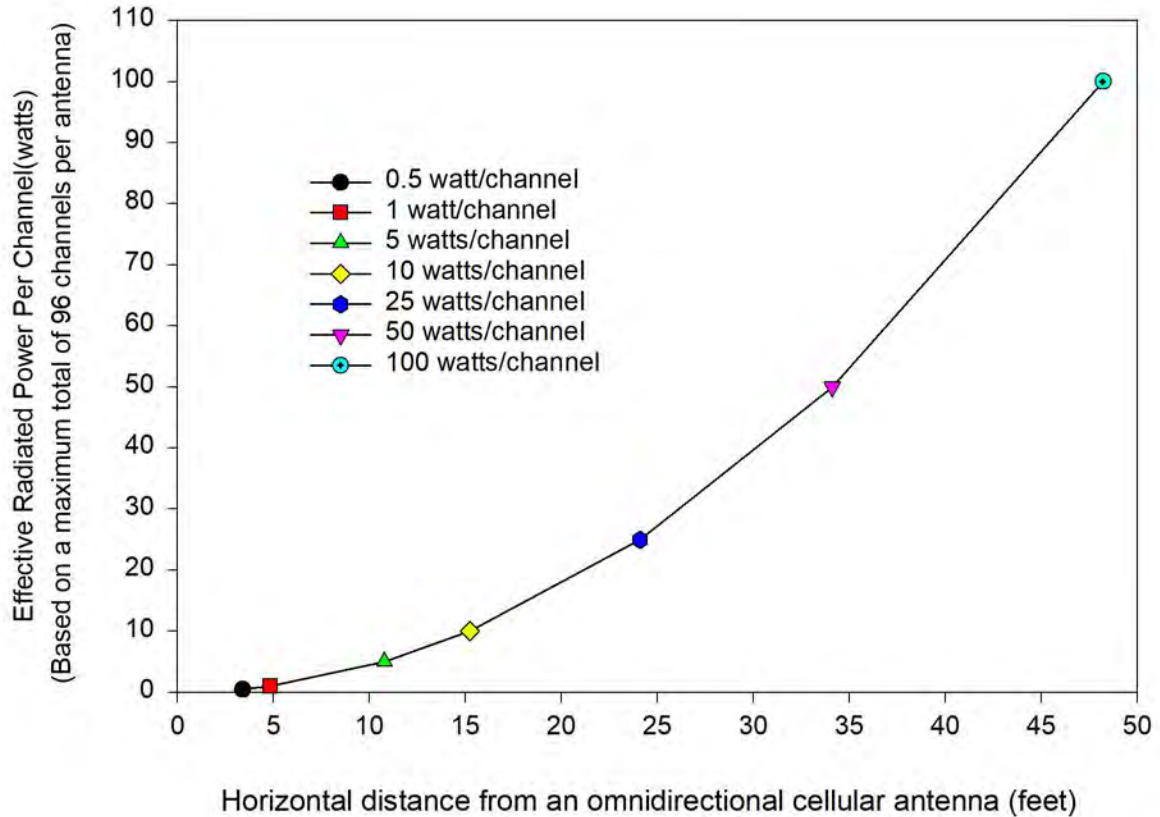
Effective Radiated Power (watts) per channel based on maximum total of 96 channels per antenna	Effective Isotropic Radiated Power (watts) per channel based on a maximum total of 96 channels per antenna	Horizontal* distance (feet) that should be maintained from a single omni-directional cellular antenna
0.5	0.82	3.4
1	1.6	4.8
5	8.2	10.8
10	16.4	15.2
25	41	24.1
50	82	34.1
100	164	48.2

For intermediate values not shown on this table, please refer to the Figure B1-1

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are worst case, assuming an omnidirectional antenna using 96 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular omnidirectional antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for “non-horizontal” distances, for example, distances directly below an antenna.

Figure B1-1. Estimated "worst case" horizontal* distances that should be maintained from a single omni-directional **cellular base station** antenna to meet FCC RF exposure guidelines



* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are worst case, assuming an omnidirectional antenna using 96 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular omnidirectional antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy directly toward the ground.

Table B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single, sectorized, **cellular base-station** antenna to meet FCC RF exposure guidelines

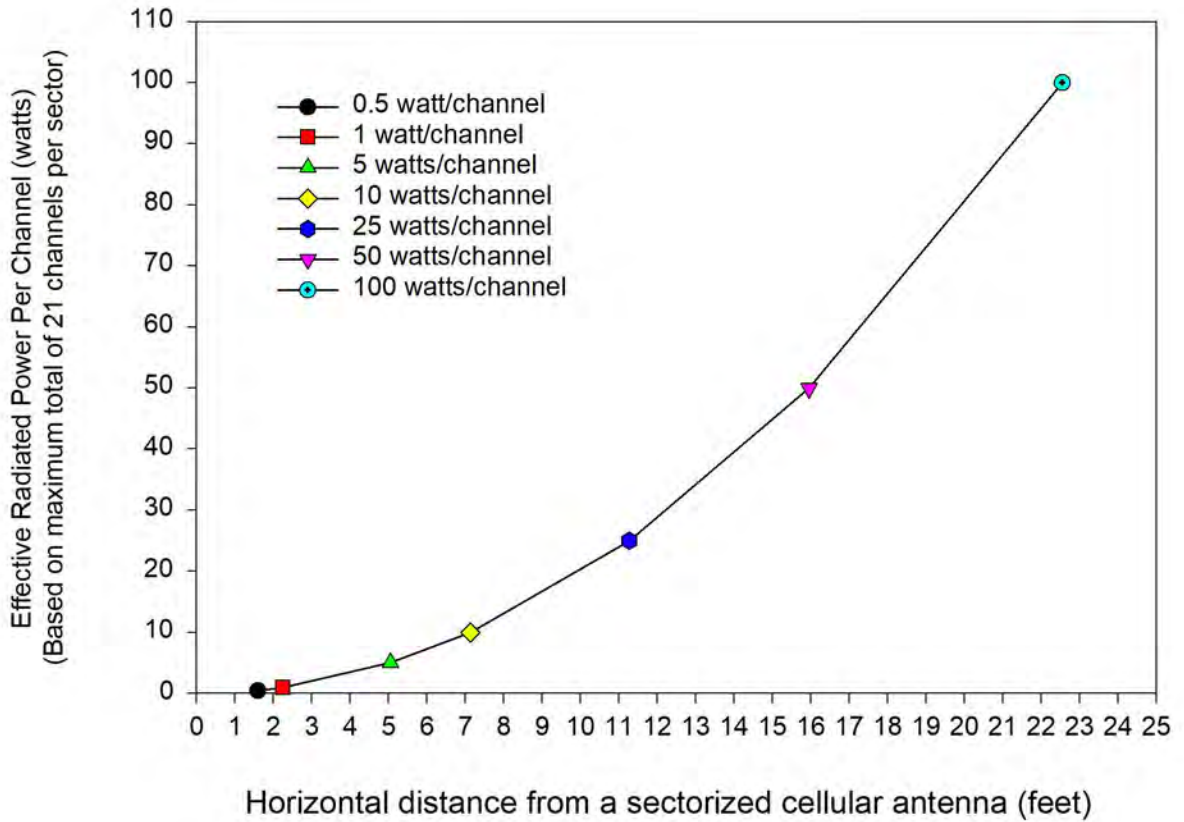
Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Horizontal* distance (feet) that should be maintained from a single sectorized cellular antenna
0.5	0.82	1.6
1	1.6	2.3
5	8.2	5
10	16.4	7.1
25	41	11.3
50	82	16
100	164	22.6

For intermediate values not shown on this table, please refer to the Figure B1-2

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

Figure B1-2. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized, **cellular base station** antenna to meet FCC RF exposure guidelines



* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case", assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. Cellular sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground.

Table B1-3. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized **Broadband PCS base station** antenna to meet FCC RF exposure guidelines

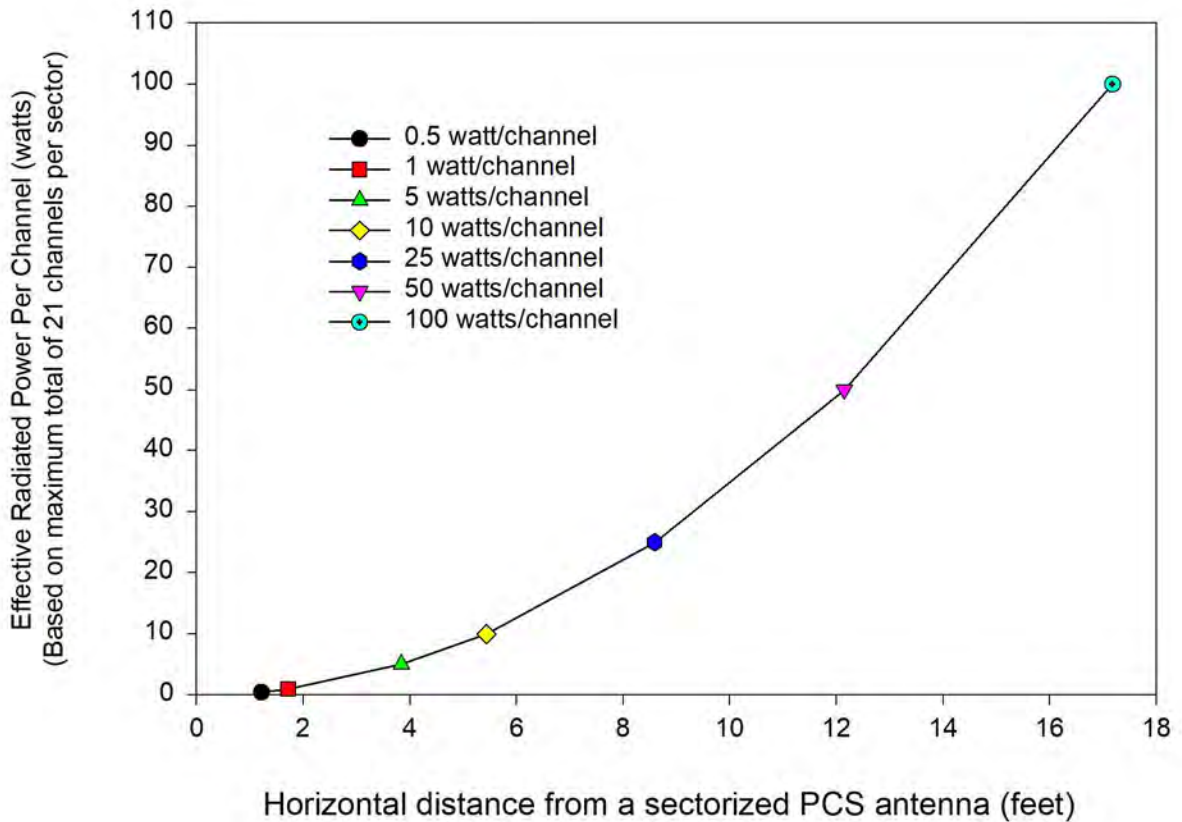
Effective Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Effective Isotropic Radiated Power (watts) per channel based on maximum total of 21 channels per sector	Horizontal* distance (feet) that should be maintained from a single sectorized Broadband PCS antenna
0.5	0.82	1.2
1	1.6	1.7
5	8.2	3.8
10	16.4	5.4
25	41	8.6
50	82	12.1
100	164	17.2

For intermediate values not shown on this table, please refer to the Figure B1-3

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case," assuming a sectorized antenna using 21 channels. If the system is using fewer than 21 channels, the actual horizontal distances that must be maintained will be less. PCS sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground. Therefore, these distances are even more conservative for "non-horizontal" distances, for example, distances directly below an antenna.

Figure B1-3. Estimated "worst case" horizontal* distances that should be maintained from a single sectorized, **PCS base station** antenna to meet FCC RF exposure guidelines



* These distances are based on exposure at same level as antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These estimates are "worst case", assuming a sectorized antenna using 21 channels. If the systems are using fewer channels, the actual horizontal distances that must be maintained will be less. PCS sectorized antennas transmit more or less in one direction from the antenna in a horizontal direction and transmit relatively little energy directly toward the ground.

Table B1-4. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional **paging** or **narrowband PCS** antenna to meet FCC RF exposure guidelines. Note: this table and the associated figure only apply to the 900-940 MHz band; paging antennas at other frequencies are subject to different values.

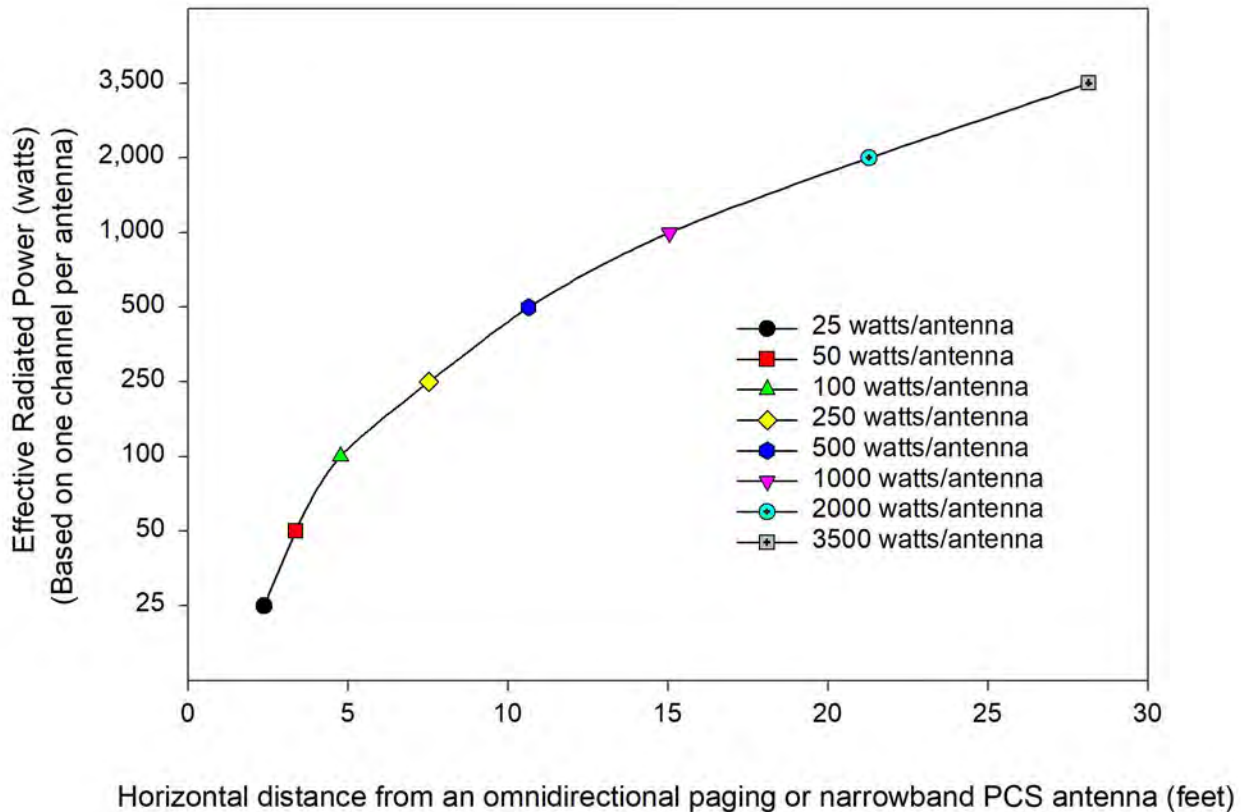
Effective Radiated Power (watts) based on one channel per antenna	Effective Isotropic Radiated Power (watts)	Horizontal* distance (feet) that should be maintained from a single omnidirectional paging or narrowband PCS antenna
50	82	3.4
100	164	4.8
250	410	7.5
500	820	10.6
1,000	1,640	15.1
2,000	3,280	21.3
3,500	5,740	28.2

For intermediate values not shown on this table, please refer to the Figure B1-4

*These distances are based on exposure at same level as the antenna, for example, on a rooftop or in a building directly across from and at the same height as the antenna.

Note: These distances assume only one frequency (channel) per antenna. Distances would be greater if more than one channel is used per antenna. Omnidirectional paging and narrowband PCS antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy toward the ground. Therefore, these distances are even more conservative for “non-horizontal” distances, for example, distances directly below an antenna.

Figure B1-4. Estimated "worst case" horizontal* distances that should be maintained from a single omnidirectional **paging** or **narrowband PCS** antenna to meet FCC RF exposure guidelines.
 Note: this figure and the associated table only apply to the 900-940 MHz band; paging antennas at other frequencies are subject to different values



* These distances are based on exposure at the same level as the antenna, for example, on a rooftop or building directly across from and at the same height as the antenna.

Note: These distances assume only one frequency (channel) per antenna. Distances would be greater if more than one channel is used per antenna. Omnidirectional paging and narrowband PCS antennas transmit more or less equally from the antenna in all horizontal directions and transmit relatively little energy towards the ground.

APPENDIX C

Text of 47 U.S.C. § 332(c)(7)

(7) PRESERVATION OF LOCAL ZONING AUTHORITY.

- (A) GENERAL AUTHORITY. Except as provided in this paragraph, nothing in this Act shall limit or affect the authority of a State or local government or instrumentality thereof over decisions regarding the placement, construction, and modification of personal wireless service facilities.
- (B) LIMITATIONS.
- (i) The regulation of the placement, construction, and modification of personal wireless service facilities by and State or local government or instrumentality thereof (I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services.
 - (ii) A State or local government or instrumentality thereof shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time after the request is duly filed with such government or instrumentality, taking into account the nature and scope of such request.
 - (iii) Any decision by a State or local government or instrumentality thereof to deny a request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record.
 - (iv) No State or local government or instrumentality thereof may regulate the placement, construction, or modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions.
 - (v) Any person adversely affected by any final action or failure to act by a State or local government or any instrumentality thereof that is inconsistent with this subparagraph may, within 30 days after such action or failure to act, commence an action in any court of competent jurisdiction. The court shall hear and decide such action on an expedited basis. Any person adversely affected by an act or failure to act by a State or local government or any instrumentality thereof that is inconsistent with clause (iv) may petition the Commission for relief.
- (C) DEFINITIONS. For purposes of this paragraph
- (i) the term "personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services;
 - (ii) the term "personal wireless service facilities" means facilities for the provision of personal wireless services; and
 - (iii) the term "unlicensed wireless service" means the offering of telecommunications service using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services (as defined in section 303(v)).

October 14, 2020

The City Council of Midwest City
Attn: Ms. Espaniola Bowen
City Council Member, Ward 3
100 N. Midwest Boulevard
Midwest City, OK 73110

Re: Cellular Tower in Our Neighborhood

Dear Ms. Bowen:

Because of health reasons, I was unable to attend the Planning Commission meeting held on Tuesday, October 6, 2020 to discuss the prospect of erecting a cellular tower in our community. As I understand it, the motion was passed to consider erecting such tower. This issue will again be discussed in the City Council meeting on October 27, 2020 and it is my intention to attend with our neighbors to oppose this measure from being passed.

As the neighborhood spokesperson, I want to inform you that our community of neighbors (on E. Cardinal Place from Woodland Dr. to N. Douglas Blvd. and N. King Ave. from NE 10th St. to E. Reno Ave.) are intensely opposed to the construction of a cellular tower in our midst for several reasons as follows:

(1) Too High of a Risk to Our Health

Many studies have been conducted to determine if cellular tower radiation poses a significant risk to humans and animals alike. Most of the conclusions reached are inconclusive while others point to its dangers to life and health.

In its Technology News report of April 12, 2017, the World Health Organization (WHO) stated on page two (**attachment #1**) that “long-term exposure to mobile phones and cell tower radiation – an average of 30 minutes per day for a decade – increases the risk of brain cancer.” It adds that “WHO has also classified EMF (electromagnetic frequencies-FG) radiation from mobiles, mobile towers and wi-fi as category 2(B), or possibly carcinogenic.”

In addition, it reported that a professor at IIT Bombay and one of the advocates of cell phone towers’ health hazards, had told the Hindustan Times, “Being exposed to a mobile tower located within 50 meters of your home or workplace is like being in a microwave oven for 24 hours.” Can you imagine the peril these cell towers cause to our health?

In the Workers Health & Safety Centre June 2, 2016 report, it mentioned that “exposure to RF (radiofrequency energy-FG) radiation can result in the heating of tissue, the ‘thermal’ effect, which can cause damage in humans.” See **attachment #2**. It also reported on April 6, 2018 (**attachment #3**) that “a new study, billed as the largest of its kind, has shown that

radiofrequency radiation (RFR) emitted from cell towers increases cancer rates in rats.” It mentioned that “governments need to strengthen regulations to protect the public from these harmful non-thermal exposures.”

All the neighbors to be affected by erecting and operating the proposed cell tower, me included, believe that their health will be placed at risk and that is simply unacceptable. We are all in favor of having better services and welcome companies who bring such services, but not at the expense of our health or our family’s. We recognize that other industries pose risk to life and health, such as the gas and oil industry, but such risks are well known and controlled posing minimum danger. However, this is not the case with the cell towers and the radiation they constantly emit. Many of the aforementioned studies regarding the radiation danger those cell towers pose to people and animals are inconclusive. More studies and time is needed to determine if there is truly a danger or not. According to the experts, it cannot be said at this time with any certainty that it poses a danger to humans, but neither can it be said that it does not. Therefore, we need to wait to install cell towers in residential areas until more conclusive evidence is attained to be certain its risks and peril to human and animal life is minimal or none.

(2) Real Estate Property Values Will Undoubtedly Decrease

The neighbors are also concerned that, if a cell tower is erected in our residential neighborhood, our property values will decline. This concern is a valid one according to a very well-respected Real Estate Agent and Broker in Oklahoma City. Please see **attachment #4**. When prospective buyers see a cell tower where they are considering purchasing real estate property, they automatically become apprehensive in continuing to consider the purchase. Who can blame them? Instinctively, people know cell towers do pose a high risk to their life and health as well as their family’s. After all, perception is reality, is it not?

A Science ABC article (**attachment #5**) said it best, “The notion of whether phone towers pose a health risk has been speculated for decades. The presence of towers and cell phones concerned people even at times when mobile devices were a luxury...The situation today seems to cause even more apprehension...radio towers are planted more often than trees.”

To prevent a decline of property values, it is our position that cell towers should not be constructed in residential areas, certainly not in our residential neighborhood. We suggest those type of towers be constructed somewhere in the country away from residential areas with boosters within the city in specific unoccupied areas as is the case in London U.K. to minimize or eliminate the risk of radiation exposure to humans and animals.

(3) An Eyesore

A cell tower is ugly. There is no other way to describe it. It will destroy our scenery and country-like atmosphere which is the reason many of us purchased here to begin with. No matter how companies try to camouflage them, they are still an unwelcomed sight. Again, as soon as a potential buyer sees the tower, the sale of a property inside our community is shot.

These, in a nutshell, are our reasons why we oppose a cell tower in our community. It is our hope that the City Council will consider our legitimate reasons for opposing the construction of a cellular tower in our community and will not vote to override those concerns expressed by our neighbors. It is our expectation that the City Council will look to protect the health of its citizens, which is much more valuable, rather than profits or convenience.

Should you have any questions or if I can be of any assistance, please do not hesitate to contact the undersigned.

With Much Respect,



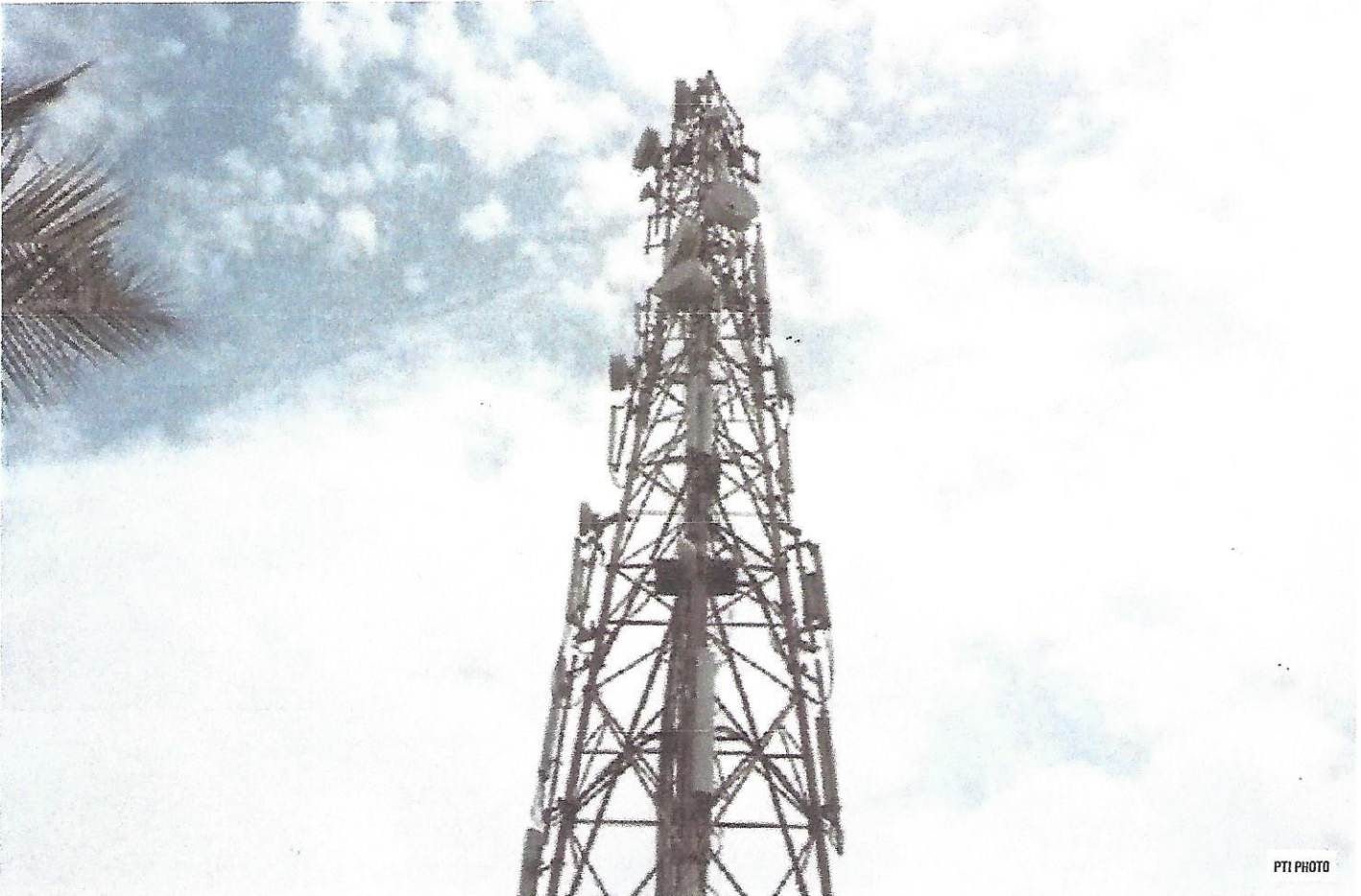
FELIX I. GARCIA
Community Spokesman
9201 E. Cardinal Place
Midwest City, OK 73130
(405) 227-7861
cristianosolo2@yahoo.com

Atch (5)

Cc Matt Dukes, Mayor, Midwest City
Kellie Gilles, Planning Commission Manager

Can radiation from mobile towers cause cancer? The scientific and legal debate continues

The Supreme Court recently ordered deactivation of mobile tower after a cancer-stricken man said the radiation was responsible for his ill health.



NEWS TECHNOLOGY | WEDNESDAY, APRIL 12, 2017 - 19:29

TNM Staff [Follow @thenewsminute](#)



In a landmark ruling, the Supreme Court recently ordered in favour of a man who said that the radiation from a mobile tower had affected his health. According to Dhananjay Mahapatra's report in [TOI](#), Harish Chandra Tiwari has Hodgkin's Lymphoma, a type of cancer, and he claimed that the harmful radiations from a mobile tower near his workplace affected him.

Not only did the court rule in Tiwari's favour, the SC also asked for the tower to be deactivated in a week.

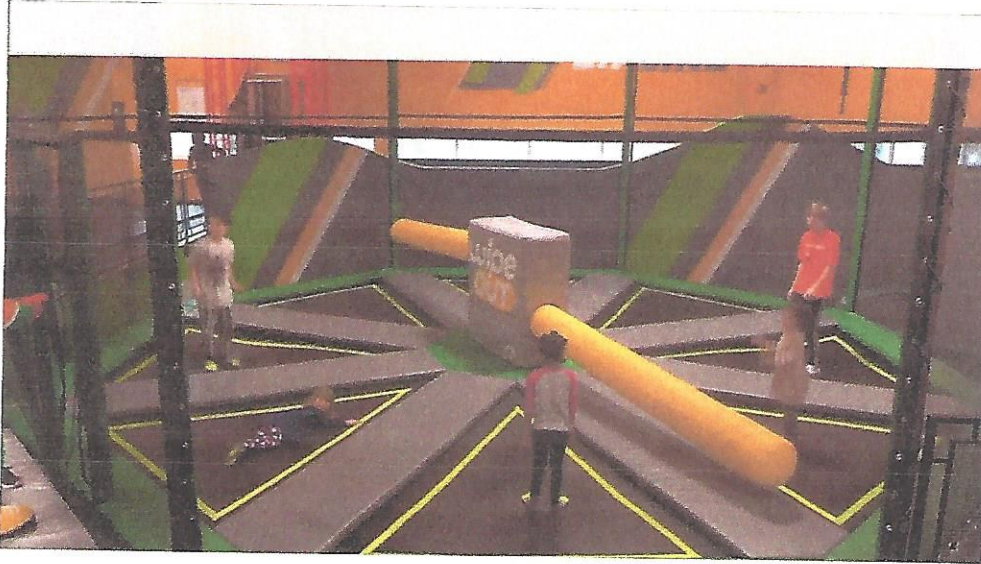
At a time when there is plenty of research about radiation and how it affects the human body - and plenty that counters it - the SC's decision has thrown open the gate yet again for the debate on the health hazards posed by electromagnetic radiation of mobile towers.

While activists and some organisations have registered strong concerns about it, the government has continued to [maintain](#) that low Electro Magnetic Frequency (EMF) from mobile towers does not have adverse health consequences.

The debate

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1 of 3

are harmful to the body and can cause cancer. Non-ionizing radiation on the other hand is a low energy radiation which generates heat. This is the category into which mobile tower radiation falls.



SKIP AD

Over the years, there have been many studies refuting the connection between non-ionizing radiation given out by cell phone towers, and cancer. Oncologists have also said that these radiations are not carcinogenic, but not everyone from the science fraternity agrees.

For instance, Dariusz Leszczynski, a Finnish scientist on WHO's International Agency for Research on Cancer's (IARC) expert committee, said that long-term exposure to mobile phones and cell tower radiation - an average of 30 minutes per day for a decade - increases the risk of brain cancer.

WHO has also classified EMF radiation from mobiles, mobile towers and wi-fi as category 2(B), or possibly carcinogenic.

According to Malini Bhupta's report in Business Standard, the safety standards followed in India are 10 times more stringent than a majority of the world's countries. Mobile handsets emitting over 1.6 watt/kilogram radiation are not allowed in India. This limit is called the Specific Absorption Rate or SAR.

But like Tiwari, other individuals have also alleged that exposure to cell phone towers has had serious health consequences for them.

For instance, a Hindustan Times report from 2012 tells the story of a family in Jaipur. Two of its members were diagnosed with brain cancer, incidentally after three cell phone towers were erected in their neighbourhood.

Girish Kumar, a professor at IIT Bombay and one of the advocates of cell phone towers' health hazards, had told HT then, "Being exposed to a mobile tower located within 50m of your home or workplace is like being in a microwave oven for 24 hours."

Legally speaking

Tiwari's case is not the first time that the matter has been taken up by the higher judiciary. Bollywood actor Juhi Chawla has been campaigning for a more stringent mobile tower policy for many years now. She and activist Prakash Munshi filed a PII in the Bombay High Court in 2015 regarding increasing radiation levels as well as illegal towers across the country.

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2 of 3

the Rajasthan High Court had held mobile towers as a health hazard, and asked operators in the state to remove towers in close proximity of hospitals, schools, colleges and playgrounds, or relocate them.

The matter moved to the Supreme Court where telecom operators challenged the Rajasthan High Court's order. Speaking to Kalyan Parbat and Gulveen Aulakh for Economic Times, a spokesperson for the World Health Organisation (WHO) said in the regard that while the electromagnetic fields produced by mobile phones had been classified as "possibly carcinogenic", there was no conclusive evidence to prove adverse health effects.

He conceded however that "lack of data on the impact of prolonged mobile phone use in excess of 15 years warrants further research."

The Supreme Court ultimately upheld the Rajasthan High Court's decision in June 2013.

However, concerns about the radiation from mobile phones and towers continued to be raised in the following years as well. Just last year, the apex court heard a "batch of appeals from various High Courts relating to erection of mobile towers in towns and cities."

Counsel Prashant Bhushan had submitted that in cities like London, there were no cell phone towers - they were erected outside the city and boosters were used in the city. This wasn't being done in India.

The CJI, one of the judges hearing the case, observed that a retired judge had said in his book that he used mobile phones for long hours, which could have been one of the reasons behind his cancer and subsequent death. However, the CJI also said that unless the lawyer could submit scientific proof about harmful effects of radiation from the mobile towers, the court could not pass an order against them.

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PARTNER |

This auto-driver and his wife are struggling to save their daughter's life, and you can help them

While Pouviarassy and Venkatesan have waited over a decade for their daughter's health to improve, pouring money into various treatments, Aarthi's worsening condition has left them deeply dejected.

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3 of 3

Workers Health & Safety Centre

U.S. researchers release landmark study on cell phones and cancer

Submitted to
staff by Felix
Garcia
10/15/2020

June 02, 2016 WHSC, Training, Legislation, Statistics and Trends, Work hazards, Prevention, Vulnerable Workers

[Go to News Index](#) ▶



The U.S. National Toxicology Program has released partial results of a new animal study which finds cell phone radiation poses an increased risk for certain cancers.

The \$25 million [study](#), the most expensive in the NTP's history, **may be a turning point** in a decades-old debate about the possible link between cell phones and cancer. As reported by [Microwave News](#), the study may also set a new standard for research on the topic. Until now, the research produced conflicting results and often failed to assess long-term health effects like cancer.

Increased risk of brain and heart tumours

Communication devices such as cell phones operate on **radiofrequency (RF) energy**, a type of non-ionizing radiation, consisting of electric and magnetic fields. Worker and public exposure to RF radiation can also include wireless internet (WiFi), broadcast towers, MRI machines, radar guns, and heating equipment such as induction heaters and microwave ovens.

Exposure to RF radiation can result in the heating of tissue, the **"thermal" effect, which can cause damage in humans**. Much of the current research and existing exposure levels are designed to address this health risk.

The comprehensive NTP animal study, underway for 10 years, not only controls for the thermal effect but assesses longer term exposure. Researchers exposed rats and mice to two types of cell phone radiation at three different exposure levels, in 10-minute on and off increments, for nine hours a day from birth to two years of age. While no effect was observed among the mice, the exposed male rats experienced **higher rates of two types of cancer, glioma (a type of brain cancer) and a rare malignant schwannoma of the heart**. None of the unexposed rats developed either cancer.

Importantly, the authors note, the increased incidence of brain and heart tumors, "are of a type **similar to tumors observed in some epidemiology (human) studies** of cell phone use." The NTP research supports earlier work by the International Agency for Research on Cancer. In 2011, IARC evaluated and classified radiofrequency electromagnetic fields as [possibly carcinogenic to humans](#) based upon evidence of increased risk for glioma linked to cell phone use.

Regulating the hazard

The complete NTP study will be available by the end of 2017 however these partial results have **significant implications for worker and public health**. The findings will be reviewed by the Food and Drug Administration and the Federal Communications Commission, both of which regulate cell phone radiation exposure in the U.S.

The **new data could also result in changes to Canadian guidelines**. Health Canada's [Safety Code 6](#) (Limits of Human Exposure to Radiofrequency Electromagnetic Energy in the Frequency Range from 3 kHz to 300 GHz) sets out human exposure limits to RF radiation. The Ontario Ministry of Labour adopts and uses this guideline.

Last year, as part of a regular review of Safety Code 6, a [federal government standing committee report](#) warned about the **health impacts of wireless technology** and argued for more protective exposure guideline.

Other related resources:

atch#2
1 of 2

Download the NTP study [press release](#).

[National Toxicology Program cell phone research](#)

[Fact Sheet – What is Safety Code 6?](#)

[CAREX Canada Radiofrequency Radiation exposure profile](#)

WHSC offers a range of [training programs](#), including one on EMF's and Dirty Electricity, and [resources](#) to help workplace parties understand their legal duties and responsibilities related to workplace hazards. Many of these resources also offer essential insight into the information and tools needed to eliminate or reduce harmful workplace and environmental exposures.

To learn more:

Call: 1-888-869-7950 and ask to speak with a training services representative

Visit: www.whsc.on.ca

Email: contactus@whsc.on.ca

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2 of 2

Workers Health & Safety Centre

Submitted to staff by
Felix Garcia
10/15/2020

Cell tower radiation linked with cancer in new study

April 06, 2018 Statistics and Trends, Work hazards, Prevention

[Go to News Index](#) ▶



Is your workplace or home located near a cell tower? There may be reason for concern.

A new study, billed as the largest of its kind, has shown that radiofrequency radiation (RFR) emitted from cell towers increases cancer rates in rats.

The finding has the potential to shatter Health Canada's radiofrequency exposure guidelines outlined in Safety Code 6.

"...a person can legally be exposed to this level of radiation," says Ronald Melnick, senior science advisor with the Environmental Health Trust. "Yet cancers occurred in these animals at these legally

permitted levels.

"Governments need to strengthen regulations to protect the public from these harmful non-thermal exposures," adds Melnick.

Map: [See how close you are to a cell tower](#)

[U.S. researchers release landmark study on cell phones and cancer](#)

The Ramazzini Institute study found a significant increase in the incidence of Schwannoma, a rare and highly malignant form of cancer, in the hearts of male rats exposed to the highest level of RFR. It also found increases in malignant brain tumors in female rats and precancerous conditions in both male and female rats.

In the landmark study, rats were exposed to "environmental" cell tower radiation for 19 hours per day, from prenatal life until natural death, reproducing the exposure generated by a 1.8 GHz cellphone radio base station antenna at a strength of 50 volts per metre.

This is significantly lower than what's currently considered safe in Canada.

Health Canada's Safety Code 6 currently allows for exposure in the frequency range of 3 kHz to 300 GHz. At 1.8 GHz, the code allows for 137 volts per metre in workplaces – significantly higher than the electric field strength in the study.

The Ontario Ministry of Labour uses this same guideline.

Recent studies on cell phone radiation by the U.S. National Toxicology Program came to similar findings: male rats treated at the highest dose of RFR developed the same unusual cancer.

On the basis of these studies and now reinforced by the Ramazzini Institute study, researchers are also calling for the International Agency for Research on Cancer (IARC) to reclassify RFR. In 2011, IARC classified it as possibly carcinogenic to humans.

The strength of radiofrequency fields is greatest at its source, and diminishes quickly with distance, according to the World Health Organization (WHO). In other words, the closer you are to an antenna, the more radiofrequency radiation

you are exposed to.

“Typical values inside of buildings at distances up to 200 metres from base station sites are in the range of 0.1 - 1 (volts per metre),” according to a [WHO report on base station exposure](#).

WHSC offers a wide range of training programs, including EMF's and Dirty Electricity, as well as resources to help workplace parties understand their legal rights and responsibilities related to workplace hazards. Many of these resources also offer essential insight into the information and tools needed to eliminate or reduce harmful workplace and environmental carcinogens.

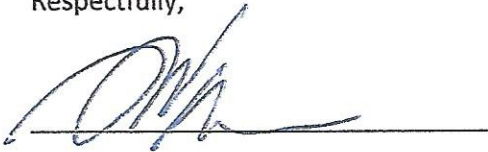
atch #3
2 of 2

October 07, 2020

To whom it may concern,

I have been a licensed real estate agent in the state of Oklahoma since 1986 and a licensed broker since 2006 License #80415. I have been asked to give my opinion as it is related to my experience with the value of real estate close to cell phone towers. Any time a home goes on the market for sale in close proximity to any type of electrical tower it has a direct impact on the level of interest in that home. When I go on line and research the potential impact of any type of electrical tower, including cell phone, the data is mixed and inconclusive. I anticipate most buyers will do the same type of research. In absence of a clear data supporting the safety, I believe most people would conclude the possibility of it being unsafe therefor dissuading them from pursuing the purchase. That being said, there is a saying in real estate "anything will sell at the right price". If one of my clients asked me for a pricing recommendation and their home was in close proximity to a cell phone tower, I would advise them to price their home well below the competition. I would suggest anywhere from 10%-20% below where similar homes have sold that were not subject to the influence of a cell phone tower. I hope my opinion is helpful. If I can be of further assistance please let me know.

Respectfully,



Gordon Watson Broker/Owner for Hamilwood Realty



atch #4



Public Works Administration

8730 S.E. 15th Street,
Midwest City, Oklahoma 73110

Public Works Director

pstreets@midwestcityok.org

(405) 739-1061

Public Works City Engineer

pmenefee@midwestcityok.org

(405) 739-1062

www.midwestcityok.org

Memorandum

To: Honorable Mayor and Council

From: R. Paul Streets, Public Works Director

Date: November 10, 2020

Subject: Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, Container Required and; and providing for repealer and severability.

The proposed amendment to Chapter 18 Garbage and Refuse, Article II, Municipal Collection and Disposal Service, Section 18-25, Container Required was taken to the Ordinance Review Committee and approved before bringing to Midwest City Council for consideration. The amended language is needed to address issues associated with access to trash carts for service and conflicting language in other parts of the ordinance.

Action is at the discretion of the Mayor and Council.

Respectfully,

R. Paul Streets
Public Works Director

1 shall be charged to the resident at the current replacement cost of the cart. All carts
2 shall remain the property of the city even though the resident may have paid for a
3 replacement cart. All carts are to remain at the residence to which they are assigned. It
4 shall be unlawful and an offense for a person to be in possession of a cart without the
5 permission of the resident to which it is assigned. It is the responsibility of the resident
6 to keep the cart clean. At the request of the resident, carts can be cleaned by the city.
7 Such cleaning shall be performed for a twenty dollar (\$20.00) charge which shall be
8 paid by the resident.
9

10 (c) All carts to be emptied, including recycling carts, shall be placed at the curblin. Carts
11 are not to be obstructed from view, e.g., behind parked cars, behind hedges, etc. Carts
12 shall be placed for collection no earlier than 7:00 p.m. the day before the scheduled
13 collection and no later than 7:00 a.m. the day of scheduled collection. **Parking shall**
14 **not be in front of or blocking access to a poly cart.** The resident is required to return
15 the carts to their regular storage place within five (5) feet of the residential structure or
16 behind the front building line of the property by no later than 7:00 p.m. the day of
17 scheduled collection. Failure to return the carts by the stated time limitation above may
18 result in a fine ~~not to exceed fifty dollars (\$50.00) to the owner of the residence. Failure~~
19 ~~to return the carts by the stated time limitation above may result in a fine~~ **as set forth in**
20 **1-15 of this code, assessed to the responsible party.** A twenty dollar (\$20.00) call back
21 collection fee shall be charged to empty a cart and/or pick up authorized items not at
22 the curblin prior to 7:00 a.m. the day of scheduled collection. Any items that are not
23 in compliance with subsection (d) below that are not picked up during collection shall
24 be removed from the curblin by no later than 7:00 p.m. on the day of scheduled
25 collection. Failure to remove such items not in compliance with subsection (d) by 7:00
26 p.m. may result in a citation for violation of ~~section 18-6~~ this Code.
27

28 (d) Residents may not place with the carts other types of containers for collection. Garbage
29 and refuse placed in refuse carts and recyclable materials placed in recycle carts will
30 be the only things that will be collected during a normal collection.
31

32 (e) Rollout service will be provided for the disabled. Any residence in which all the
33 residents are disabled may request rollout service be performed by the city. The director
34 shall determine the need for rollout service and to approve or disapprove requests. If
35 the director determines that a particular residence qualifies for rollout service, the city
36 will roll out, dump and return the carts at no extra charge.
37

38 (f) There will be a charge of twenty dollars (\$20.00) if a cart is picked up and returned for
39 nonpayment of a sanitation bill.
40

41 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
42 repealed.
43

44 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
45 any reason held to be invalid, such decision shall not affect the validity of the remaining
46 provisions of the ordinance.

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PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
Oklahoma, this _____ day of _____, 2020.

THE CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES, II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

Approved as to form and legality this _____ day of _____, 2020.

HEATHER POOLE, City Attorney

1 shall be charged to the resident at the current replacement cost of the cart. All carts
2 shall remain the property of the city even though the resident may have paid for a
3 replacement cart. All carts are to remain at the residence to which they are assigned. It
4 shall be unlawful and an offense for a person to be in possession of a cart without the
5 permission of the resident to which it is assigned. It is the responsibility of the resident
6 to keep the cart clean. At the request of the resident, carts can be cleaned by the city.
7 Such cleaning shall be performed for a twenty dollar (\$20.00) charge which shall be
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9

10 (c) All carts to be emptied, including recycling carts, shall be placed at the curblin. Carts
11 are not to be obstructed from view, e.g., behind parked cars, behind hedges, etc. Carts
12 shall be placed for collection no earlier than 7:00 p.m. the day before the scheduled
13 collection and no later than 7:00 a.m. the day of scheduled collection. Parking shall
14 not be in front of or blocking access to a poly cart. The resident is required to return
15 the carts to their regular storage place within five (5) feet of the residential structure or
16 behind the front building line of the property by no later than 7:00 p.m. the day of
17 scheduled collection. Failure to return the carts by the stated time limitation above may
18 result in a fine as set forth in 1-15 of this code, assessed to the responsible party. A
19 twenty dollar (\$20.00) call back collection fee shall be charged to empty a cart and/or
20 pick up authorized items not at the curblin prior to 7:00 a.m. the day of scheduled
21 collection. Any items that are not in compliance with subsection (d) below that are not
22 picked up during collection shall be removed from the curblin by no later than 7:00
23 p.m. on the day of scheduled collection. Failure to remove such items not in compliance
24 with subsection (d) by 7:00 p.m. may result in a citation for violation of this Code.
25

26 (d) Residents may not place with the carts other types of containers for collection. Garbage
27 and refuse placed in refuse carts and recyclable materials placed in recycle carts will
28 be the only things that will be collected during a normal collection.
29

30 (e) Rollout service will be provided for the disabled. Any residence in which all the
31 residents are disabled may request rollout service be performed by the city. The director
32 shall determine the need for rollout service and to approve or disapprove requests. If
33 the director determines that a particular residence qualifies for rollout service, the city
34 will roll out, dump and return the carts at no extra charge.
35

36 (f) There will be a charge of twenty dollars (\$20.00) if a cart is picked up and returned for
37 nonpayment of a sanitation bill.
38

39 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
40 repealed.
41

42 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
43 any reason held to be invalid, such decision shall not affect the validity of the remaining
44 provisions of the ordinance.
45
46

1 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
2 Oklahoma, this _____ day of _____, 2020.

3

4

THE CITY OF MIDWEST CITY, OKLAHOMA

5

6

7

MATTHEW D. DUKES, II, Mayor

8

9

10 ATTEST:

11

12

SARA HANCOCK, City Clerk

13

14

15

Approved as to form and legality this _____ day of _____, 2020.

16

17

18

HEATHER POOLE, City Attorney

19

20



Public Works Administration

8730 S.E. 15th Street,
Midwest City, Oklahoma 73110

Public Works Director

pstreets@midwestcityok.org

(405) 739-1061

Public Works City Engineer

pmenefee@midwestcityok.org

(405) 739-1062

www.midwestcityok.org

Memorandum

To: Honorable Mayor and Council

From: R. Paul Streets, Public Works Director

Date: November 10, 2020

Subject: Discussion and consideration of an ordinance amending the Midwest City Municipal Code, Chapter 24, Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1, Generally, Section 24-158, Prohibited in Specified Places; and providing for repealer and severability.

The proposed amendment to Chapter 24 Motor Vehicles and Traffic, Article V, Stopping, Standing or Parking, Division 1 – Generally, Section 24-158 Prohibited in Specified Places, was taken to the Ordinance Review Committee and approved before bringing to Midwest City Council for consideration. The amended language is needed to address issues associated with access to trash carts for service and conflicting language in other parts of the ordinance.

Action is at the discretion of the Mayor and Council.

Respectfully,

R. Paul Streets
Public Works Director

1 (17) Within fifteen (15) feet of a mailbox, 8:00 a.m. to 5:00 p.m., except Sundays and
2 holidays.

3
4 (18) In front of or blocking access to a poly cart.

5
6 (b) No person shall move a vehicle not lawfully under his control into any
7 prohibited area or away from a curb such distance as is unlawful.

8 (c) No person shall park or leave standing in one place any trailer or
9 nonmotorized vehicle upon a street or highway in excess of twenty-four (24)
10 hours.

11 (d) No commercial vehicle in excess of two (2) axles shall be parked on any street
12 right-of-way except for the purpose of delivering or picking up material or
13 merchandise or performing a service call. Moving vans actively being used at
14 the time for the purpose of loading or unloading of household goods are
15 excluded from this paragraph (d).
16

17
18 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
19 repealed.
20

21 **Section 3. SEVERABILITY.** If any section, sentence, clause, or portion of this ordinance is for
22 any reason held to be invalid, such decision shall not affect the validity of the remaining
23 provisions of the ordinance.
24

25 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
26 Oklahoma, this _____ day of _____, 2020.
27

28 THE CITY OF MIDWEST CITY, OKLAHOMA

29
30
31 _____
32 MATTHEW D. DUKES II, Mayor
33

34 ATTEST:

35
36 _____
37 SARA HANCOCK, City Clerk
38

39 Approved as to form and legality this _____ day of _____, 2020.
40
41

42
43 _____
44 HEATHER POOLE, City Attorney
45

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2 holidays.

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14 the time for the purpose of loading or unloading of household goods are
15 excluded from this paragraph (d).
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17
18 **Section 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are hereby
19 repealed.
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22 any reason held to be invalid, such decision shall not affect the validity of the remaining
23 provisions of the ordinance.
24

25 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,
26 Oklahoma, this _____ day of _____, 2020.
27

28 THE CITY OF MIDWEST CITY, OKLAHOMA
29

30
31 _____
32 MATTHEW D. DUKES II, Mayor
33

34 ATTEST:
35

36 _____
37 SARA HANCOCK, City Clerk
38

39 Approved as to form and legality this _____ day of _____, 2020.
40
41
42

43 _____
44 HEATHER POOLE, City Attorney
45



NEW BUSINESS/
PUBLIC DISCUSSION





FURTHER INFORMATION



Copies of the agenda for this meeting were posted at City Hall, accessible to the public for at least 24 hours in advance of the meeting.

MINUTES OF MIDWEST CITY PARK LAND REVIEW COMMITTEE SPECIAL MEETING

October 21, 2020 - 4:00 p.m.

This meeting of the Midwest City Park Land Review Committee was held in the Council Chambers, Midwest City, Oklahoma County, Oklahoma, on October 21, 2020 at 4:00 p.m., with the following members present:

Present: Carolyn Burkes
Jess Huskey
Casey Hurt

Absent: Charlie Hartley

Staff present: Kellie Gilles, Planning Manager
Sarah Steward, Associate Current Planner

A. CALL TO ORDER:

The meeting was called to order by Chairperson Burkes at 4:00 p.m.

B. MINUTES:

1. A motion was made by Huskey, seconded by Hurt to approve the minutes of the August 18, 2020. Voting Aye: Huskey, Burkes, Hurt. Absent: Hartley. Motion carried.

C. NEW MATTERS:

1. (PC –2061) Discussion and consideration of approval of the dedication of private park land and open space to be maintained by the Homeowners Association to satisfy the requirement for the dedication of park land in conjunction with the Preliminary Plat of StatusOne, located at 2500 S. Douglas Blvd. and described as a part of the SW/4 of Section 12, T11N, R2W.

Staff presented a brief overview of this request. The applicant, Chris Webster, was present via phone call. There was general discussion about the item. A motion was made by Hurt, seconded by Huskey, to recommend approval of the dedication of private park land and open space to be maintained by the Homeowners Association to satisfy the requirement for the dedication of park land in conjunction with the Preliminary Plat of StatusOne as referenced in PC-2061. Voting aye: Burkes, Huskey, and Hurt. Nay: None. Motion passed.

C. COMMITTEE DISCUSSION:

- E. Adjournment:** A motion was made by Huskey, seconded by Hurt to adjourn the meeting. Voting aye: Huskey, Hurt, and Burkes. Nay: None. Motion passed.

The meeting adjourned at 4:15 p.m.

SS:kg



MUNICIPAL AUTHORITY AGENDA

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

November 10, 2020 – 6:01 PM

- A. CALL TO ORDER.
- B. CONSENT AGENDA. These items are placed on the Consent Agenda so that Trustees, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with approval of all Trustees, or members of the audience wish to discuss an item, it will be removed and heard in regular order.
1. Discussion and consideration to approve the minutes of the October 29, 2020 special meeting, as submitted. (City Clerk - S. Hancock)
 2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: Utility Services, expenses/Utility Services (50) \$6,193. (Finance - J. Siemens)
- C. NEW BUSINESS/PUBLIC DISCUSSION. The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the Authority on any Subject not scheduled on the Regular Agenda. The Authority shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Authority will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE AUTHORITY ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE AUTHORITY.**
- D. ADJOURNMENT.





CONSENT AGENDA



Notice for the Midwest City Municipal Authority special meeting was filed with the City Clerk of Midwest City 48 hours prior to the meeting. Public notice of this agenda was accessible at least 24 hours before this meeting at City Hall and on the Midwest City website (www.midwestcityok.org).

Midwest City Municipal Authority Minutes
Special Meeting

October 29, 2020

This meeting was held in Midwest City Council Chambers at City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Matt Dukes called the meeting to order at 7:18 PM with the following members present: Trustees Pat Byrne, Española Bowen, Sean Reed*, Rick Favors and Secretary Sara Hancock, City Attorney Heather Poole, and City Manager Tim Lyon. Absent: Eads and Allen.

*Trustee Reed was present via teleconference per Oklahoma State Bill 661.

CONSENT AGENDA. Byrne made a motion to approve the consent agenda, as submitted, seconded by Favors. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.

1. Discussion and consideration to approve the minutes of the October 13, 2020 regular meeting, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: John Conrad Regional Golf, expenses/Hidden Creek (48) \$9,633. John Conrad Regional Golf, expenses/John Conrad Regional Golf (47) \$14,300.
3. Discussion and consideration of accepting the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending September 30, 2020.
4. Discussion and consideration of accepting the Midwest City YMCA football 2019-20 financial statement.
5. Discussion and consideration of accepting the Midwest City Soccer Club 2019-20 financial statement.
6. Discussion and consideration of declaring the following equipment from Water Plant: (1) Honey well Chart Recorder, (1) Hach Chlorine Analyzer, (2) Siemens Vacuum Gas Feeders, (2) Franklin Electric Submersible Well Pumps, (1) Protech Oscilloscope, (1) 1999 Dodge 1500, (1) 1996 Chevrolet 3500, (1) Ford 600 Well Pulling Unit, (200) Linear Feet of Rubber Cove Base, (4.75) Boxes of Acoustical Ceiling Tiles, (3.5) Boxes Olean Tile, (1) Box Ceramic Tile, (2) Boxes Vinyl Composition Tile, (6) 23 ¾" x 58" Laminated Wood Doors or Countertops and (2) Laminated Wood Doors or Countertop as surplus and authorizing their disposal by sealed bid, public auction, or by other means as necessary.

PUBLIC DISCUSSION. There was no public discussion.

ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 7:19 PM.

ATTEST:

Matthew D. Dukes II, Chairman

Sara Hancock, Secretary



Finance Department

100 N. Midwest Boulevard
Midwest City, OK 73110

cbarron@midwestcity.org

Office: 405-739-1245

www.midwestcityok.org

TO: Honorable Chairman and Trustees
Midwest City Municipal Authority

FROM: Judy Siemens, Interim Finance Director

DATE: November 10, 2020

SUBJECT: Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: Utility Services, expenses/Utility Services (50) \$6,193.

This supplement is needed to budget re-assigned employee for Staff Accountant.

Judy Siemens

Judy Siemens

Interim Finance Director

SUPPLEMENTS
November 10, 2020

Fund UTILITY SERVICES (187)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
<u>Dept Number</u>	<u>Department Name</u>	<u>Estimated Revenue</u>		<u>Budget Appropriations</u>	
		<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
50	Utility Services			6,193	
		<u>0</u>	<u>0</u>	<u>6,193</u>	<u>0</u>

Explanation:
 To budget re-assigned employee for Staff Accountant. Funding to come from fund balance.



NEW BUSINESS/
PUBLIC DISCUSSION





MEMORIAL HOSPITAL AUTHORITY AGENDA

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

November 10, 2020 – 6:02 PM

- A. CALL TO ORDER.
- B. DISCUSSION ITEMS.
 - 1. Discussion and consideration to approve the minutes of the October 29, 2020 special meeting. (City Clerk - S. Hancock)
 - 2. Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives. (Finance - J. Siemens)
- C. NEW BUSINESS/PUBLIC DISCUSSION. The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the Authority on any Subject not scheduled on the Regular Agenda. The Authority shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Authority will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE AUTHORITY ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE AUTHORITY.**
- D. EXECUTIVE SESSION.
 - 1. Discussion and consideration of 1) entering into executive session, as allowed under 25 O.S. § 307(C)(11), to confer on matters pertaining to economic development, including the transfer of property, financing or the creation of a proposal to entice a business to remain or to locate within the City, and 2) in open session, authorizing the general manager/administrator to take action as appropriate based on the discussion in executive session. (City Manager - T. Lyon)
- E. ADJOURNMENT.





DISCUSSION ITEMS



Notice for the Midwest City Hospital Authority special meeting was filed with the City Clerk of Midwest City 48 hours prior to the meeting. Public notice of this agenda was accessible at least 24 hours before this meeting at City Hall and on the Midwest City website (www.midwestcityok.org).

Midwest City Memorial Hospital Authority Minutes
Special Meeting

October 29, 2020

This meeting was held in the Midwest City Chambers at City Hall, 100 N Midwest Blvd, Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Matt Dukes called the meeting to order at 7:19 PM with following members present: Trustees Pat Byrne, Española Bowen, Sean Reed*, Rick Favors with Secretary Sara Hancock, City Attorney Heather Poole, and City Manager Tim Lyon. Absent: Eads and Allen.

*Trustee Reed was present via teleconference per Oklahoma State Bill 661.

CONSENT AGENDA. Favors made a motion to approve the consent agenda, as submitted, seconded by Bowen. Voting Aye: Byrne, Bowen, Reed, Favors, and Mayor Dukes. Nay: None. Absent: Eads and Allen. Motion carried.

1. Discussion and consideration to approve the minutes of the October 13, 2020 regular meeting, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the following fund for FY 2020-2021, increase: Hospital Authority Fund, revenue/Transfers In (90) \$254,669; expenses/Transfers Out (90) \$254,669; expenses/Hospital Authority (90) \$63,667.

DISCUSSION ITEMS.

1. **Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives.** No action needed.

PUBLIC DISCUSSION. There was no public discussion.

EXECUTIVE SESSION.

1. **Discussion and consideration of 1) entering into executive session, as allowed under 25 O.S. § 307(C)(11), to confer on matters pertaining to economic development, including the transfer of property, financing or the creation of a proposal to entice a business to remain or to locate within the City, and 2) in open session, authorizing the general manager/administrator to take action as appropriate based on the discussion in executive session.** No action taken.

ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 7:20 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary



Midwest City Memorial Hospital Authority
100 North Midwest Boulevard
Midwest City, Oklahoma 73110
Office (405) 739-1201
www.midwestcityok.org

MEMORANDUM

To: Honorable Chairman and Trustees

From: Judy Siemens, Interim Finance Director

Date: November 10, 2020

Subject: Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives.

Jim Garrels, President, Fiduciary Capital Advisors, asked staff to put this item on each agenda in the event the Hospital Authority's investments need to be reallocated, an investment fund manager needs to be changed or changes need to be made to the Statement of Investment Policy on short notice.

Action is at the discretion of the Authority.

Judy Siemens
Interim Finance Director



NEW BUSINESS/
PUBLIC DISCUSSION





EXECUTIVE SESSION





City Manager

100 N. Midwest Boulevard
Midwest City, OK 73110
tlyon@midwestcityok.org
Office: 405.739.1201
www.midwestcityok.org

MEMORANDUM

TO: Honorable Chairman and Trustees

FROM: Tim Lyon, City Manager

DATE: November 10, 2020

SUBJECT: Discussion and consideration of 1) entering into executive session, as allowed under 25 O.S. § 307(C)(11), to confer on matters pertaining to economic development, including the transfer of property, financing or the creation of a proposal to entice a business to remain or to locate within the City, and 2) in open session, authorizing the general manager/administrator to take action as appropriate based on the discussion in executive session.

Appropriate information will be dispersed during the meeting.

Tim Lyon, City Manager



SPECIAL ECONOMIC DEVELOPMENT AUTHORITY AGENDA

City Hall - Midwest City Council Chambers, 100 N. Midwest Boulevard

November 10, 2020 – 6:03 PM

- A. **CALL TO ORDER.**
- B. **CONSENT AGENDA.** These items are placed on the Consent Agenda so that Trustees, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with approval of all Trustees, or members of the audience wish to discuss an item, it will be removed and heard in regular order.
1. Discussion and consideration to approve the minutes of the September 22, 2020 special meeting, as submitted. (City Clerk - S. Hancock)
 2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: Economic Development Authority Fund, expenses/Economic Dev Auth (95) \$6,193. (Finance - J. Siemens)
- C. **PUBLIC DISCUSSION.** The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the Authority on any Subject not scheduled on the Regular Agenda. The Authority shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Authority will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE AUTHORITY ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE AUTHORITY.**
- D. **ADJOURNMENT.**





CONSENT AGENDA



Notice for the Midwest City Economic Development Authority special meeting was filed with the City Clerk of Midwest City 48 hours prior to the meeting. Public notice of this agenda was accessible at least 24 hours before this meeting at City Hall and on the Midwest City website. (www.midwestcityokorg).

Midwest City Economic Development Authority Minutes
Special Meeting

September 22, 2020

This special meeting was held in the Midwest City Chambers at City Hall, 100 N Midwest Blvd, Midwest City, County of Oklahoma, State of Oklahoma. Chairman Matthew Dukes, called the meeting to order at 7:45 PM with following members present: Trustees Susan Eads, Pat Byrne, Española Bowen, Sean Reed, Christine Allen, Rick Favors with Secretary Sara Hancock, City Attorney Heather Poole, and City Manager Tim Lyon.

CONSENT AGENDA. Eads made a motion to approve consent agenda, as submitted, seconded by Allen. Voting aye: Bowen, Byrne, Reed, Eads, Allen, Favors, and Dukes. Nay: None. Absent: None. Motion carried.

1. Discussion and consideration to approve the minutes of the August 11, 2020 special meeting, as submitted.
2. Discussion and consideration of entering into an agreement with the University of Oklahoma Christopher C. Gibbs College of Architecture, the Institute for Quality Communities and the City of Spencer to perform the Vision 23 Corridor Study for U.S. Highway 62 (NE 23rd Street) between N Post Road and N Air Depot Boulevard; at a cost of approximately \$9622.50.

PUBLIC DISCUSSION. There was no public discussion.

ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 7:45PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary



Finance Department

100 N. Midwest Boulevard
Midwest City, OK 73110

cbarron@midwestcity.org

Office: 405-739-1245

www.midwestcityok.org

TO: Honorable Chairman and Trustees
Economic Development Authority

FROM: Judy Siemens, Interim Finance Director

DATE: November 10, 2020

SUBJECT: Discussion and consideration of supplemental budget adjustments to the following funds for FY 2020-2021, increase: Economic Development Authority Fund, expenses/Economic Dev Auth (95) \$6,193.

This supplement is needed to budget re-assigned employee for Staff Accountant.

Judy Siemens
Interim Finance Director

SUPPLEMENTS

November 10, 2020

Fund ECONOMIC DEVELOPMENT AUTHORITY (353)		BUDGET AMENDMENT FORM Fiscal Year 2020-2021			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
95	Economic Dev Authority			6,193	
		<u>0</u>	<u>0</u>	<u>6,193</u>	<u>0</u>

Explanation:
To budget re-assigned employee for Staff Accountant. Funding to come from fund balance.



PUBLIC DISCUSSION

