



CITY OF MIDWEST CITY MEETINGS  
FOR OCTOBER 26, 2021

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Meetings will be streamed live on the City of Midwest City's (MWC) YouTube channel:  
[Bit.ly/youtubemwc](http://Bit.ly/youtubemwc).

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

To make a special assistance request, call 739-1213 or email [bbundy@midwestcityok.org](mailto: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.

MWC continues to take steps to follow federal, state and local guidelines regarding social distancing and crowd size. Thank you for helping us keep our community safe.



**CITY COUNCIL AGENDA**

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

October 26, 2021 – 6:00 PM

Presiding members: Mayor Matt Dukes

Ward 1 Susan Eads

Ward 2 Pat Byrne

Ward 3 Española Bowen

Ward 4 Sean Reed

Ward 5 Christine Allen

Ward 6 Rick Favors

City Manager Tim Lyon

City Clerk Sara Hancock

City Attorney Don Maisch

A. CALL TO ORDER.

B. OPENING BUSINESS.

- Invocation by Vaughn Sullivan
- Pledge of Allegiance by Carl Albert High School ROTC Cadets
- Community-related announcements and comments
- Mayoral Proclamation for Extra Mile Day

- 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 for adoption, including any possible amendment of, the October 12, 2021 meeting minutes. (City Clerk- S. Hancock)
  2. Discussion and consideration for adoption, including any possible amendment, of the City Manager's Report for the month of September 2021. (Finance - T. Cromar)
  3. Discussion and consideration for adoption, including any possible amendment of supplemental budget adjustments to the following funds for FY 2021-2022, increase: Grant Funds, revenue/Intergovernmental (57) \$500,000; expenditures/Capital Improvements (57) \$500,000. (Finance - T. Cromar)
  4. Discussion and consideration of adopting, including any possible amendment, 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. (Human Resources - T. Bradley)
  5. Discussion and consideration for adoption, including any possible amendment of 1) approving and entering into the 2022 Oklahoma Highway Safety Office Grant with the U.S. Department of Transportation Office to establish the terms and conditions under which the City will receive a law enforcement grant in the amount of \$44,880.00; and 2) authorizing the mayor and/or city manager to execute such documents and enter into such agreements as are necessary or appropriate to carry out the objectives of the grant. (Police - S. Porter)
  6. Discussion and consideration of approving and including any possible amendment of a resolution updating the Association of Central Oklahoma Governments (ACOG) 911 agreement. (Emergency Management - D. Wagner)
  7. Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to reconstruct the drainage on SE 15<sup>th</sup> Street at the Choctaw Creek Tributary 4 East Branch (just west of Hiwassee Road). (Community Development - B. Bundy)
  8. Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to reconstruct and signal the intersection of Reno Avenue and Westminster Road. (Community Development - B. Bundy)
  9. Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to construct sidewalk in three locations. (Community Development - B. Bundy)

10. Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to resurface SE 29<sup>th</sup> Street from I-40 to Midwest Boulevard. (Community Development - B. Bundy)
11. Discussion and consideration for entering into and approving, including any possible amendment of a Memorandum of Understanding with the City of Choctaw for a potential future federal aid project to reconstruct the drainage on SE 15<sup>th</sup> Street at the Choctaw Creek Tributary 4 East Branch (just west of Hiwassee Road). (Community Development - B. Bundy)
12. Discussion and consideration for adoption, including any possible amendment of change order #1 amending the contract with Shiloh Enterprises, Inc. to construct the WP Bill Atkinson Park in a *decrease* of \$110.70 to add 2 additional days of time. (Community Development - B. Bundy)
13. Discussion and consideration for adoption, including any possible amendment of reappointing Taiseka Adams to Park Board for an additional three-year term. (City Manager - V. Sullivan)
14. Discussion and consideration for adoption, including any possible amendment of 1) declaring an EyeBall R1 (360 degree deploy-able sensor) serial number BL20317, as obsolete city equipment/property; and 2) authorizing the disposal of this property by public auction, sealed bid or other means as necessary. (Police - S. Porter)
15. Discussion and consideration for adoption, including any possible amendment of declaring ammunition of various calibers Midwest City Police Department owned as surplus and authorizing their disposal by trade-in for the purchase of new ammunition with GT Distributors, Austin, TX. (Police - S. Porter)
16. Discussion and consideration for adoption, including any possible amendment of 1) declaring various computer equipment obsolete items of city property on the attached list surplus; and 2) authorizing their disposal by public auction, sealed bid, or other means as necessary. (Information Technology - A. Stephenson)

D. DISCUSSION ITEMS.

1. (PC-2090) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from C-3, Community Commercial and to R-HD, High Density Residential, for the property described as a part of the SW/4 of Section 12, T-11-N, R-2-W, located at 2500 S. Douglas Blvd. (Community Development - B. Harless)
2. (PC – 2092) Discussion and consideration for adoption, including any possible amendment of the Replat of Lot 14, Block 5 of the Pointon City Addition, described as a part of the NE/4 of Section 6, T11N, R1W and addressed as 10305 St. Patrick Drive.(Community Development - B. Harless)

3. (PC - 2093) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from R-6, Single Family Detached Residential to C-3, Community Commercial, and a resolution to amend the Comprehensive Plan from OR, Office/Retail to COMM, Commercial, for the property described as Lots 1-4 of the Poling Addition, addressed as 10012 E. Reno Ave. (Community Development - B. Harless)
4. (PC – 2094) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to amend the Soldier Creek Industrial Park (SCIP) Planned Unit Development governed by the C-4, General Commercial district and I-2, Moderate Industrial district for the property described as a part of the N/2 of Section 27, T-12-N, R-2-W, of the Indian Meridian, Oklahoma County, OK. (Community Development - B. Harless)
5. (PC - 2095) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from R-2F, Two-Family Attached Residential District to SPUD, Simplified Planned Unit Development, governed by the R-MD, Medium Density Residential District and a resolution to amend the Comprehensive Plan from PSP, Public/Semi-Public to MDR, Medium Density Residential, for the property described as Lot 20, Block 5 of the Country Estate Second Addition, addressed as 521 Babb Dr.(Community Development - B. Harless)
6. (PC - 2096) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from R-6, Single Family Residential to SPUD, Simplified Planned Unit Development, governed by the R-2F, Two-Family Attached Residential District and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential subject to staff comments, for the property described as Lot 20, Block 5 of the Pine Addition, addressed as 219 E Jacobs Dr. (Community Development - B. Harless)
7. (PC – 2097) Discussion and consideration for adoption, including any possible amendment of approval of the Final Plat of Freedom Villas, described as a part of the SE/4 of Section 35, T12N, R2W. (Community Development - B. Harless)
8. (PC - 2098) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from C-1, Restricted Commercial to PUD, Planned Unit Development, governed by the C-1, Restricted Commercial and R-6, Single Family Detached Residential districts, and a resolution to amend the Comprehensive Plan from PSP, Public/Semi-Public to COM, Commercial and LDR, Low Density Residential, subject to staff comments, for the property described as a part of the SW/4 of Section 36, T12N, R2W, addressed as 9035 E. Reno Ave.(Community Development - B. Harless)
9. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date. (City Attorney – D. Maisch)

10. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and effective date. (City Attorney – D. Maisch)

11. Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and an effective date. (City Attorney – D. Maisch)

E. NEW BUSINESS/PUBLIC DISCUSSION. In accordance with State Statute Title 25 Section 311. Public bodies - Notice. A-9, the purpose of the "New Business" section is for action to be taken at any Council/Authority/Commission meeting for any matter not known about or which could not have been reasonably foreseen 24 hours prior to the public meeting. The purpose of the "Public Discussion" section of the Agenda is for members of the public to speak to the 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. EXECUTIVE SESSION.

1. Discussion and consideration of 1) entering into executive session, as allowed under Title 25 Section 307 (B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; and 2) authorizing the City Manager to take action as appropriate based on discussion. (City Manager - T. Lyon)

G. FURTHER INFORMATION.

1. Approved minutes of the September 7, 2021 Planning Commission meeting. (Community Development - B. Harless)

2. Signed Minutes of the July 6, 2021 Board of Adjustment meeting. (Community Development - B. Harless)

3. Signed Minutes of the August 19, 2021 Park Land Review Committee meeting. (Community Development - B. Harless)

4. Review of the September 2021 Building Report. (Community Development—B. Harless)

H. ADJOURNMENT.



CONSENT AGENDA



Notice for the Midwest City Council meetings was filed for the calendar year with the City Clerk of Midwest City. 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

October 12, 2021

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:

Ward 1 Susan Eads	Ward 4 Sean Reed	City Manager Tim Lyon
Ward 2 Pat Byrne	Ward 5 Christine Allen	City Clerk Sara Hancock
Ward 3 Española Bowen		City Attorney Don Maisch

Absent: Ward 6 Rick Favors

OPENING BUSINESS. The Invocation was given by Assistant City Manager Vaughn Sullivan. The Pledge of Allegiance was led by Carl Albert High School ROTC Cadets Nemecek and Hall. Council and staff made Community-related announcements and comments.

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

1. Discussion and consideration for adoption, including any possible amendment of, the September 28, 2021 meeting minutes.
2. Discussion and consideration for adoption, including any possible amendment of supplemental budget adjustments to the following funds for FY 2021-2022, increase: General Gov't Sales Tax Fund, expenditures/City Manager (01) \$26,570. General Fund, expenditures/City Clerk (02) \$4,438; expenditures/Personnel (03) \$17,524; expenditures/City Attorney (04) \$1,798; expenditures/Community Development (05) \$67,011; expenditures/Park & Rec (06) \$7,040; expenditures/Finance (08) \$25,216; expenditures/Streets (09) \$62,988; expenditures/Animal Welfare (10) \$16,683; expenditures/Municipal Court (12) \$15,464; expenditures/Neighborhood Services (15) \$42,853; expenditures/I.T. (16) \$25,567; expenditures/EOC (18) \$45,498; expenditures /Swimming Pool (19) \$1,157; expenditures/Communications (20) \$8,352; expenditures /Senior Center (55) \$7,965. Police Fund, expenditures/Police (62) \$492,943. Juvenile Fund, expenditures/Municipal Court (12) \$2,945. Fire Fund, expenditures/Fire (64) \$407,173. Welcome Center Fund, expenditures/Tourism (74) \$1,127. CVB Fund, expenditures/Economic (87) \$5,008. Emergency Operations Fund, expenditures /Emergency Operations (21) \$14,825. PWA Fund, expenditures/Public Works (30) \$40,954. Fleet Fund, expenditures/Fleet (25) \$38,719. Surplus Property Fund, expenditures/Surplus (26) \$1,567. Park & Recreation Fund, expenditures/Park & Recreation (06) \$1,798; expenditures/Communications (20) \$1,902. CDBG Fund, expenditures/Grants Management (39) \$17,683. Risk Management Fund, expenditures /Risk Insurance (29) \$8,409. Disaster Relief Fund, expenditures/Neighborhood Services (15) \$7,852. Park & Recreation Fund, expenditures/Transfer Out (06) \$85,072; decrease: expenditures/Park & Recreation (06) \$85,072. Increase: 2018 Election GO Bonds Fund, revenue/Transfer In (06) \$85,072; expenditures/Park & Recreation (06) \$85,072. Reimbursed Projects Fund, revenue/Intergovernmental (39) \$1,749,648; expenditures/Grants Management (39) \$1,749,648.

3. Discussion and Consideration for adoption, including any possible amendment of, approving Amendment No. 2 to the construction management contract with MacHill Construction, Inc. associated with the Reed Baseball Complex renovations with an added cost of \$85,071.42 which brings the total cost to \$2,448,006.42.
4. Discussion and Consideration for adoption, including any possible amendment of, approving Change Order No. 3 to the construction management contract with Lippert Brothers, Inc. associated with the Multi-Sports Complex renovations with an added cost of \$14,780.53 which brings the total cost to \$5,217,369.95.
5. Discussion and consideration, including any possible amendment, of reappointing Mr. Ed Schratwiser for a three-year term to the Midwest City Traffic and Safety Commission.
6. Discussion and consideration, including any possible amendment, of appointing Mr. Marcus Hayes and reappointing Ms. Susan Glapion for a three-year term to the Midwest City Tree Board.
7. Discussion and consideration, including any possible amendment, of declaring the following equipment from Street Department: (1) Stihl Blower and (1) Stihl Weed Eaters as surplus and authorizing their disposal by sealed bid, public auction, or by other means as necessary.

DISCUSSION ITEM.

1. **Discussion and consideration, including any amendments, of passing and approving an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration; Article II, City Council; Section 2-11, Time of Regular Meetings of Council; and providing for repealer and severability.** Mayor and Lyon addressed the Council. After Staff and Council discussion, Allen made a motion to approve Ordinance 3458, seconded by Bowen. Voting Aye: Eads, Byrne, Bowen, Reed, Allen, and Dukes. Nay: None. Absent: Favors. Motion carried.

NEW BUSINESS/PUBLIC DISCUSSION. Brent McGee, 9409 NE Sherwell, addressed the Council.

ADJOURNMENT. There being no further business, Mayor Dukes adjourned the meeting at 6:21 PM.

ATTEST:

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MATTHEW D. DUKES II, Mayor

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SARA HANCOCK, City Clerk





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

TO: Honorable Mayor and City Council

FROM: Tiatia Cromar, Finance Director/ City Treasurer

DATE: October 26, 2021

SUBJECT: Discussion and consideration for adoption, including any possible amendment, of the City Manager's Report for the month of September 2021.

The funds in September that experienced a significant change in fund balance from the August report are as follows:

<b>2018 Election G.O. Bond (270)</b> decreased due to the payments for:	
Various Capital Outlay	<\$2,130,091>
<b>2018 G.O. Bonds Proprietary (271)</b> decreased because of the payments for:	
Various Capital Outlay	<\$1,353,147>
<b>MWC Hospital Authority (425)</b> activities for September:	
Compounded Principal (9010) - unrealized loss on investment	<\$4,371,743>
Discretionary (9050) - unrealized loss on investment	<\$1,371,007>

*Tiatia Cromar*

Tiatia Cromar  
Finance Director/ City Treasurer

City of Midwest City  
Financial Summary by Fund  
for Period Ending September, 2021

(Unaudited)

Fund Number	Fund Description	Assets	Liabilities	6/30/2021 Fund Balance	Revenues	Expenditures	Gain or (Loss)	Fund Balance
9	GENERAL GOVERNMENT SALES TAX	4,752,476	-	4,541,773	727,164	(516,461)	210,703	4,752,476
10	GENERAL	11,090,065	(163,805)	10,404,097	10,978,806	(10,456,643)	522,163	10,926,260
11	CAPITAL OUTLAY RESERVE	741,923	-	741,398	525	-	525	741,923
13	STREET AND ALLEY FUND	1,582,266	-	1,617,200	174,774	(209,708)	(34,934)	1,582,266
14	TECHNOLOGY FUND	468,932	-	433,563	90,921	(55,551)	35,369	468,932
15	STREET LIGHT FEE	1,699,855	-	1,747,738	149,074	(196,956)	(47,883)	1,699,855
16	REIMBURSED PROJECTS	1,061,939	(6)	1,055,221	29,604	(22,891)	6,713	1,061,934
17	29TH & DOUGLAS PROPERTY	3,060	-	291	10,002	(7,232)	2,770	3,060
20	MWC POLICE DEPARTMENT	9,152,933	(2,658)	8,840,718	4,611,806	(4,302,249)	309,557	9,150,275
21	POLICE CAPITALIZATION	958,297	-	724,080	414,799	(180,582)	234,217	958,297
25	JUVENILE FUND	42,475	-	38,163	16,545	(12,233)	4,312	42,475
30	POLICE STATE SEIZURES	87,022	-	87,864	62	(903)	(841)	87,022
31	SPECIAL POLICE PROJECTS	88,674	-	87,241	2,563	(1,130)	1,433	88,674
33	POLICE FEDERAL PROJECTS	49,918	-	48,467	1,450	-	1,450	49,918
34	POLICE LAB FEE FUND	28,121	-	25,123	3,740	(741)	2,998	28,121
35	EMPLOYEE ACTIVITY FUND	23,906	-	24,677	197	(968)	(771)	23,906
36	JAIL	153,567	-	148,088	23,488	(18,010)	5,478	153,567
37	POLICE IMPOUND FEE	116,426	-	114,337	10,133	(8,043)	2,089	116,426
40	MWC FIRE DEPARTMENT	6,001,717	(4)	5,798,220	3,616,699	(3,413,206)	203,494	6,001,713
41	FIRE CAPITALIZATION	1,409,264	-	1,263,814	226,898	(81,447)	145,450	1,409,264
45	MWC WELCOME CENTER	388,081	3	337,163	58,491	(7,570)	50,921	388,084
46	CONV / VISITORS BUREAU	329,684	-	276,171	108,265	(54,753)	53,512	329,684
50	DRAINAGE TAX FUND	-	-	-	-	-	-	-
60	CAPITAL DRAINAGE IMP	693,860	-	710,068	118,162	(134,369)	(16,208)	693,860
61	STORM WATER QUALITY	1,208,753	-	1,183,745	202,447	(177,439)	25,008	1,208,753
65	STREET TAX FUND	1,966,894	-	1,868,157	135,948	(37,211)	98,738	1,966,894
70	EMERGENCY OPER FUND	839,482	-	838,966	148,183	(147,667)	516	839,482
75	PUBLIC WORKS ADMIN	504,019	-	630,577	375,691	(502,250)	(126,558)	504,019
80	INTERSERVICE FUND	746,122	-	718,232	756,459	(728,569)	27,890	746,122
81	SURPLUS PROPERTY	576,872	(457,446)	119,209	12,729	(12,512)	217	119,426
115	ACTIVITY FUND	372,802	(70)	358,955	28,780	(15,003)	13,777	372,732
123	PARK & RECREATION	804,888	(150)	723,200	170,657	(89,118)	81,538	804,738
141	COMM. DEV. BLOCK GRANT	6,029	-	6,029	148,625	(148,625)	-	6,029
142	GRANTS/HOUSING ACTIVITIES	183,075	(5,000)	169,787	22,874	(14,587)	8,287	178,075
143	GRANT FUNDS	6,396,560	(6,336,560)	60,000	89,574	(89,574)	-	60,000

City of Midwest City  
Financial Summary by Fund  
for Period Ending September, 2021  
(Unaudited)

Fund Number	Fund Description	Assets	Liabilities	6/30/2021 Fund Balance	Revenues	Expenditures	Gain or (Loss)	Fund Balance
157	CAPITAL IMPROVEMENTS	2,715,137	-	2,538,212	246,357	(69,431)	176,926	2,715,137
172	CAP. WATER IMP-WALKER	1,836,466	-	1,703,191	133,831	(556)	133,276	1,836,466
178	CONST LOAN PAYMENT REV	3,621,265	(15,358)	3,428,570	208,015	(30,679)	177,337	3,605,907
184	SEWER BACKUP FUND	80,181	-	80,124	57	-	57	80,181
186	SEWER CONSTRUCTION	5,382,877	-	5,345,887	364,833	(327,843)	36,990	5,382,877
187	UTILITY SERVICES	505,093	(924)	465,084	310,517	(271,431)	39,085	504,169
188	CAP. SEWER IMP.-STROTH	944,624	-	746,433	199,149	(958)	198,191	944,624
189	UTILITIES CAPITAL OUTLAY	2,295,414	(105,997)	2,128,425	102,982	(41,990)	60,992	2,189,417
190	MWC SANITATION DEPARTMENT	5,035,146	-	4,703,029	1,972,393	(1,640,275)	332,118	5,035,146
191	MWC WATER DEPARTMENT	3,877,851	-	3,857,782	1,878,808	(1,858,740)	20,068	3,877,851
192	MWC SEWER DEPARTMENT	3,135,836	(115)	2,796,457	2,007,768	(1,668,503)	339,264	3,135,721
193	MWC UTILITIES AUTHORITY	952,448	-	951,918	673	(143)	531	952,448
194	DOWNTOWN REDEVELOPMENT	584,904	(5,045)	579,446	413	-	413	579,859
195	HOTEL/CONFERENCE CENTER	364,188	(715,930)	(249,597)	636,518	(738,663)	(102,145)	(351,742)
196	HOTEL 4% FF&E	709,027	(223,654)	601,751	1,821,760	(1,938,138)	(116,378)	485,373
197	JOHN CONRAD REGIONAL GOLF	386,493	(145,642)	176,484	216,092	(151,726)	64,367	240,851
201	URBAN RENEWAL AUTHORITY	5,031	-	21,797	8	(16,775)	(16,766)	5,031
202	RISK MANAGEMENT	776,668	(37)	1,322,592	225,872	(771,832)	(545,960)	776,632
204	WORKERS COMP	3,708,655	-	3,795,625	204,906	(291,876)	(86,970)	3,708,655
220	ANIMALS BEST FRIEND	66,075	-	66,529	4,325	(4,779)	(454)	66,075
225	HOTEL MOTEL FUND	-	-	-	192,933	(192,933)	-	-
230	CUSTOMER DEPOSITS	1,573,936	(1,573,936)	-	1,108	(1,108)	-	-
235	MUNICIPAL COURT	79,246	(79,246)	-	66	(66)	-	-
240	L & H BENEFITS	1,640,528	(38,300)	1,440,177	2,580,626	(2,418,575)	162,051	1,602,228
250	CAPITAL IMP REV BOND	7,720,452	(48,145,655)	(40,093,181)	4,008,707	(4,340,729)	(332,022)	(40,425,203)
269	2002 G.O. STREET BOND	316,941	-	316,717	224	-	224	316,941
270	2018 ELECTION G.O. BOND	23,671,019	(298,628)	28,243,801	134,695	(5,006,105)	(4,871,409)	23,372,391
271	2018 G.O. BONDS PROPRIETARY	4,421,535	(299,408)	7,103,148	8,922	(2,989,943)	(2,981,021)	4,122,127
310	DISASTER RELIEF	8,955,972	(185,273)	8,912,238	88,144	(229,682)	(141,538)	8,770,700
340	REVENUE BOND SINKING FUND	-	-	-	1,704,710	(1,704,710)	-	-
350	G. O. DEBT SERVICES	2,157,893	(14,576)	2,395,523	52,557	(304,763)	(252,206)	2,143,317
352	SOONER ROSE TIF	987,410	-	758,227	232,683	(3,500)	229,183	987,410
353	ECONOMIC DEV AUTHORITY	54,433,582	(50,227,413)	3,984,950	326,669	(105,450)	221,219	4,206,169
425-9010	MWC HOSP AUTH-COMP PRINCIPAL	122,910,348	(1,530)	125,576,655	195,887	(2,863,722)	(2,667,835)	122,908,819
425-9020	MWC HOSP AUTH-LOAN RESERVE	559,708	(559,708)	-	-	-	-	-
425-9050	MWC HOSP AUTH-DISCRETIONARY	21,492,196	(3,867)	19,799,495	1,991,595	(302,761)	1,688,834	21,488,329
425-9060	MWC HOSP IN LIEU OF/ROR/MISC	9,144,439	-	9,244,883	93	(100,535)	(100,442)	9,144,441
425-9080	MWC HOSP AUTH GRANTS	722,706	-	152,847	629,859	(60,000)	569,859	722,706
	TOTAL	352,301,246	(109,605,934)	248,637,550	46,150,888	(52,093,122)	(5,942,234)	242,695,316



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

TO: Honorable Mayor and City Council

FROM: Tiatia Cromar, Finance Director

DATE: October 26, 2021

SUBJECT: Discussion and consideration for adoption, including any possible amendment of supplemental budget adjustments to the following funds for FY 2021-2022, increase: Grant Funds, revenue/Intergovernmental (57) \$500,000; expenditures/Capital Improvements (57) \$500,000.

This supplement is needed to increase budget for revenue and expenditures for the Oklahoma Tourism and Recreation Department Grant for Mid America Park Expansion Project.

*Tiatia Cromar*

Tiatia Cromar  
Finance Director

**SUPPLEMENTS**  
**October 26, 2021**

Fund GRANT FUNDS (143)		BUDGET AMENDMENT FORM Fiscal Year 2021-2022			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
57	Intergovernmental	500,000			
57	Capital Improvements			500,000	
		<u>500,000</u>	<u>0</u>	<u>500,000</u>	<u>0</u>

**Explanation:**  
To budget the revenue and expenditures for the Oklahoma Tourism and Recreation Department Grant for Mid America Park Expansion Project #572203.



**Human Resources**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
office 405.739.1235

**Memorandum**

**TO:** Honorable Mayor and Council

**FROM:** Troy Bradley, Human Resources Director

**DATE:** October 26, 2021

**RE:** Discussion and consideration of adopting, including any possible amendment, 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.

---

This item is placed on the agenda at the request of the Council. Attached to this memo is information regarding the current financial condition of the City Employees' Health Benefits Plan for the month of September 2021, which is the third (3) period of the FY 2021/2022.

Troy Bradley, Human Resources Director

<u>FISCAL YEAR 2021-2022</u>	<u>Jul-21</u>	<u>Aug-21</u>	<u>Sep-21</u>	<u>Oct-21</u>	<u>Nov-21</u>	<u>Dec-21</u>	<u>Jan-22</u>	<u>Feb-22</u>	<u>Mar-22</u>	<u>Apr-22</u>	<u>May-22</u>	<u>Jun-22</u>
<b>PLAN INCOME</b>												
Projected Budgeted (MTD)	910,012	910,012	910,012	910,012	910,012	910,012	910,012	910,012	910,012	910,012	910,012	910,012
Actual (MTD)	832,833	851,193	896,598									
Projected Budgeted (YTD)	910,012	1,820,024	2,730,036	3,640,048	4,550,060	5,460,072	6,370,084	7,280,096	8,190,108	9,100,120	10,010,132	10,920,144
Actual (YTD)	832,833	1,684,026	2,580,624									
<b>PLAN CLAIMS/ADMIN COSTS</b>	<u>Jul-21</u>	<u>Aug-21</u>	<u>Sep-21</u>	<u>Oct-21</u>	<u>Nov-21</u>	<u>Dec-21</u>	<u>Jan-22</u>	<u>Feb-22</u>	<u>Mar-22</u>	<u>Apr-22</u>	<u>May-22</u>	<u>Jun-22</u>
Projected Budgeted (MTD)	804,741	1,005,926	804,741	804,741	1,005,926	804,741	1,005,926	804,741	804,741	804,741	1,005,926	804,741
Actual (MTD)	710,070	876,960	831,545									
Projected Budgeted (YTD)	804,741	1,810,667	2,615,408	3,420,149	4,426,075	5,230,816	6,236,742	7,041,483	7,846,224	8,650,965	9,656,891	10,461,632
Actual (YTD)	710,070	1,587,030	2,418,575									
<b>EXCESS INCOME vs. EXPENDITURES</b>	<u>Jul-21</u>	<u>Aug-21</u>	<u>Sep-21</u>	<u>Oct-21</u>	<u>Nov-21</u>	<u>Dec-21</u>	<u>Jan-22</u>	<u>Feb-22</u>	<u>Mar-22</u>	<u>Apr-22</u>	<u>May-22</u>	<u>Jun-22</u>
Projected Budgeted (MTD)	105,271	-95,914	105,271	105,271	-95,914	105,271	-95,914	105,271	105,271	105,271	-95,914	105,271
Actual (MTD)	122,763	-25,767	65,053									
Projected Budgeted (YTD)	105,271	9,357	114,628	219,899	123,985	229,256	133,342	238,613	343,884	449,155	353,241	458,512
Actual (YTD)	122,763	96,996	162,049									
<u>FISCAL YEAR 2020-2021</u>	<u>Jul-20</u>	<u>Aug-20</u>	<u>Sep-20</u>	<u>Oct-20</u>	<u>Nov-20</u>	<u>Dec-20</u>	<u>Jan-21</u>	<u>Feb-21</u>	<u>Mar-21</u>	<u>Apr-21</u>	<u>May-21</u>	<u>Jun-21</u>
<b>PLAN INCOME</b>												
Projected Budgeted (MTD)	729,416	729,416	729,416	729,416	729,416	729,416	729,416	729,416	729,416	729,416	729,416	729,416
Actual (MTD)	662,819	704,904	753,466	689,432	1,065,534	727,062	722,415	729,187	750,261	791,934	845,640	833,316
Projected Budgeted (YTD)	729,416	1,458,832	2,188,248	2,917,664	3,647,080	4,376,496	5,105,912	5,835,328	6,564,744	7,294,160	8,023,576	8,752,992
Actual (YTD)	662,819	1,367,723	2,121,189	2,810,621	3,876,155	4,603,217	5,325,632	6,054,819	6,805,080	7,597,014	8,442,654	9,275,970
<b>PLAN CLAIMS/ADMIN COSTS</b>	<u>Jul-20</u>	<u>Aug-20</u>	<u>Sep-20</u>	<u>Oct-20</u>	<u>Nov-20</u>	<u>Dec-20</u>	<u>Jan-21</u>	<u>Feb-21</u>	<u>Mar-21</u>	<u>Apr-21</u>	<u>May-21</u>	<u>Jun-21</u>
Projected Budgeted (MTD)	691,492	864,366	691,492	691,492	864,366	691,492	691,492	691,492	864,366	691,492	864,366	691,492
Actual (MTD)	548,997	965,005	927,589	766,622	859,038	854,726	841,941	740,186	683,500	641,347	697,144	827,948
Projected Budgeted (YTD)	691,492	1,555,858	2,247,350	2,938,842	3,803,208	4,494,700	5,186,192	5,877,684	6,742,050	7,433,542	8,297,908	8,989,400
Actual (YTD)	548,997	1,514,002	2,441,591	3,208,213	4,067,251	4,921,977	5,763,918	6,504,104	7,187,604	7,828,951	8,526,095	9,354,043
<b>EXCESS INCOME vs. EXPENDITURES</b>	<u>Jul-20</u>	<u>Aug-20</u>	<u>Sep-20</u>	<u>Oct-20</u>	<u>Nov-20</u>	<u>Dec-20</u>	<u>Jan-21</u>	<u>Feb-21</u>	<u>Mar-21</u>	<u>Apr-21</u>	<u>May-21</u>	<u>Jun-21</u>
Projected Budgeted (MTD)	37,924	-134,950	37,924	37,924	-134,950	37,924	37,924	37,924	-134,950	37,924	-134,950	37,924
Actual (MTD)	113,822	-260,101	-174,123	-77,190	206,496	-127,664	-119,526	-10,999	66,761	150,587	148,496	5,368
Projected Budgeted (YTD)	37,924	-97,026	-59,102	-21,178	-156,128	-118,204	-80,280	-42,356	-177,306	-139,382	-274,332	-236,408
Actual (YTD)	113,822	-146,279	-320,402	-397,592	-191,096	-318,760	-438,286	-449,285	-382,524	-231,937	-83,441	-78,073

Please note that, beginning Nov-20, the Plan Income Actual amounts include estimated prescription rebates accrued per month, with Nov-20 reporting estimates for July-November 2020.

September 3/FY 2022: \$1,601,974  
 September 3/FY 2021: \$1,197,596  
 September 3/FY 2020: \$1,873,719  
 September 3/FY 2019: \$2,247,629

\*\* HAD FIVE MONDAYS WITH REPORTED MEDICAL CLAIMS PAID\*\*



**City of Midwest City Police Department**

100 N. Midwest Boulevard

Midwest City, OK 73110

Office 405.739.1320

Fax 405.739.1398

**Memorandum**

TO: Honorable Mayor and Council

FROM: Sid Porter, Chief of Police

DATE: October 26, 2021

SUBJECT: Discussion and consideration for adoption, including any possible amendment of 1) approving and entering into the 2022 Oklahoma Highway Safety Office Grant with the U.S. Department of Transportation Office to establish the terms and conditions under which the City will receive a law enforcement grant in the amount of \$44,880.00; and 2) authorizing the mayor and/or city manager to execute such documents and enter into such agreements as are necessary or appropriate to carry out the objectives of the grant.

---

The Midwest City Police Department requests that you enter into an agreement with the 2022 Oklahoma Highway Safety Office Grant with the U.S. Department of Transportation Office to establish the terms and conditions under which the City will receive a law enforcement grant in the amount of \$44,880.00. The OHSO grant funds would be used to fund 740 hours of overtime for high visibility enforcement, which contributes to the statewide traffic safety improvement goals. The OHSO funds would be used to reestablish overtime emphasis where Officers will be assigned to work high visibility enforcement, specifically all major streets that cross the City (i.e. SE 29<sup>th</sup> Street, NE 23<sup>rd</sup> Street, Sooner Road, etc. Grant contract period is for one year from October 1, 2021-September 30, 2022.

Staff recommends approval.

*Sid Porter*

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Chief of Police

Attachment: Oklahoma Highway Safety Office Grant Agreement FY 2022



# Grant Agreement Summary – Part 1

OHSO Highway Safety Application FFY2022

OHSO-FFY2022-Midwest City CI-00076

## Title of Contract:

*Midwest City Traffic Enforcement \**

<b>OHSO Project Number:</b>	<b>Award Amount:</b>	<b>CFDA Number:</b>	<b>FAIN Number:</b>	<b>TTA Number:</b>
PT-22-03-17-19	44,880.00	206000000	69A37521300004020OK0	

**TOTAL AWARD:** \$44,880.00

\$0.00

<b>Project Period:</b>	Oct 01, 2021	- Sep 30, 2022	<b>Primary Program Area:</b>	General Police Traffic Services
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**Organization:** *Midwest City Police Department*

**Address:** 100 N Midwest

<b>City:</b>	Midwest City	<b>State:</b>	OK	<b>Zip:</b>	73110
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<b>FEI Number:</b>	736027530	<b>DUNS Number:</b>	077326601
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<b>Project Director:</b>	Terrence Ley	<b>Title:</b>	Lieutenant
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<b>Phone Number:</b>	(405) 739-1306	<b>Fax Number:</b>	
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## Project Goals:

*To work 720 hours or more of overtime high visibility enforcement in FY22, contributing to statewide traffic safety improvement goals .*

## Problem Identification:

*Midwest City is a suburb east of Oklahoma City with a geographical area of 26 square miles. According to the Oklahoma Department of Commerce's Population Estimates by Place, Midwest City is the eighth largest city in the state of Oklahoma, with a population estimated about 57,308. It is a central location for industrial trade and a large number of commuters pass through the city limits due to its close proximity to Tinker Air Force Base and Oklahoma City. In 2019, according to OHSO data, Midwest City had a total of 28 KA crashes. When comparing the crash rate per 100M VMT for Midwest City, their rate is 50% higher than the statewide rate of crashes. Of these crashes, 2 were alcohol-related, 2 were drug-related, 4 were speed-related, and 3 were attributed to a distracted driver. Five of the crashes were fatal. When adjusted for VMT, that puts Midwest City at over double the state rate for fatal crashes.*

## Grant Agreement Summary – Part 1

**Project Description:**

*The Midwest City Police Department will conduct overtime high visibility enforcement in support of the State and National goals to reduce the incidence of fatality and serious injury crashes in their community. The Project Director will utilize all data and reference sources to identify those times, and locations having a significant crash rate involving impaired drivers including but not limited to, DDACTS, crash reports, arrest records, and OHSO data. Officers will be assigned to work high visibility enforcement (HVE), and saturation patrols in identified areas, specifically all major street arteries that cross the city particularly within the following boundaries: SE 29th Street, NE 23rd Street, Sooner Road and S. Douglas Blvd. Public information supporting enforcement (PI&E) activities will be conducted on a monthly basis as part of the HVE effort to inform and educate the public on safe driving habits, as well as the agency's ongoing effort to deter traffic violations. Activity will be conducted in support of state and national mobilizations.*

*The Midwest City Police Department will employ the following strategies in conducting grant activities:*

- 1) Countermeasure: High Visibility Enforcement*
- Planned Activity: State and Local High Visibility Enforcement*

This grant is subject to the terms and conditions set forth in the Pre-Application guidelines and any modifications agreed to during negotiation and reflected in the Award Documents, or by Contract Change Order hereafter, including; Part I-Grant Agreement Summary; Budget Summary; Budget Detail; Activity/Milestones; General Provisions – Part II; Specific Agreements – Part III; and Certification pages.

In addition, the grantee agrees to the following:

1. If the grantee is a law enforcement agency, the grantee agrees to participate in and support NHTSA's national goals and law enforcement mobilizations ("Click It or Ticket" and "Drive Sober or Get Pulled Over"), including submitting both pre and post reports through the OHSO online Mobilization Reporting System.
2. At the end of the project year and no later than November 1, the Project Director will submit the End of Year Project Summary Report outlining the project accomplishments and whether the project goal(s) was met.

In accordance with OMB Circular A-133, the Oklahoma Highway Safety Office (OHSO) is required to supply each grantee with pertinent information regarding the grant awarded. The Oklahoma Highway Safety Office (OHSO) is a pass-through agency for federal funds provided by the U.S. Dept of Transportation, National Highway Traffic Safety Administration (NHTSA).

On the chart below, locate the "Start of Project Number for each grant awarded to obtain the information your agency's financial department will need for Federal/State reporting purposes.

Start of Project Number	Program Area	CFDA No.	Award Name	Section No.

## Grant Agreement Summary – Part 1

AI	Accident Investigation	20.6000000	State and Community Highway Safety	402
AL	Alcohol	20.6000000	State and Community Highway Safety	402
DE	Driver Education	20.6000000	State and Community Highway Safety	402
MC	Motorcycle Safety	20.6000000	State and Community Highway Safety	402
OP	Occupant Protection	20.6000000	State and Community Highway Safety	402
PS	Pedestrian Safety	20.6000000	State and Community Highway Safety	402
PT	Police Traffic Services	20.6000000	State and Community Highway Safety	402
RH	Railroad/Highway Crossings	20.6000000	State and Community Highway Safety	402
SE	Speed Enforcement	20.6000000	State and Community Highway Safety	402
TR	Traffic Records	20.6000000	State and Community Highway Safety	402
TSP	Teen Safety Programs	20.6000000	State and Community Highway Safety	402
M2	405b OP Low	20.6160000	Occupant Protection	405b
M3	21 405c Data Program	20.6160000	State Traffic Safety Information Systems Improvements	405c
M5	405d Impaired Driving Mid	20.6160000	Impaired Driving Countermeasures	405d
M9	405f Motorcycle Programs	20.6160000	Motorcyclist Safety	405f

If you have any questions, please contact your Program Manager.



Budget Detail Projections

OHSO Highway Safety Application FFY2022

OHSO-FFY2022-Midwest City CI-00076

Cost Category Items		Project #	Description			
OCT	NOV	DEC	JAN	FEB	MAR	Semi-Annual
APR	MAY	JUN	JUL	AUG	SEP	Annual
I.A.	1	PT-22-03-17-19	Salary for overtime traffic enforcement/PI&E (rate not to exceed 1.5 times regular hourly rate unless contractually required and pre-approved by OHSO).			
3,300.00	3,300.00	3,300.00	3,300.00	3,300.00	3,300.00	\$19,800.00
3,300.00	3,300.00	3,300.00	3,300.00	3,300.00	3,300.00	\$39,600.00
I.B.	1	PT-22-03-17-19	Benefits for overtime impaired driving enforcement (rate not to exceed 7.65% unless contractually required and pre-approved by OHSO).			
252.50	252.50	252.50	252.50	252.50	252.50	\$1,515.00
252.50	252.50	252.50	252.50	252.50	252.50	\$3,030.00
II.B.	1	PT-22-03-17-19	Out-of-state travel to the Lifesavers Conference, to include: registration, lodging, M&IE, and transportation expenses in accordance with the State Travel Reimbursement Act and state travel restrictions.			
						\$0.00
2,250.00						\$2,250.00
						\$0.00
						\$0.00
						\$0.00
						\$0.00



## General Provisions – Part II

OHSO Highway Safety Application FFY2022

OHSO-FFY2022-Midwest City CI-00076

### **GLOSSARY OF DEFINITIONS**

This glossary defines terms with meanings which may be unclear in the context in which they are used. These definitions are meant to apply only to the usage of these terms in this contract agreement.

**Activity** - The smallest unit of work that can be time-framed, quantified, and is critical to the success of a project.

**Actual** - The attained level of resources and/or accomplishments

**Authorizing Official** - The duly authorized representative of the State Agency, Local Subdivision or subrecipient agency having signatory authority and the responsibility of executing the contract agreement.

**C. F. R.** - Code of Federal Regulations

**Director** - The Director authorized by the Governor's Representative to direct the activities of the Oklahoma Highway Safety Office

**DUNS Number** – Data Universal Numbering System

**FAIN Number** – Federal Award Identification Number

**FY** - Fiscal year which starts October 1 and ends September 30 each year

**Governor's Representative** - A representative appointed by the Governor of Oklahoma to oversee the activities of the Oklahoma Highway Safety Office

**Grantor Agency** - Oklahoma Highway Safety Office

**Local Subdivision** - An administrative division of local government

**Milestone** - A level of accomplishment of an activity within a specific period of time

**Obligated** - The proposed level of resources and/or accomplishments

**OMB** - Office of Management and Budget (Federal)

**OHSO** - Oklahoma Highway Safety Office

**OS** - Oklahoma Statute

**Program Manager** - An OHSO staff member authorized to act as the liaison between the Highway Safety Office and the State Agency or Local Subdivision in all matters pertaining to a contract.

**Project Director** - A representative of the State Agency, Local Subdivision or subrecipient agency responsible for directing the activities of the project as outlined in the contract agreement

**Projection** - An anticipated level of performance or expenditure necessary to attain the stated project goal(s).

**Project Number** - A number assigned to one of the highway safety program areas as defined by the Highway Safety Act of 1966.

**QTD** - Quarter-to-date.

## General Provisions – Part II

**State Agency** - An administrative division of state government.

**Subrecipient** - An agency or organization receiving pass-through funds from the OHSO through a duly authorized grant agreement, Memorandum or Agreement or Memorandum of Understanding

**TTA Number** – Taxpayer's Transparency Act number

**U. S. C.** - United States Code

**YTD** - Year-to-date

### REGULATIONS AND DIRECTIVES

The subrecipient, its assignee(s), successor(s) in interest, subcontractor(s), supplier(s), or anyone who is a recipient of financial assistance through this grant shall agree to all applicable provisions of the following; however, nothing here should be interpreted to limit the requirements to comply with regulations and directives not included in this list:

#### 1. Project Implementation

Grantee agrees to implement the project in accordance with federal statutes, local statutes and regulations, as well as the policies and procedures established by the Oklahoma Highway Safety Office.

#### 2. Nondiscrimination (applies to subrecipients as well as States)

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination ("Federal Nondiscrimination Authorities "). These include but are not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. 324 et seq.), and Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. 794 et seq.), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. 6101 et seq.), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- Titles II and III of the Americans with Disabilities Act (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations);
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (guards against Title VI national origin discrimination/discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

#### 3. Political Activity (Hatch Act) (applies to subrecipients as well as States)

The state will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.



## General Provisions – Part II

### **4. Buy America Act**

**(applies to subrecipients as well as States)**

The state and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

### **5. Prohibition on using grant funds to check for helmet usage.**

**(applies to subrecipients as well as State)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcycles.

### **6. Certification Regarding Federal Lobbying; Certification for Contracts, Grant, Loans, and Cooperative Agreements.**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for the influencing or attempting to influence any officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. Then undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub-grants, and contracts under grant, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.
- D. Restriction on State Lobbying; None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any state or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

### **7. Equipment Purchased with Highway Safety Funds:**

- Ownership of equipment purchased is vested in the subrecipient, who must use the property only for the authorized purpose of this project (2 CFR Part 200.313)
- Equipment must be entered into, and tracked through, the Grantee's inventory system and the OHSO inventory;
- Equipment maintenance and liability coverage are the subrecipient's responsibility;
- Subrecipient shall not remove, transfer, or dispose of the property without prior written approval from OHSO;
- If equipment is lost or stolen, the OHSO must be notified immediately, in writing, accompanied by a police report.

## General Provisions – Part II

To dispose of *ANY* equipment, the subrecipient *MUST*:

1. Write a letter of request to OHSO;
2. State how the disposal will occur (auction, transfer, etc.) and/or provide three (3) appraisals;
3. Maintain equipment until subrecipient receives letter of approval;
4. Return Equipment to OHSO

Nothing herein contained shall be construed as incurring for the Grantor Agency any liability for Workmen's Compensation, F.I.C.A., Withholding Tax, Unemployment Compensation, or any other payment which is not a part of this contract.

### **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

**(applies to subrecipients as well as States)**

#### **Instructions for Primary Tier Participant Certification (States)**

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default.

#### **Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions**

## General Provisions – Part II

1. The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
  - a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
  - b. Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (l)(b) of this certification; and
  - d. Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
2. Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

### **Instructions for Lower Tier Participant Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov>).

## General Provisions – Part II

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.

### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

### Specific Agreements – Part III

OHSO Highway Safety Application FFY2022

OHSO-FFY2022-Midwest City CI-00076

1. Subrecipient shall adopt (if none presently exists) and enforce a written safety belt use policy requiring all employees and others riding in Subrecipient owned or leased vehicles and/or on Subrecipient business to use safety belts in all seating positions and provide a copy of the same prior to initiation of a grant.
2. Regular compensation and/or overtime compensation provided in this grant award will be paid in accordance with established policies and regulations of the subrecipient's entity. Any deviation from the established policies and regulations must be specifically addressed in the written grant agreement.
3. Subrecipient shall verify that any officer using a grant purchased radar or grant purchased video camera has received training in the proper use of the equipment.
4. Subrecipient shall require all law enforcement officers participating in impaired driving enforcement programs to obtain certification in NHTSA sanctioned Standard Field Sobriety Test (SFST) procedures prior to working grant funded enforcement shifts.
5. Subrecipient shall submit activity and reimbursement reports to OHSO monthly through the OKGrants system unless otherwise pre-approved. Reports shall include all appropriate and required backup documentation. Reports shall be submitted within 30 days of the end of the reporting month. Failure to timely submit reports may result in denial of the reimbursement claim or delay in reimbursement of the same.
6. The Oklahoma Highway Safety Office (OHSO) is a pass-through agency for federal funds provided by the U.S. Dept of Transportation, National Highway Traffic Safety Administration (NHTSA). In accordance with 2 CFR 200, the Oklahoma Highway Safety Office (OHSO) is required to supply each subrecipient with pertinent information regarding the grant award to assist in providing the subrecipient's financial department information which may be needed for Federal/State reporting purposes. Said information is contained within the Grant Agreement Summary-Part 1 of the award documents. A subrecipient agency may be subject to audit under 2 CFR 200. Unless other arrangements are made, any required audit cost is the responsibility of the Subrecipient.
7. Any activities or cost items not specifically addressed in this agreement or any revisions to the items which are included in the agreement must be approved, in writing, by the OHSO Director/Governor's Representative or designee before they will be considered eligible activities and/or cost items. (For example, any out-of-state travel expenses not specifically identified in one's agreement require prior written permission from the OHSO Director/Governor's Representative or designee or the costs will not be reimbursed.) These "Specific Agreement topics have been provided in an effort to assist subrecipients. This is not in any way a complete list of all requirements. Any questions and/or concerns not addressed here or in other areas of this grant agreement should be directed to the OHSO Program Manager assigned responsibility for oversight of this project.
8. The continuation of this project is contingent on the availability and receipt by OHSO of Federal Funds.

# Certification

OHSO Highway Safety Application FFY2022

OHSO-FFY2022-Midwest City CI-00076

As the Authorizing Official, I certify that all data in this application is true and correct. The application and proposed agreement have been reviewed and authorized by the governing body of the applicant agency. The typed name, in lieu of a signature, represents this agency's legal acceptance of the terms of this proposal and a statement of veracity of the representations made in this application.

Printed Name of Authorizing Official:  
(Chief Executive Officer)

*Tim Lyon*

Title:

*City Manager*

Date:

*Aug 27 2021 8:54AM*

**NOTE: The Authorizing Official is the person with official signature authority to make financial and programmatic commitments on behalf of the applicant agency. The Authorizing Official must be a state agency head, mayor, city manager, chairperson of the County Commission or an authorized tribal leader. The Chief of Police or Sheriff is not generally an authorized signatory.**

Signature:

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**Emergency Management**

100 N. Midwest Boulevard

Midwest City, OK 73110

office 405.739.1386

To: Honorable Mayor and City Council

From: Debra Wagner, Midwest City Emergency Manager

Date: October 26, 2021

Subject: Discussion and consideration of approving and including any possible amendment of a resolution updating the Association of Central Oklahoma Governments (ACOG) 911 agreement and approving proposed amendments.

The resolution updates the agreement creating the 9-1-1 Association of Central Oklahoma Governments, and approves the proposed amendments.

Amendments to the agreement are noted in red in the resolution document.

Proposed amendments clarify weighted voting calculations and requirements, and update Board meeting procedures, as well as describing obligations of members choosing to withdraw from ACOG 911.

Staff recommends approval as amended.

A handwritten signature in black ink, appearing to read "Debra Wagner", is written over a horizontal line.

Debra Wagner  
Emergency Manager

**RESOLUTION**

A RESOLUTION OF THE COUNCIL/TRUSTEES/COMMISSIONERS OF THE  
CITY/TOWN/COUNTY OF \_\_\_\_\_

FOR APPROVAL OF JUNE 24, 2021 AMENDMENTS TO THE  
AGREEMENT CREATING THE 9-1-1 ASSOCIATION OF CENTRAL OKLAHOMA  
GOVERNMENTS

WHEREAS, The AGREEMENT CREATING THE 9-1-1 ASSOCIATION OF CENTRAL  
OKLAHOMA GOVERNMENTS (hereinafter called "Agreement") may be altered, amended, or  
otherwise modified pursuant to a majority vote of a quorum of the Board, provided such  
amendment, alteration or modification shall be ratified by a majority of the members and  
approved by the Attorney General prior to its becoming effective; and

WHEREAS, The Agreement with Recommended Amendments, as detailed in the  
attachment, were approved by the 9-1-1 ACOG Board of Directors on June 24, 2021.

NOW, THEREFORE, BE IT RESOLVED by the Council/Trustee/Commissioners of the  
City/Town/County of \_\_\_\_\_ that it does hereby approve this  
\_\_\_\_\_ day of \_\_\_\_\_, 2021, the Agreement, with said Recommended  
Amendments being approved by the 9-1-1 ACOG Board of Directors on June 24, 2021.

\_\_\_\_\_  
Mayor/Chairman

ATTEST:

\_\_\_\_\_  
City/Town/County Clerk



## **ATTACHMENT TO RESOLUTION**

### **AGREEMENT CREATING THE 9-1-1 ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS WITH RECOMMENDED AMENDMENTS**

Whereas, the Interlocal Cooperation Act, 74 O.S. 1981, Section 1001, and following, authorizes public agencies to enter into agreements to jointly act to exercise any powers and authority conferred upon them; and

Whereas, the Nine-One-One Emergency Number Act, 63 O.S. Supp. 1986, Section 2811, and following; authorizes the establishment of the 911 primary emergency telephone number, and encourages units of local government and combinations or associations of such units to develop and improve emergency communication procedures and facilities utilizing the 911 emergency telephone number; and

Whereas, pursuant to said authority, it is the purpose and desire of the undersigned public agencies, the Association of Central Oklahoma Governments and emergency and telephone service providers to create an association to enable said agencies to more efficiently use their powers by cooperating with each other on a basis of mutual advantage and thereby provide such emergency communication procedures and facilities for all residents of the cities, towns and counties located in the ACOG central Oklahoma area.

Now, therefore, the 911 Association of Central Oklahoma Governments is hereby created as hereinafter provided.

#### **SECTION I**

##### **Duration of Agreement**

The duration of this agreement is contemplated to begin upon execution of this Agreement by any two or more signatories hereto, and to continue through the three year term of the initial 911 emergency telephone system levy to be authorized at public elections,

and thereafter, without further act of the parties, during the term of any subsequent levy, so long as any two or more parties continue with such 911 telephone system.

## **SECTION II**

### **Organization**

There is hereby created a legal and administrative entity separate and apart from the signatory parties hereto, which shall owe its existence to this agreement. Said entity shall be known as the "911 Association of Central Oklahoma Governments" and referred to as the 911 Association, or 911 ACOG.

- A. The 911 Association is a voluntary association with membership open to all units of general purpose local government within the ACOG region and adjacent counties in Central Oklahoma who have authorized implementation of 911 emergency telephone service.
- B. (1) Membership. Units of local government may join the 911 Association by passage of an ordinance, resolution or otherwise pursuant to law of the governing body seeking membership, upon signing this Agreement. Such signatories shall be designated as members. Each member shall select its voting board member of the 911 Association, along with not more than two alternates. Such designees shall be members of the governing board of the member. Such appointment shall be in writing, duly authorized, and executed by the appropriate official(s) of the appointing member.
  - (2) Board of Directors. The Board of Directors shall consist of one member of each governing board of each member public agency, designated as aforesaid.
  - (3) Ex Officio members. Other emergency and telephone service providers may have a designee to the Board on an ex officio basis, as determined by the Board.

- (4) Weighted voting. Each director shall have a weighted vote in accordance with the following schedule:
- (a) each Director representing a total population of less than 75,000 shall have one (1) vote for each 2,500 population or fraction thereof.
  - (b) each Director representing a total population of more than 75,000 shall have the votes as provided in (a) above for the first 75,000 population and one (1) additional vote for each additional 7,000 population thereof.

The weighted voting calculation for the 9-1-1 ACOG Board members will be based on the ESRI Community Analyst population numbers, annually, or another reputable company that calculates PSAP/small geography population estimates. Each year, prior to adoption of the annual budget, ACOG staff will provide the population estimates to the Board for its adoption. Any change in the weighted vote shall become effective at the beginning of the fiscal year, July 1.

### **SECTION III**

#### **Functions and Purposes**

- A. The 911 Association is organized to implement and administer on behalf of the public and the members the 911 emergency telephone service authorized and contemplated by the Nine-One-One Emergency Number Act. Section 2818 of which provides in part that any governing body of a public agency may contact “with any association or corporation for the administration of nine-one-one emergency telephone service as provided by law.”
- B. To accomplish on behalf of the members the maximum utilization of resources available for the emergency telephone system, to the end that the greatest economies of scale and efficiency of operation will result in the best system for all members, with the least cost to the public taxpayers.

- C. To ensure that the integrity and separate control of the local public safety communication systems of the respective members is maintained, while effective area wide emergency telephone service is provided.
- D. To administer the planning, design, ordering, installation and operation on behalf of the members of the procedures, equipment and facilities of every sort pertaining to the 911 emergency telephone system. To establish, develop and maintain the required database for the system on behalf of the members. To administer and monitor the receipt and dispersal of such portions of the taxes levied for the system as is required and determined by the Members. To administer contracts and audits as required or desired by the members of the system functions and funds.

#### **SECTION IV**

##### **Financing of the 911 Association**

The levy provided for by the aforesaid Act shall be collected by the respective telephone companies and remitted to each respective member as provided for by said Act; the required and appropriate portion of such levy funds shall be disbursed by each member to the 911 Association monthly sufficient to fulfill the respective portion of each member's obligations for contractual, administrative, equipment and service and other obligations of the 911 system as required by contracts and agreements hereinafter entered into by the respective members pertaining to the 911 system. The appropriate and agreed upon portion of such levy funds determined by such agreements to be necessary for 911 system purposes shall be utilized by the 911 Association solely for such lawful purposes.

## SECTION V

### Board of Directors

The Board of Directors shall be the governing board of the 911 Association. A quorum of the Board shall be empowered to implement the policies and procedures of the 911 Association, and for the administration of its staff and property.

- A. Directors representing more than 50% of the total weighted votes of the Board and representing ten or more members shall constitute a quorum for the transaction of business. ~~Therefore, any changes to the weighted vote will change the required quorum.~~ To pass, all questions must receive more than 50% of the total weighted vote representing six or more members. All votes shall be subject to roll call upon request by any Director.
- B. The Board shall ~~annually select~~ elect a Chairperson, Vice-Chair and Secretary-Treasurer ~~on the anniversary of the month of the first meeting of Directors at the regular scheduled monthly board meeting in May of each year.~~ Such officers shall hold office for one year, or until their successors are elected and qualified. No officer shall succeed more than one consecutive term of office.
- C. The Board shall hold its meetings and keep its books and records at such place as it shall determine.
- D. The Board shall appoint, designate and remove the Executive Director, and determine any salary or other benefits for such position. It is contemplated that the Executive Director of the Association of Central Oklahoma Governments shall act as the Executive Director of the 911 Association.
- E. The Board shall govern the activities of the 911 Association, and shall adopt by-laws, policies and procedures, as it deems appropriate. The Board shall enter into such contracts and agreements as it determines are necessary or desirable for the operation of the system contemplated hereby, shall arrange for such employees, office space and acquire by lease or purchase such facilities,

equipment and or supplies as it determines is necessary to conduct the business of the 911 Association.

## SECTION VI

### Meetings of Board of Directors

- A. The Board of Directors shall meet monthly, ~~upon at least seven days written notice in compliance with the Open Meeting Act served upon or mailed to each member,~~ with the exception of the month of July. Written notice of all regular monthly meetings shall be in compliance with the requirements of the Oklahoma Open Meeting Act and provided to each voting member. An agenda shall be required for such meetings. All meetings of the Board of Directors shall be held at the principal ACOG office or at other locations, if deemed necessary, within the ACOG region.
- B. Special meetings of the Board may be called by the Chairperson ~~upon at least three days written notice by mail or telegram~~ with notice in compliance with the requirements of the Oklahoma Open Meeting Act and delivered as written notice to all voting members. Special meetings shall be called by the Chairperson upon written demand of five (5) Directors. Only the specific item(s) of business specified in the notice for special meetings shall be conducted at such meeting. ~~Such meetings shall be held at the principal ACOG office or at other locations, if deemed necessary, within the ACOG region.~~
- C. All meetings of the Board shall be conducted in compliance with applicable State law. To the extent feasible, meetings shall be held on the respective dates and at times convenient for attendance at ACOG Board meetings.

## **SECTION VII**

### **Executive Director**

The Executive Director shall be the chief administrative officer of the 911 Association.

The Executive Director shall:

- A. Appoint and remove all employees of the 911 Association.
- B. Annually prepare and present to the Board a proposed budget for consideration for approval by the Board.
- C. To perform such other or additional duties as may be required by the Board.

## **SECTION VIII**

### **Dissolution or Termination**

Dissolution or termination of the 911 Association shall be effective upon a vote to such effect by a majority exceeding 50% of the total weighted vote of a quorum of the Board representing six members or more.

Upon a vote to dissolve or terminate the 911 Association, arrangements to cease all services by the 911 Association shall begin promptly, together with making provision for sale of all property and discharge or satisfaction of all outstanding obligations and liabilities of the 911 Association; the remaining assets, if any, shall be distributed to the members in the same proportion as the respective contributions by each member to the 911 Association during the final fiscal year of such dissolution or termination.

## **SECTION IX**

### **Withdrawal of Membership**

Any member may withdraw from the Association by passage of a resolution or ordinance of its governing body terminating its membership in the 911 Association; provided, such withdrawing member shall be obligated to undertake and accomplish the withdrawal in a manner which will at least disturb or disrupt the ongoing operation of the 911 emergency telephone system remaining, particularly with regard to winding up its part of the 911 system affairs, through final accounting and settling-up of its obligations, liabilities and ~~sale or~~

~~distribution of its 911 system property, or portion thereof~~ return of its 9-1-1 Call Handling Equipment to ACOG.

## **SECTION X**

### **Amendment of Agreement**

This Agreement may be altered, amended or otherwise modified pursuant to a majority vote of a quorum of the Board, provided that such amendment, alteration or modification shall be ratified by a majority of the then members and approved by the Attorney General prior to its becoming effective.

## **SECTION XI**

### **Effective Date**

This Agreement shall become effective after execution by any two or more members, but only upon approval by the Oklahoma Attorney General, and shall thereafter remain in full force and effect until the 911 Association is dissolved or terminated as provided in Section VIII.

## **SECTION XII**

### **Execution**

This Agreement may be executed in multiple counterparts by the respective signatories hereto, and each such respective copy shall be executed by the chief elected executive officer of such signatory public agency, attested and sealed by the clerk thereof pursuant to a duly adopted ordinance or resolution of the governing board of such public agency authorizing the same; provided that counterparts to be executed by non-public agency signatories shall be executed by the appropriate executive officer, attested and sealed, if customary, pursuant to lawful authority of such signatory, and all such counterparts shall together be considered as one and the same Agreement.





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, AICP, Manager  
COMPREHENSIVE PLANNER  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

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TO : Honorable Mayor and Council

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

DATE : October 26<sup>th</sup>, 2021

SUBJECT : Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to reconstruct the drainage on SE 15<sup>th</sup> Street at the Choctaw Creek Tributary 4 East Branch (just west of Hiwassee Road).

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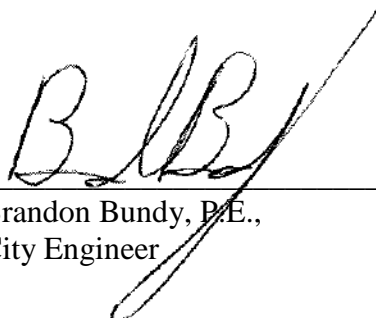
This programming resolution is being done in conjunction with the City of Choctaw in order to partner on this project bisecting our City Limits.

The accompanying programming resolution is required in order to have the referenced project considered in the Association of Central Oklahoma Governments update of the FFY 2022-2025 four year Transportation Improvement Plan (TIP). All projects that apply for federal aid funding must be programmed in this manner. Programming a project does not guarantee the project will be funded since it competes with projects submitted by other entities across the metropolitan area.

- 80% Federal Funds: \$800,000
- 10% Local Match (Choctaw): \$100,000
- 10% Local Match (Midwest City): \$100,000
- Estimated total construction cost - \$1,000,000

No City funds are obligated at this time. However, if the project is funded, the City will be obligated to fund the local match, hire a design consultant, and do necessary substantial utility relocations. Project selection is scheduled for February 2022.

Staff recommends acceptance as this is consistent with past policy



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Brandon Bundy, P.E.,  
City Engineer

## RESOLUTION

### PROGRAMMING SURFACE TRANSPORTATION BLOCK GRANT URBANIZED AREA (STBG-UZA) PROJECT

**WHEREAS**, Surface Transportation Block Grant Program funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area; and

**WHEREAS**, The City of Midwest City (City) has selected a project described as follows: Reconstruction of a drainage structure on SE 15th Street just west of Hiawassee Road which conveys Choctaw Creek Tributary 4 East Branch; and

**WHEREAS**, the engineer's preliminary estimate of cost is \$1,000,000, and Federal participation under the terms of the Fixing America's Surface Transportation (FAST) Act relating to Surface Transportation Block Grant Program Urbanized Area (STBG UZA) funds is hereby requested for funding 80% of the project cost, which is estimated at \$800,000; and

**WHEREAS**, the City proposes to partner with the City of Choctaw in paying half of the local 20% match, which is estimated at \$100,000 per entity (the entire local match is estimated at \$200,000). The City plans to use the Capital Improvements Project Fund as the source(s) of funds for the local match; and

**WHEREAS**, no City funds are committed by this action at this time; and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT; and

**WHEREAS**, the City understands that all projects which receive funding through the STBG-UZA program, cannot exceed the engineering estimate (plus inflation) amount stated. Any project cost overruns will be borne by the sponsoring City; and

**WHEREAS**, the City will select a design consultant qualified and licensed in the state of Oklahoma to furnish engineering services in the preparation of detailed plans, specifications and estimates; and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed; and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et 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 Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964"; and

**WHEREAS,** The City assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the City; and

**WHEREAS,** the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:** That ACOG is hereby requested to consider this project as a candidate for Federal funding, and to submit same to the Oklahoma Department of Transportation for its approval;

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor this 26<sup>th</sup> day of October, 2021.

ATTEST:

\_\_\_\_\_  
City Clerk      Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney





CITY of MIDWEST CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
ENGINEERING DIVISION

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

ENGINEERING DIVISION  
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CURRENT PLANNING DIVISION  
Kellie Gilles, AICP, Manager  
COMPREHENSIVE PLANNER  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

---

TO : Honorable Mayor and Council

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

DATE : October 26<sup>th</sup>, 2021

SUBJECT : Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to reconstruct and signal the intersection of Reno Avenue and Westminster Road.

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In the proposed project; the intersection of Reno Avenue and Westminster Road would be reconstructed and signalized. Included in the reconstruction would be drainage and sidewalk improvements to align with current standard practice.

The accompanying programming resolution is required in order to have the referenced project considered in the Association of Central Oklahoma Governments update of the FFY 2022-2025 four year Transportation Improvement Plan (TIP). All projects that apply for federal aid funding must be programmed in this manner. Programming a project does not guarantee the project will be funded since it competes with projects submitted by other entities across the metropolitan area.

- 80% Federal Funds: \$2,640,000
- 20% Local Match: \$660,000
- Estimated total cost - \$3,300,000

No City funds are obligated at this time. However, if the project is funded, the City will be obligated to fund the local match, hire a design consultant, and do necessary utility relocations. Project selection is scheduled for February 2022.

Staff recommends acceptance as this is consistent with past policy



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Brandon Bundy, P.E.,  
City Engineer

Attachment

**RESOLUTION  
PROGRAMMING SURFACE TRANSPORTATION BLOCK GRANT  
URBANIZED AREA (STBG-UZA) PROJECT**

**WHEREAS**, Surface Transportation Block Grant Program funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City (City) has selected a project described as follows: Reconstruct and Signalize the intersection of Reno Avenue and Westminster Road, and

**WHEREAS**, the engineer's preliminary estimate of cost is \$3,300,000, and Federal participation under the terms of the *Fixing America's Surface Transportation (FAST) Act* relating to Surface Transportation Block Grant Program Urbanized Area (STBG-UZA) funds is hereby requested for funding 80% of the project cost, which is estimated at \$2,640,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund as the source(s) of funds for the local match, which is estimated at \$660,000, and

**WHEREAS**, no City funds are committed by this action at this time, and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT, and

**WHEREAS**, the City understands that all projects which receive funding through the STBG-UZA program, cannot exceed the engineering estimate (plus inflation) amount stated. Any project cost overruns will be borne by the sponsoring City, and

**WHEREAS**, the City will select a design consultant qualified and licensed in the state of Oklahoma to furnish engineering services in the preparation of detailed plans, specifications and estimates, and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et 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 Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, The City assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the City, and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider this project as a candidate for Federal funding, and to submit same to the Oklahoma Department of Transportation for its approval;

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor this 26<sup>th</sup> day of October, 2021.

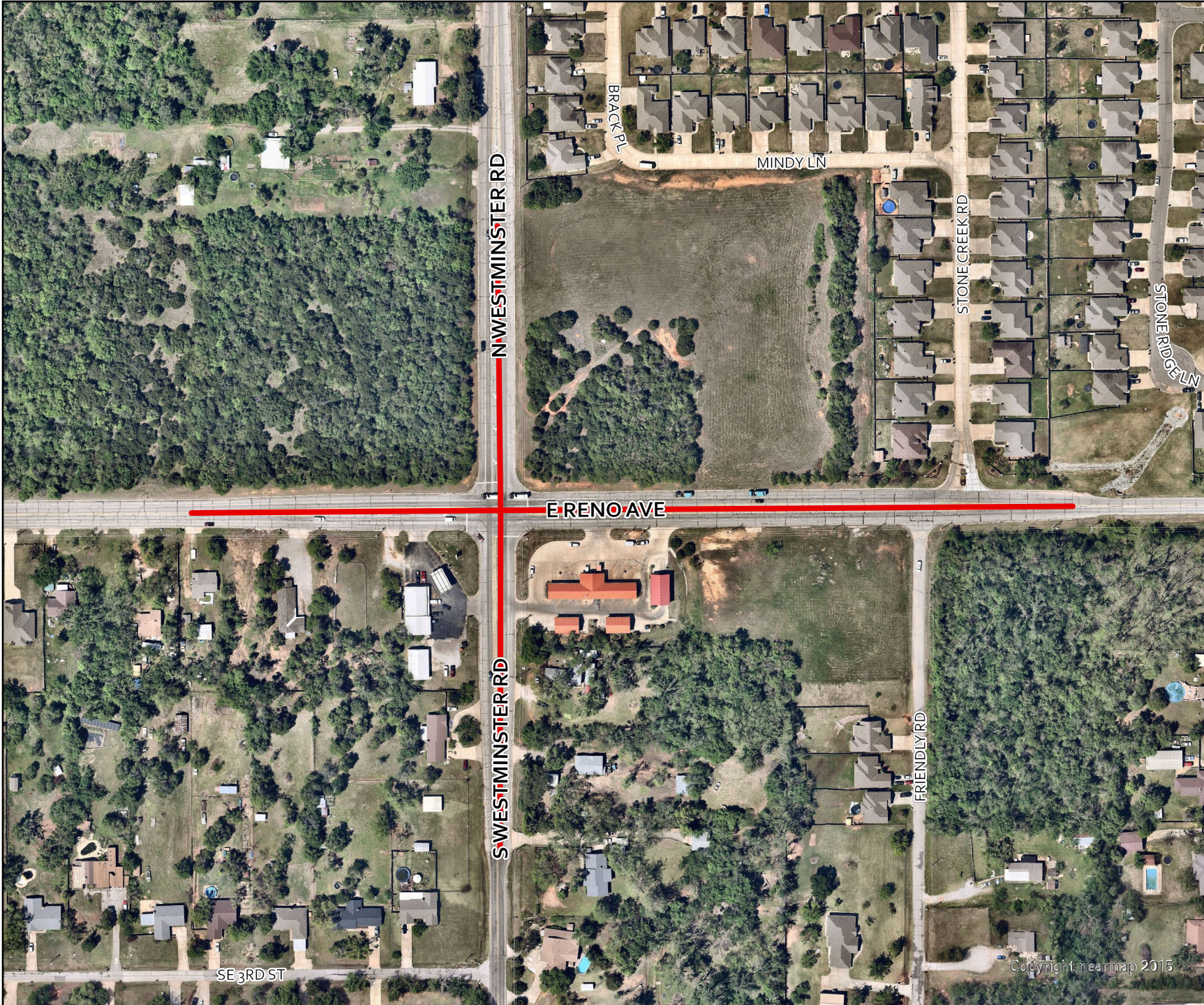
ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



1 in = 225 ft  
when printed actual size  
on 8-1/2"x11" paper

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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, AICP, Manager  
COMPREHENSIVE PLANNER  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

---

TO : Honorable Mayor and Council

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

DATE : October 26<sup>th</sup>, 2021

SUBJECT : Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to construct sidewalk in three locations.

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Three locations were identified to include in a competitive package to submit for a competitive program to secure federal funding. The potential for federal funding will allow the City to fund needed sidewalk projects where local funding has been difficult. The three locations include:

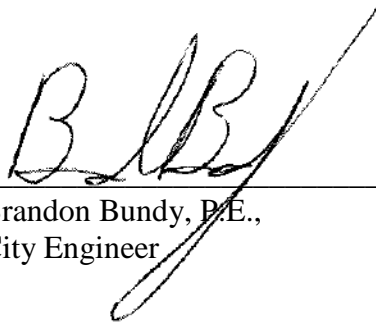
- Completing the sidewalk on NE 10<sup>th</sup> Street from Douglas Boulevard to Post Road. This project has been identified by the Sidewalk Committee as the highest priority sidewalk project in the City.
- Completing a sidewalk from 6700 E Reno to Air Depot Boulevard. The bus stop associated with this area is the highest used stop in the City. Most of the citizens appear to use the stop to access services along E Reno where there is a worn path through the grass.
- Widen the sidewalk to a trail standard along S Douglas Boulevard. The area in question would widen the sidewalk starting at the current trail terminus and carry the widening south to the Soldier Creek Tributary. Although there are further needs to the south and around on SE 15<sup>th</sup> Street; stopping at the tributary allows for the overall project to stay within a manageable budget.

The accompanying programming resolution is required in order to have the referenced project considered in the Association of Central Oklahoma Governments update of the FFY 2022-2025 four year Transportation Improvement Plan (TIP). All projects that apply for federal aid funding must be programmed in this manner. Programming a project does not guarantee the project will be funded since it competes with projects submitted by other entities across the metropolitan area.

- 80% Federal Funds: \$960,000
- 20% Local Match: \$240,000
- Estimated total cost - \$1,200,000

No City funds are obligated at this time. However, if the project is funded, the City will be obligated to fund the local match and hire a design consultant. Project selection is scheduled for February 2022.

Staff recommends acceptance as this is consistent with past policy



---

Brandon Bundy, P.E.,  
City Engineer

Attachment

**RESOLUTION  
PROGRAMMING SURFACE TRANSPORTATION BLOCK GRANT  
URBANIZED AREA (STBG-UZA) PROJECT**

**WHEREAS**, Surface Transportation Block Grant Program funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City (City) has selected a project described as follows: Sidewalk Construction various locations, and

**WHEREAS**, the engineer's preliminary estimate of cost is \$1,200,000, and Federal participation under the terms of the *Fixing America's Surface Transportation (FAST) Act* relating to Surface Transportation Block Grant Program Urbanized Area (STBG-UZA) funds is hereby requested for funding 80% of the project cost, which is estimated at \$960,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund as the source(s) of funds for the local match, which is estimated at \$240,000, and

**WHEREAS**, no City funds are committed by this action at this time, and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT, and

**WHEREAS**, the City understands that all projects which receive funding through the STBG-UZA program, cannot exceed the engineering estimate (plus inflation) amount stated. Any project cost overruns will be borne by the sponsoring City, and

**WHEREAS**, the City will select a design consultant qualified and licensed in the state of Oklahoma to furnish engineering services in the preparation of detailed plans, specifications and estimates, and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et 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 Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, The City assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the City, and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider this project as a candidate for Federal funding, and to submit same to the Oklahoma Department of Transportation for its approval;

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor this 26<sup>th</sup> day of October, 2021.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney



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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, AICP, Manager  
COMPREHENSIVE PLANNER  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

---

TO : Honorable Mayor and Council

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

DATE : October 26<sup>th</sup>, 2021

SUBJECT : Discussion and consideration, including any amendment thereto, of approving a federal aid programming resolution for inclusion into the FFY 2022-2025 Transportation Improvement Plan for a project to resurface SE 29<sup>th</sup> Street from I-40 to Midwest Boulevard.

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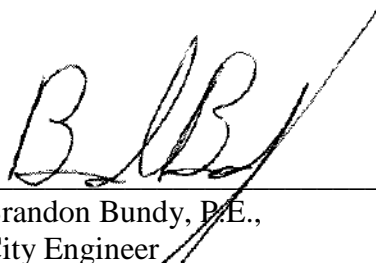
In the proposed project; SE 29<sup>th</sup> Street will be resurfaced from I-40 to Midwest Boulevard. Included in the resurfacing would be rebuilding signalized intersections to concrete surface to align with current standard practice.

The accompanying programming resolution is required in order to have the referenced project considered in the Association of Central Oklahoma Governments update of the FFY 2022-2025 four year Transportation Improvement Plan (TIP). All projects that apply for federal aid funding must be programmed in this manner. Programming a project does not guarantee the project will be funded since it competes with projects submitted by other entities across the metropolitan area.

- 80% Federal Funds: \$2,504,000
- 20% Local Match: \$626,000
- Estimated total cost - \$3,130,000

No City funds are obligated at this time. However, if the project is funded, the City will be obligated to fund the local match and hire a design consultant. Project selection is scheduled for February 2022.

Staff recommends acceptance as this is consistent with past policy



---

Brandon Bundy, P.E.,  
City Engineer

Attachment

**RESOLUTION  
PROGRAMMING SURFACE TRANSPORTATION BLOCK GRANT  
URBANIZED AREA (STBG-UZA) PROJECT**

**WHEREAS**, Surface Transportation Block Grant Program funds for urbanized areas have been made available for transportation improvements within the Oklahoma City Urban Area, and

**WHEREAS**, The City of Midwest City (City) has selected a project described as follows: Resurface SE 29<sup>th</sup> Street from I-40 to Midwest Boulevard, and

**WHEREAS**, the engineer's preliminary estimate of cost is \$3,130,000, and Federal participation under the terms of the *Fixing America's Surface Transportation (FAST) Act* relating to Surface Transportation Block Grant Program Urbanized Area (STBG-UZA) funds is hereby requested for funding 80% of the project cost, which is estimated at \$2,504,000, and

**WHEREAS**, the City proposes to use the Capital Improvements Project Fund as the source(s) of funds for the local match, which is estimated at \$626,000, and

**WHEREAS**, no City funds are committed by this action at this time, and

**WHEREAS**, the City has the required matching funds available and further agrees to deposit matching funds by separate agreement with the Oklahoma Department of Transportation (ODOT) prior to advertising of the project for bid by ODOT, and

**WHEREAS**, the City understands that all projects which receive funding through the STBG-UZA program, cannot exceed the engineering estimate (plus inflation) amount stated. Any project cost overruns will be borne by the sponsoring City, and

**WHEREAS**, the City will select a design consultant qualified and licensed in the state of Oklahoma to furnish engineering services in the preparation of detailed plans, specifications and estimates, and

**WHEREAS**, the City agrees to provide for satisfactory maintenance after completion, and to furnish the necessary right-of-way clear and unobstructed, and

**WHEREAS**, the City agrees, as a condition to receiving any Federal financial assistance from the Department of Transportation, that it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42. U.S.C. 2000d et 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 Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964", and

**WHEREAS**, The City assures that no qualified person with a disability shall, solely by reasons of their disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity administered by the City, and

**WHEREAS**, the City further understands that acceptance of this resolution by the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation is not a commitment to Federal funding, but only registers the City's interest and intent in participating in the program application process.

**NOW, THEREFORE, BE IT RESOLVED:**

That ACOG is hereby requested to consider this project as a candidate for Federal funding, and to submit same to the Oklahoma Department of Transportation for its approval;

**ADOPTED** by the City Council of Midwest City and **SIGNED** by the Mayor this 26<sup>th</sup> day of October, 2021.

ATTEST:

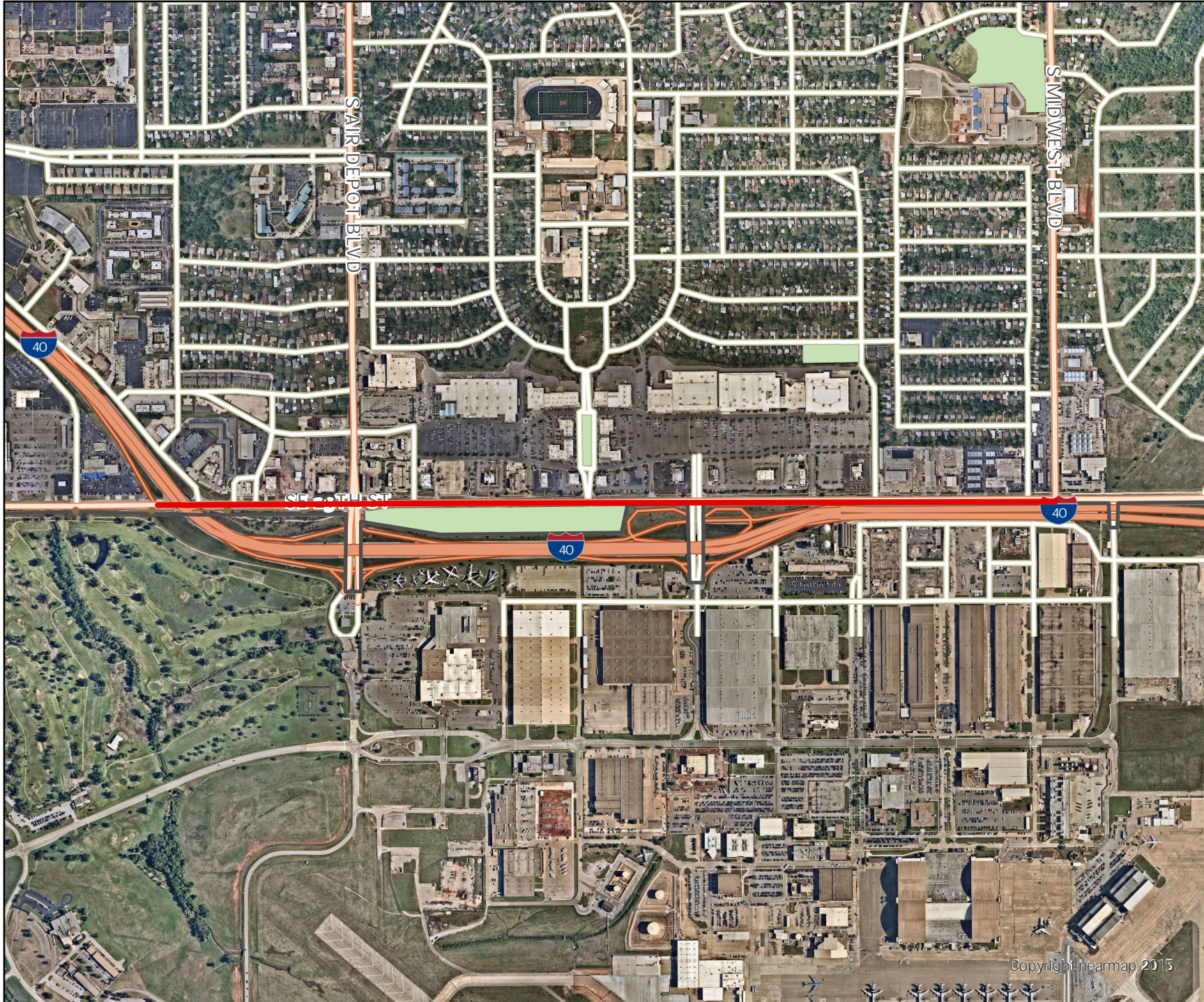
\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Approved as to form and legality

\_\_\_\_\_  
City Attorney





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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, AICP, Manager  
COMPREHENSIVE PLANNER  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

---

TO : Honorable Mayor and Council

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

DATE : October 26, 2021

SUBJECT : Discussion and consideration for entering into and approving, including any possible amendment of a Memorandum of Understanding with the City of Choctaw for a potential future federal aid project to reconstruct the drainage on SE 15<sup>th</sup> Street at the Choctaw Creek Tributary 4 East Branch (just west of Hiwassee Road)

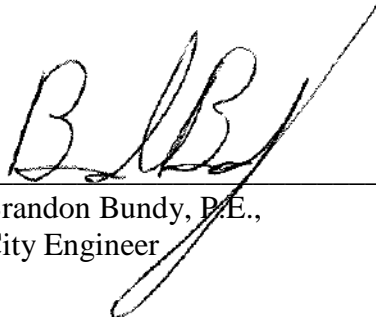
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The existing drainage crossing on SE 15<sup>th</sup> Street at the Choctaw Creek Tributary 4 East Branch has been identified as a future federal aid project by both the City of Midwest City and the City of Choctaw. In speaking with staff with the City of Choctaw, they would also like to apply for funds to upgrade a crossing downstream of the above mentioned project. In order to improve the consideration for funds; it is advisable to apply for both crossings in one package and have a Memorandum of Understanding between the two cities outlining how the project will proceed if it receives funding. Since the majority of the work will be within the City of Choctaw; they have agreed to take the lead. We had both already retained the services of Johnson and Associates to do the necessary engineering work and we will retain authorization to review and make changes as the project progresses.

The funding will be considered by Association of Central Oklahoma Governments this fall and we should know in February 2022 if this project receives funding.

I am available for any additional questions.

Staff recommends approval.



---

Brandon Bundy, P.E.,  
City Engineer

Attachment

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is executed this 19 day of October, 2021 by and between the City of Choctaw, ("Choctaw"), and the City of Midwest City, ("Midwest City").

### WITNESSETH:

**WHEREAS**, Choctaw, together with Midwest City desire to collaborate on the Surface Transportation Block Grant Program (STBG-UZA) for the reconstruction of a drainage structures, roadway, utility and/or other appurtenances on SE 15<sup>th</sup> Street just west of Hiwassee Road which conveys Choctaw Creek Tributary 4 East Branch; and

**WHEREAS**, Choctaw intends to apply for federal funds through ACOG and if awarded federal funds will proceed with said project; and

**WHEREAS**, Johnson and Associates, LLC (J&A) has provided a preliminary construction estimate cost of \$1,000,000; and

**WHEREAS**, Federal participation under the terms of the Fixing America's Surface Transportation (FAST) Act relating to Surface Transportation Block Grant Program Urbanized Area (STBG UZA) funds is 80% of the project construction cost; and

**WHEREAS**, Choctaw and Midwest City will partner and each entity will pay half of the 20% local match for the project construction costs, which is estimated at \$200,000.

**NOW THEREFORE**, the parties agree as follows:

1. Choctaw shall take the lead in the project.
2. Midwest City shall have input in all phases of the project.
3. Choctaw and Midwest City shall be responsible for acquiring any required right-of-way within their respective City limits.
4. Choctaw and Midwest City shall be responsible the relocation of any utilities within their respective City limits.
5. If sidewalk is installed on one side of right-of-way only, the City upon which the sidewalk is located will be responsible for the cost associated with said sidewalk.
6. Choctaw and Midwest City shall split any additional project construction costs over the 20% local match in a 50/50 manner.
7. The cost of engineering design, project bidding, and inspections shall be split in a 50/50 manner.

8. Choctaw and Midwest City shall get prior approval from the respective City Councils for any additional costs above and beyond those included in the engineering estimate.
9. Any future costs billed after the audit of the completed project shall be split in a 50/50 manner by Choctaw and Midwest City.
10. Midwest City agrees to reimburse Choctaw of any incurred costs within 30 days of receipt of the reimbursement request from Choctaw in accordance with the above agreed procedures.
11. The parties agree that this MOU includes all the covenants, stipulations and provisions agreed upon by the parties. All amendments shall be in writing and approved by all parties.
12. This Agreement shall become effective upon the approval of funding of the Surface Transportation Block Grant through Association of Central Oklahoma Governments (ACOG).

APPROVED by the City Council of the City of Choctaw this 19 day of October, 2021.

ATTEST:

Amanda Williams  
City Clerk

Ray Thomas  
MAYOR



APPROVED by the City Council of the City of Midwest City this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

THE CITY OF MIDWEST CITY

\_\_\_\_\_  
City Clerk

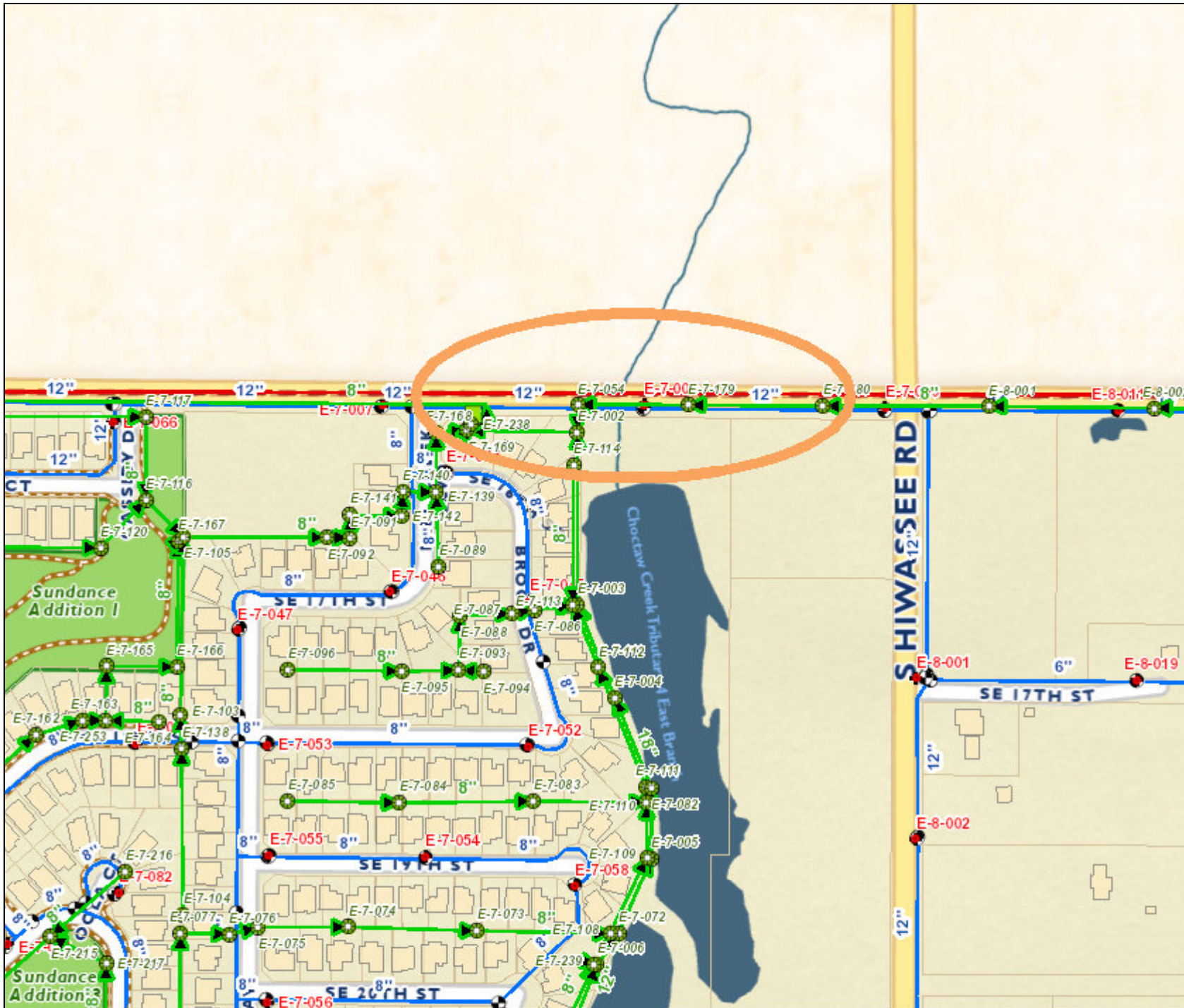
\_\_\_\_\_  
MAYOR

Approved as to form and legality this 19 day of Oct., 2021.

Ray Vincent  
Ray Vincent, City of Choctaw  
City Attorney

Don Maisch  
Don Maisch, City of Midwest City  
City Attorney

# Choctaw Creek Tributary 4 East Branch



## Legend

- Sanitary Sewer Manholes
- Lift Stations
- Lampholes
- Sewer Lines
- Water Wells
- Air Release Valves
- Blowoffs
- Fire Hydrants

## Valves

- Butterfly
- Gate
- One Way
- Unknown

## Water Lines

- Distribution
- Mains
- KC Cross Country
- Sooner Utilities

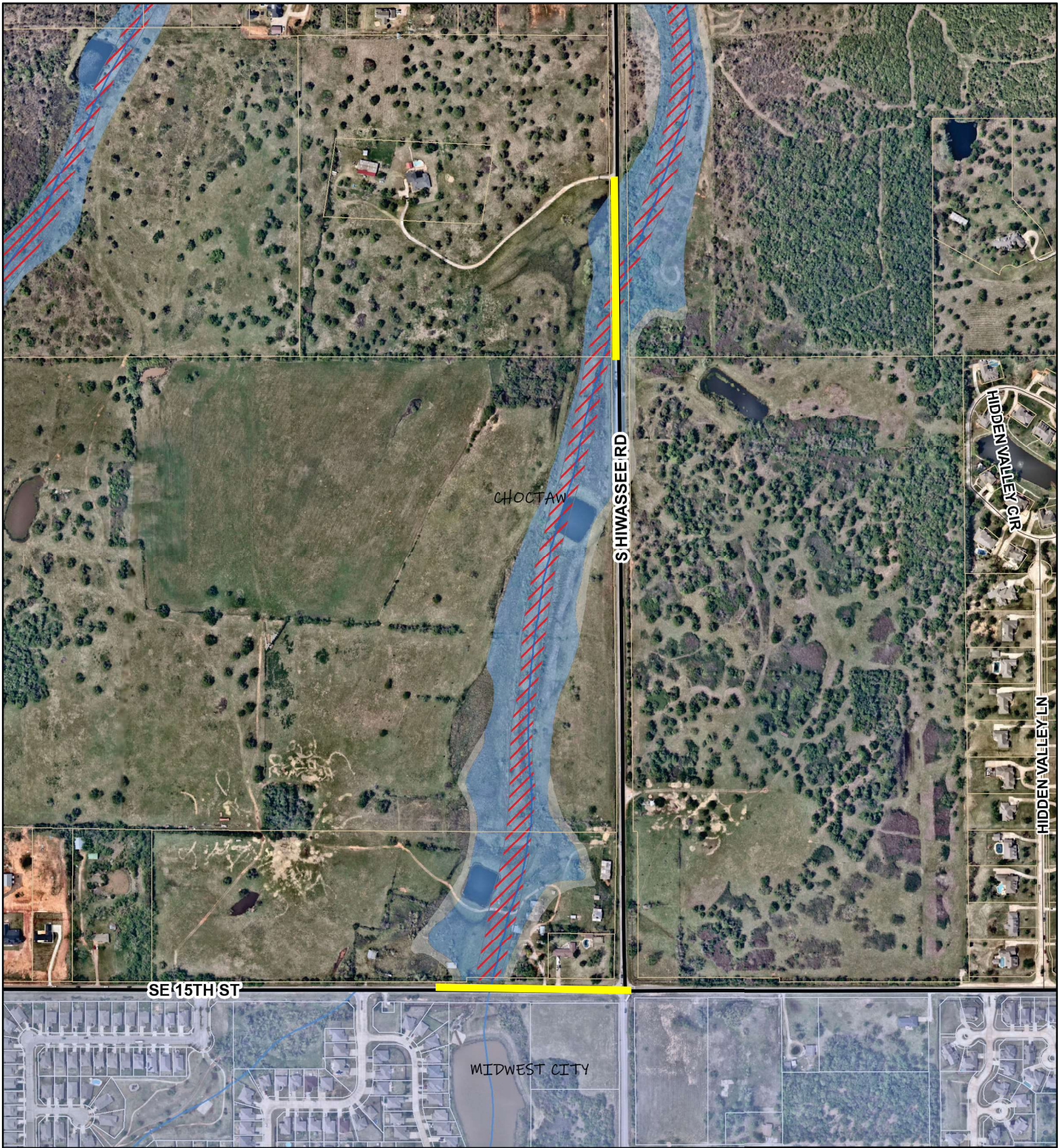


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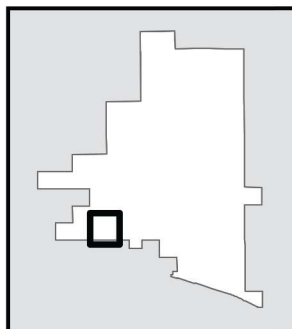
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- Parcels



**City of Choctaw**  
 PO Box 567  
 2500 N. Choctaw Rd  
 Ph. (405) 390-8198  
 Fax: (405) 390-3332



**PLEASE NOTE:**  
 This map was created solely as a representation use by the City of Choctaw, Oklahoma. The City of Choctaw, Oklahoma assumes no responsibility for the content or accuracy of this map.



**Map Date:** 10/14/2021  
**Author:** Dev Dept, PP



CITY of MIDWEST CITY  
COMMUNITY DEVELOPMENT DEPARTMENT  
ENGINEERING DIVISION

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

ENGINEERING DIVISION  
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COMPREHENSIVE PLANNER  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

---

TO : Honorable Mayor and Council

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

DATE : October 26<sup>th</sup>, 2021

SUBJECT : Discussion and consideration for adoption, including any possible amendment of change order #1 amending the contract with Shiloh Enterprises, Inc. to construct the WP Bill Atkinson Park in a *decrease* of \$110.70 to add 2 additional days of time.

---

The attached change order is for the construction of the WP Bill Atkinson Park. This change order is a culmination of various field changes and utility issues found from past developments.

COR#01 – IT Conduit, \$7,953.00. Soon after bidding, it was requested that a conduit be run from the clock tower to the hanger building for future IT infrastructure.

COR#02 – Revised OG&E lighting, \$8,099.30. An issue was found in coordination with OG&E and the contractor related to lighting. OG&E will supply the lighting but the contractor will have to upgrade the electrical infrastructure to comply with OG&E standards.

COR#03 – Pour 36 OG&E light pole bases, \$33,660.00. Related to COR #02, the general contractor has to increase the footings to comply with OG&E standards.

COR#05 – Delete 2 retractable bollards, (\$2,300.00). Efforts to value the project found 2 bollards that would not be needed.

COR#06 – Omit Integral Color, (\$6,650.00). Efforts to value the project found that removing the integral color in the autocourt sidewalk would not have largely impact the final product.

COR#07 – VE Changes to the Pavilion, (\$32,000.00). Efforts to value the project found that we could make minor changes to the primary pavilion without detrimental impacts to the final product.


COR#10 – Relocate water line for drinking fountain, -\$3,535.00. During construction, we found an existing water service that could be used for a water fountain, negating the need for a new one to be constructed.

COR#12 – Add floor drain for fire riser, \$1,850.00. Item related to a future change order related to a dry pipe sprinkler system. This will need to be done with the building slab work while the sprinkler system scope is still being determined. The floor drain is required in the east hanger building immediately adjacent to the fire riser for testing purposes.

Delay Days related to COR#02 – The contractor requests that 2 days be added to the contract to account for the additional work.

This will decrease the original contract by \$110.70, bringing the new contract amount to \$5,197,889.30. The additional 2 delay days will bring the new contract length to 367 total days.

The funding for this project is appropriated in project #9219G1.



---

Brandon Bundy, P.E.,  
City Engineer

Attachment



# Change Order 001

**Project:**

WP Bill Atkinson Park  
301 E Mid-America Blvd  
Midwest City, OK 73110

**Owner:**

City of Midwest City  
100 N Midwest Blvd  
Midwest City, OK 73110

**Contractor:**

Shiloh Enterprises, Inc.  
5720 N. Industrial Blvd.  
Edmond, OK 73034

**Contract Information:**

General Construction  
effective 04/20/2021

**Change Order: 001**

Date: 09/10/2021

**The Contract is Changed as Follows:**

COR 1	Run conduit from clocktower to hanger building to facilitate future networking.	\$7,953.00	
COR 2	Change in lighting ownership to OG&E required additional lighting	\$8,099.30	2 Days
COR 3	Change in lighting ownership to OG&E required additional lighting	\$33,660.00	
COR 5	Delete 2 retractable bollards	(\$2,300.00)	
COR 6	Elimination of integral color from autocourt area	(\$6,650.00)	
COR 7	Modifications to the primary pavilion	(\$32,000.00)	
COR 10	Reuse an existing water service to feed future water fountain	(3,535.00)	
COR 12	Add floor drain in east building for future dry pipe sprinkler	\$2,035.00	
	<b>Total</b>	<b>(\$110.70)</b>	<b>2 Days</b>

The original contract:	<u>\$5,198,000.00</u>	365 Days
The net change by previously authorized Change Orders	<u>\$0.00</u>	0 Days
The Contract Sum prior to this Change Order was	<u>\$5,198,000.00</u>	365 Days
The Contract Sum will be decreased by this Change Order in the amount of	<u>(\$110.70)</u>	2 Days
<b>The new Contract Sum including this Change Order will be</b>	<b><u>\$5,197,889.30</u></b>	<b>367 Days</b>

Note: This Change Order does not include adjustments to the Contract Sum or Guaranteed Maximum Price, or the Contract Time, that have been authorized by Construction Change Directive until the cost and time have been agreed upon by both Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

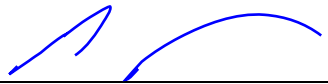
NOT VALID UNTIL SIGNED BY THE CONTRACTOR AND OWNER.

Shiloh Enterprises, Inc.

City of Midwest City

CONTRACTOR

OWNER

  
 \_\_\_\_\_  
 SIGNATURE

\_\_\_\_\_  
 SIGNATURE

Steve Preston, President  
 \_\_\_\_\_  
 PRINTED NAME AND TITLE

\_\_\_\_\_  
 PRINTED NAME AND TITLE

10/14/2021  
 \_\_\_\_\_  
 DATE

\_\_\_\_\_  
 DATE



GENERAL CONSTRUCTION  
 MANAGEMENT  
 5720 N. I-35 Industrial Blvd.  
 Edmond, Ok. 73034

405-341-5500 Phone  
 405-341-7106 Fax

8/18/2021

**WP Bill Atkinson Park**  
**COR#1-Add 3" conduit for IT from Hangar**  
**to Tower**

**ADD      DEDUCT**

Allstate Electric

\$7,230.00

**Note: No additional days requested for this work.**

Subtotal	\$7,230.00
OH&P 10%	\$723.00
<b>Total</b>	<b>\$7,953.00</b>

# PROPOSED CHANGE ORDER

Allstate Electrical Contractors, Inc.  
1524 South May Avenue  
Oklahoma City, OK 73108

Shiloh Enterprises, Inc.  
5720 North Industrial Boulevard  
Edmond, OK 73034



CCN # 1  
Date: 5/27/2021  
Project Name: WP Bill Atkinson  
Project Number: WP Bill Atkinson  
Page Number: 1

Project:  
WP Bill Atkinson Park

## Work Description

We reserve the right to correct this quote for errors and omissions.

This quote covers direct costs only and we reserve the right to claim for impact and consequential costs.

This price is good for acceptance within **10** days from the date of receipt.

We request a time extension of **3** days.

We will supply and install all materials, labor, and equipment as per your instructions

**This CCN #1 is for the following work per the Midwest City IT department request for the addition of conduits from the Hanger Building to the tower.**

**Add 1-3" conduit 270'**

**Due to the long distance we have figured PVC wrapped steel elbows.**

## Itemized Breakdown

Description	Qty	Net Price	U	Total Mat.	Labor	U	Total Hrs.
3" BUSHING - PLASTIC	1	341.62	C	3.42	10.50	C	0.11
3 x 24" RAD ELBOW 90 DEG - RMC - GALV PVC CTD	2	37,549.80	C	751.00	225.00	C	4.50
3" CONDUIT - PVC40	270	580.00	C	1,566.00	12.75	C	34.42
Labor Adjustment for PVC Trench (NECA)	-270	0.00	C	-0.00	0.75	C	-2.02
3" ADAPTER FEM - PVC	2	360.06	C	7.20	35.00	C	0.70
3" END CAP - PVC	1	1,084.00	C	10.84	8.75	C	0.09
PVC CEMENT STANDARD (1-QUART)	2	12.25	E	24.50	1.25	E	2.50
#10 THW SOLID GREEN	284	329.32	M	93.53	7.75	M	2.20
UNDERGROUND WARNING TAPE - YLW 3" WIDE - PER	284	145.95	M	41.45	4.00	M	1.14
1/4" POLYROPE	284	189.34	M	53.77	3.75	M	1.06
TRENCH (12"x 3' DEEP)	270	4.00	E	1,080.00	0.03	E	8.10
<b>Totals</b>	<b>1,130</b>			<b>3,631.70</b>			<b>52.79</b>

## Summary

General Materials

3,631.70

### Material Total

JOURNEYMAN	(36.95 Hrs @ \$34.00)	1,256.30
FOREMAN @ 10%	(5.28 Hrs @ \$36.00)	190.08
APPRENTICE	(15.84 Hrs @ \$26.00)	411.84
SAFETY @ 3.5%	(1.85 Hrs @ \$34.00)	62.90
CLEAN UP @ 4.0%	(2.11 Hrs @ \$26.00)	54.86

**ORIGINAL**

# PROPOSED CHANGE ORDER

Client Address:

**CCN #** 1  
**Date:** 5/27/2021  
**Project Name:** WP Bill Atkinson  
**Project Number:** WP Bill Atkinson  
**Page Number:** 2

## Summary (Cont'd)

GUARANTEE @ 3.0%	(1.58 Hrs @ \$26.00)	41.08
Labor Burden	(@ 45.000 %)	907.68
<b>Subtotal</b>		<b>6,556.44</b>
Overhead	(@ 5.000 %)	327.82
Markup	(@ 5.000 %)	344.21
<b>Subtotal</b>		<b>7,228.47</b>
Final Adjustment		1.53
<b>Final Amount</b>		<b>\$7,230.00</b>

## CONTRACTOR CERTIFICATION

**Name:** Tony Boevers  
**Date:**  
**Signature:** Digitally signed by Tony Boevers  
DN: cn=Tony Boevers, o=Allstate Electrical Contractors, Inc., ou, email=tony@allstateelectricokc.com, c=US  
Date: 2021.05.27 15:26:56 -05'00'

## CLIENT ACCEPTANCE

**CCN #:** 1 \_\_\_\_\_  
**Final Amount:** \$7,230.00 \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Date:** \_\_\_\_\_  
**Signature:** \_\_\_\_\_  
**Change Order #:** \_\_\_\_\_  
I hereby accept this quotation and authorize the contractor to complete the above described work.

ORIGINAL



GENERAL CONSTRUCTION  
 MANAGEMENT  
 5720 N. I-35 Industrial Blvd.  
 Edmond, Ok. 73034

405-341-5500 Phone  
 405-341-7106 Fax

8/18/2021

**WP Bill Atkinson Park  
 COR#2-Revised OG&E Lighting**

**ADD      DEDUCT**

Allstate Electric

\$7,363.00

**Note: No additional days requested for this work.**

Subtotal	\$7,363.00
OH&P 10%	\$736.30
<b>Total</b>	<b>\$8,099.30</b>

# PROPOSED CHANGE ORDER

Allstate Electrical Contractors, Inc.  
1524 South May Avenue  
Oklahoma City, OK 73108

Shiloh Enterprises, Inc.  
5720 North Industrial Boulevard  
Edmond, OK 73034



CCN # 2  
Date: 8/9/2021  
Project Name: WP Bill Atkinson  
Project Number: WP Bill Atkinson  
Page Number: 1

---

## Work Description

---

We reserve the right to correct this quote for errors and omissions.

This quote covers direct costs only and we reserve the right to claim for impact and consequential costs.  
This price is good for acceptance within **10** days from the date of receipt.  
We request a time extension of **3** days.  
We will supply and install all materials, labor, and equipment as per your instructions

**This CCN #2 is for the following work per revision #1 as follows:**

- **Revise site lighting quantity and locations**
- **Remove all premise conduit and wiring feeding type P1 & R1 pole and post lights.**
- **Install new conduit system to feed type P1 & R1 assemblies.**
- **New raceway system will be 2" PVC in lieu of original 1" PVC.**
- **All 2" PVC conduit, elbows, couplings, and end bells provided by OG&E at no charge. Installation will be by Allstate.**
- **All wiring feeding posts P1 and poles R1 will be by OG&E.**
- **Installation of all P1 & R1 posts/poles will be by OG&E.**
- **Furnish and install 12" x 12" quazite box at the base of each pole/post light per OG&E standards.**

**Per original contract:**

- **All concrete is by others.**
- **All P1 & R1 posts/poles/fixtures are furnished and installed by OG&E.**

**ORIGINAL**

**PROPOSED CHANGE ORDER**



CCN # 2  
 Date: 8/9/2021  
 Project Name: WP Bill Atkinson  
 Project Number: WP Bill Atkinson  
 Page Number: 2

**Itemized Breakdown**

Description	Qty	Net Price	U	Total Mat.	Labor	U	Total Hrs.
1" CONDUIT - PVC40	-4,960	90.00	C	-4,464.00	5.50	C	-272.80
2" CONDUIT - PVC40	3,240	0.00	C	0.00	9.50	C	307.80
1" ELBOW 90 DEG - PVC40	-68	221.44	C	-150.58	27.50	C	-18.70
2" ELBOW 90 DEG - PVC40	144	0.00	C	0.00	50.00	C	72.00
1" COUPLING - PVC	-68	60.08	C	-40.85	8.00	C	-5.44
2" COUPLING - PVC	252	0.00	C	0.00	10.00	C	25.20
2" END BELL - PVC	144	0.00	C	0.00	7.50	C	10.80
PVC CEMENT STANDARD (1-QUART)	20	15.92	E	318.40	0.50	E	10.00
2" PLUG - DB	112	281.57	C	315.36	5.00	C	5.60
#10 THHN BLACK	-6,688	258.50	M	-1,728.85	7.06	M	-47.22
# 8 THHN BLACK	-4,092	420.97	M	-1,722.61	8.75	M	-35.81
# 6 THHN BLACK	-2,992	719.65	M	-2,153.19	11.13	M	-33.30
# 4 THHN BLACK	-2,596	1,112.47	M	-2,887.97	12.75	M	-33.10
UNDERGROUND WARNING TAPE - YLW 3" WIDE - PER	-520	116.76	M	-60.72	0.63	M	-0.33
1/8" POLYTWINE	2,680	138.00	M	369.84	3.75	M	10.05
12"x 12" x 12" open bottom Quazite	37	348.00	E	12,876.00	2.00	E	74.00
1/2" x 6" galvanized ground rod	36	15.65	E	563.40	0.40	E	14.40
TRENCH ( 6"x 24" DEEP)	-556	1.60	E	-889.60	0.01	E	-5.56
Pea Gravel (per bag)	111	5.00	E	555.00	0.20	E	22.20
<b>Totals</b>	<b>-15,764</b>			<b>899.63</b>			<b>99.80</b>

**Summary**

General Materials		899.63
<b>Material Total</b>		<b>899.63</b>
JOURNEYMAN	(69.86 Hrs @ \$34.00)	2,375.24
FOREMAN @ 10%	(9.98 Hrs @ \$36.00)	359.28
APPRENTICE	(29.94 Hrs @ \$26.00)	778.44
SAFETY @ 3.5%	(3.49 Hrs @ \$34.00)	118.66
CLEAN UP @ 4.0%	(3.99 Hrs @ \$26.00)	103.74
GUARANTEE @ 3.0%	(2.99 Hrs @ \$26.00)	77.74
Labor Burden	(@ 45.000 %)	1,715.90
DELIVERY & PICK UP	(1.00 @ 1.00 @ \$250.00 + 0.000 % + 0.000 % + 0.000 %)	250.00
<b>Subtotal</b>		<b>6,678.63</b>
Overhead	(@ 5.000 %)	333.93
Markup	(@ 5.000 %)	350.63
<b>Subtotal</b>		<b>7,363.19</b>
Final Adjustment		-0.19
<b>Final Amount</b>		<b>\$7,363.00</b>

**CONTRACTOR CERTIFICATION**

Name: **Tony Boevers**  
 Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Digitally signed by Tony Boevers  
 DN: cn=Tony Boevers, o=Allstate Electrical Contractors, Inc., ou, email=tony@allstateelectricokc.com, c=US  
 Date: 2021.08.09 17:02:50 -05'00'

**ORIGINAL**



**PROPOSED CHANGE ORDER**



CCN # 2  
Date: 8/9/2021  
Project Name: WP Bill Atkinson  
Project Number: WP Bill Atkinson  
Page Number: 3

**CLIENT ACCEPTANCE**

CCN #: 2	_____
Final Amount:\$7,363.00	_____
Name:	_____
Date:	_____
Signature:	_____
Change Order #:	_____

I hereby accept this quotation and authorize the contractor to complete the above described work.

**ORIGINAL**



GENERAL CONSTRUCTION  
MANAGEMENT  
5720 N. I-35 Industrial Blvd.  
Edmond, Ok. 73034

405-341-5500 Phone  
405-341-7106 Fax

8/18/2021

**WP Bill Atkinson Park**  
**COR#3-Pour 36 OG&E light pole bases**

	<b>ADD</b>	<b>DEDUCT</b>
Elite Construction	\$30,600.00	

**Note: No additional days requested for this work.**

Subtotal	<hr/>	\$30,600.00
OH&P 10%		\$3,060.00
<b>Total</b>	<hr/>	<b>\$33,660.00</b>



## Change Order

### Owner Info

Owner (WP Atkinson)

### Job Info

301 East midamerica Blvd.  
Midwest City, OK 73110

### Change Order ID

0001

## WP Atkins

CO ID	Created / Approved Date	Price
0001	Created: Aug 13, 2021	\$30,600.00

### Description

36 light pole base  
Install 36 - 18" x 48" light pole bases

Cost Code	Title	Description	Qty/Unit	Unit Cost	Price
3600 - Concrete Civil Misc.	1	Install 36 -18"x48" light pole bases	36.00	\$850.00	\$30,600.00
					<b>\$30,600.00</b>

Status	Signature	Date
Approved by: _____		___/___/___

### Approval Comments

**Please Note:** A signature of Approval OR **Electronic Acceptance** is required before change order is effective. This change order becomes part of the existing contract.

TOTAL AMOUNT OF CHANGE ORDER:

\$30,600.00



GENERAL CONSTRUCTION  
 MANAGEMENT  
 5720 N. I-35 Industrial Blvd.  
 Edmond, Ok. 73034

405-341-5500 Phone  
 405-341-7106 Fax

9/7/2021

**WP Bill Atkinson Park**  
**COR#5-Delete (2) retractable bollards**

	<b>ADD</b>	<b>DEDUCT</b>
Shiloh-material (2) @ \$650 each		(\$1,300.00)
Shiloh-labor @ \$500 each		(\$1,000.00)

**Note: No additional days requested for this work.**

Subtotal	_____
OH&P 0%	(\$2,300.00)
<b>Total</b>	_____
	<b>(\$2,300.00)</b>



GENERAL CONSTRUCTION  
MANAGEMENT  
5720 N. I-35 Industrial Blvd.  
Edmond, Ok. 73034

405-341-5500 Phone  
405-341-7106 Fax

9/9/2021

**WP Bill Atkinson Park**  
**COR#6-Omit Colored Additive in the Sidewalks**

**ADD      DEDUCT**

Connelly

(\$6,650.00)

**Note: No additional days requested for this work.**

Subtotal  
OH&P 0%

\_\_\_\_\_  
(\$6,650.00)

**Total**

\_\_\_\_\_  
**(\$6,650.00)**



GENERAL CONSTRUCTION  
 MANAGEMENT  
 5720 N. I-35 Industrial Blvd.  
 Edmond, Ok. 73034

405-341-5500 Phone  
 405-341-7106 Fax

9/10/2021

**WP Bill Atkinson Park**  
**COR#7-VE Changes to the Pavilion**

**ADD      DEDUCT**

ACS Playgrounds		(\$32,000.00)
-----------------	--	---------------

**Note: No additional days requested for this work.**

Subtotal		(\$32,000.00)
OH&P 0%		
<b>Total</b>		<b>(\$32,000.00)</b>



ACS Playground Adventures  
8501 Mantle Ave  
Oklahoma City Ok 73132

To Whom it May Concern,

CO# 1 Primary Pavilion

There was a design change from the original design in the bid packet to the current design which is approved as an equal. The purpose of the design changes were to save cost. The savings associated with these design changes are as follows: There was a savings of \$32000 which is figured into our contract price.

That is a savings just for the shelter. This does not include qty. changes to the swings

Bryan Montgomery

ACS Playground Adventures

Colors do not represent final color choice!!





GENERAL CONSTRUCTION  
MANAGEMENT  
5720 N. I-35 Industrial Blvd.  
Edmond, Ok. 73034

405-341-5500 Phone  
405-341-7106 Fax

9/27/2021

**WP Bill Atkinson Park**  
**COR 10-Relocate water line for drinking fountain**

	<b>ADD</b>	<b>DEDUCT</b>
Godfrey & Company-Utilities		(\$3,535.00)

**Note: No additional days is requested for this CO.**

Subtotal	<hr/>	(\$3,535.00)
<b>Total</b>	<hr/>	<b>(\$3,535.00)</b>



# Godfrey & Company

"Site Utility Contractor, llc"  
2301 South Laurel Avenue  
Broken Arrow, OK 74012

**CHANGE ORDER  
PROPOSAL**

**Date; 8/8/2021**

**1" DOMESTIC WATER  
SERVICE "RELOCATE"**

**BILL TO;**

**Shiloh Enterprises, Inc.  
5720 North Industrial Boulevard  
Edmond, OK 73034**

**Project Name;**

**WP Atkinson Park  
301 East Mid-America Blvd.  
Midwest Cit, Ok**

**ATTENTION**

**David French**

**Description**

**Qty**

**Units**

**Cost**

**Amount**

1	1" Water Service	-1	ls	\$ 1,500.00	\$ (1,500.00)
2	1" Bore	-34	lf	\$ 40.00	\$ (1,360.00)
3	1" SDR-9 Poly Tube	-255	lf	\$ 20.00	\$ (5,100.00)
4	1" 90* Bend	-2	ea	\$ 2.00	\$ (4.00)
5	1" 11 1/4* Bend	-1	ea	\$ 2.00	\$ (2.00)
				<b>Subtotal</b>	<b>\$ (7,966.00)</b>
1	Connect to existing water meter	1	ls	\$ 200.00	\$ 200.00
2	1" SDR-9 Poly Tube	167	lf	\$ 20.00	\$ 3,340.00
3	Backfill under paving	15	tn	\$ 39.00	\$ 585.00
4	Haul-off excavated materials (roadway only)	2	lds	\$ 150.00	\$ 300.00
5	1" 45* bend	2	ea	\$ 2.00	\$ 4.00
	1" 22 1/2* bend	1	ea	\$ 2.00	\$ 2.00
				<b>Subtotal</b>	<b>\$ 4,431.00</b>
				<b>Total</b>	<b>\$ (3,535.00)</b>



GENERAL CONSTRUCTION  
 MANAGEMENT  
 5720 N. I-35 Industrial Blvd.  
 Edmond, Ok. 73034

405-341-5500 Phone  
 405-341-7106 Fax

10/4/2021

**WP Bill Atkinson Park**  
**COR 12-Add floor drain for fire riser**

Godfrey & Company

ADD	DEDUCT
\$1,850.00	

**Note: 2 additional days is requested for this CO.**

Subtotal	\$1,850.00
OH&P 10%	\$185.00
<b>Total</b>	<b>\$2,035.00</b>





City Manager's Office  
Vaughn Sullivan,  
Assistant City Manager  
[vsullivan@midwestcityok.org](mailto: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: October 26, 2021

Subject: Discussion and consideration for adoption, including any possible amendment of reappointing Taiseka Adams to Park Board for an additional three-year term.

The term of Taiseka Adams expired September 12, 2021 and Ms. Adams wishes to be considered for reappointment.

	<u>Apptd. Date</u>	<u>Expired Date</u>
John Manning - W6	07-26-11	01-10-23
Casey Hurt - W4	10-23-07	01-10-23
Kim Templeman – W3	02-26-19	02-22-22
Arron Budd - W2	05-15-13	05-27-23
David Clampitt - W2	05-24-05	05-27-23
Taiseka Adams – W5	05-08-15	09-12-21
Chris Cooney – W1	07-28-20	07-25-23

Action is at the discretion of the Council.

Vaughn K. Sullivan  
Public Works Director



**City of Midwest City Police Department**

100 N. Midwest Boulevard

Midwest City, OK 73110

Office 405.739.1320

Fax 405.739.1398

**MEMORANDUM**

TO: Honorable Mayor and Council

FROM: Sid Porter, Chief of Police

DATE: October 26, 2021

SUBJECT: Discussion and consideration for adoption, including any possible amendment of 1) declaring an EyeBall R1 (360 degree deployable sensor) serial number BL20317, as obsolete city equipment/property; and 2) authorizing the disposal of this property by public auction, sealed bid or other means as necessary.

---

The Midwest City Police Department indicates that the EyeBall R1, serial number BL20317, is outdated and obsolete city equipment/property (approximately 12 years old). EyeBall R1 is a unique system providing live video and audio surveillance for indoor and outdoor locations for which direct observation is hard to achieve. EyeBall R1 reduces the danger associated with gathering information in small hazardous and confined spaces, such as: buildings, caves, tunnels, and alleys. It is well suited for counterterrorism and law enforcement operations in urban, rural, and wilderness areas. This system contains the following inside the hard protective case: Personal display unit (screen), 2 sensors (eyeballs), chargers, AC cords, user manual, training sensor (eyeball) and a telescopic pole. We are requesting it be declared surplus and disposal be authorized either through public auction or sealed bid.

Staff recommends approval.

*Sid Porter*

---

Chief of Police

No Attachment



**City of Midwest City Police  
Department**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
Office 405.739.1320  
Fax 405.739.1398

**MEMORANDUM**

TO: Honorable Mayor and City Council

FROM: Sid Porter, Chief of Police

DATE: October 26, 2021

SUBJECT: Discussion and consideration for adoption, including any possible amendment of declaring ammunition of various calibers Midwest City Police Department owned as surplus and authorizing their disposal by trade-in for the purchase of new ammunition with GT Distributors, Austin, TX.

---

Attached is a list of ammunition the Midwest City Police Department requests consideration to enter into an agreement with GT Distributors of Austin, Texas to dispose of the surplus ammunition for a trade-in value of \$39, 995.00. This \$39, 995.00 credit will be used to purchase updated ammunition for the Midwest City PD with GT Distributions.

Staff recommends approval.

*Sid Porter*

---

Sid Porter  
Chief of Police (Interim)

Attachment: GT Distributions Inc. Quote



GT Distributors - Austin  
 P.O. Box 16080  
 Austin TX 78761  
 (512) 451-8298 Ext. 0000

Quote	QTE0142745
Date	8/26/2021
Page:	1

**Bill To:**

Midwest City Police Dept (OK)  
 100 North Midwest Blvd.  
 Attn: Accounts Payable  
 Midwest City OK 73110

**Ship To:**

Midwest City Police Dept (OK)  
 100 North Midwest Blvd.  
 Attn:  
 Midwest City OK 73110

Purchase Order No.	Customer ID	Salesperson ID	Shipping Method	Payment Terms	Reg Ship Date	Master No.
210826A AMMO TRAC	004318	RA		NET 15	0/0/0000	2,452,638

Quantity	Item Number	Description	UOM	Unit Price	Ext. Price
1	NOTES*	Ammo Trade	EA	\$0.00	\$0.00
460	AMMO-RA-GSB45APA-	Trade-In Remington Arms-Bonded-.45ACP-230	BX	\$15.00	\$6,900.00
200	AMMO-CCI-53653-BX	TradeIn CCI .45Auto 50/BX TMJ 230gr	BX	\$16.00	\$3,200.00
140	AMMO-CCI-53969-BX	Trade-In CCI .45Auto 50/BX Gold Dot HP 200gr	BX	\$19.00	\$2,660.00
1,000	AMMO-CCI-53970-BX	Trade-In CCI .40Auto 50/BX Gold Dot HP 165gr	BX	\$16.00	\$16,000.00
880	AMMO-CCI-53955-BX	Trade-In CCI .40S&W 50/BX TMJ 165gr	BX	\$14.00	\$12,320.00
1	NOTES*	Freight charge	EA	(\$1,085.00)	(\$1,085.00)

All returns must be authorized by GT Distributors. Interest charges on past due invoices at the maximum rate allowed by law.

<b>Subtotal</b>	\$39,995.00
<b>Misc</b>	\$0.00
<b>Tax</b>	\$0.00
<b>Freight</b>	\$0.00
<b>Total</b>	\$39,995.00

Thank you for your business. Robert Arbuckle  
 Archie Huston <AHuston@MidwestCityOK.org>



**Information Technology**  
 100 N. Midwest Boulevard  
 Midwest City, OK 73110  
 Office 405.739.1374  
 Fax 405.869.8602

**MEMORANDUM**

**TO:** Honorable Mayor and City Council

**FROM:** Allen Stephenson, Information Technology Director

**DATE:** October 26, 2021

**SUBJECT:** Discussion and consideration for adoption, including any possible amendment of 1) declaring various computer equipment obsolete items of city property on the attached list surplus; and 2) authorizing their disposal by public auction, sealed bid or other means as necessary.

The following computer equipment and peripheral devices are obsolete, defective or have been replaced.

	<b>CPU</b>	
<i><b>INVENT #</b></i>	<i><b>MANUFACTOR</b></i>	<i><b>SERIAL NUMBERS</b></i>
646	Site Kiosk	866TQL1
755	Site Kiosk	91Y5PS1
724	Site Kiosk	2W8FKQ1
794	Dell XPS 14	96V78W1
2076	Dell Latitude 5414	565MG92
761	Dell Optiplex 390	9MYV4V1
1856	Ipad	DLXNM101G5YL
903	Dell Precision T1650	H1WHRW1
921	Dell Optiplex 3010	B8DQ6Y1
645	Dell Optiplex 380	869SQL1
949	Dell Optiplex 3010	4GTZHX1
791	Dell Optiplex 390	3Z3QXV1
783	Dell Optiplex 390	4NYR5V1
982	Dell Optiplex 3030	CHS2L02
1011	Dell Optiplex 3020	25ZFX12
948	Dell Optiplex 3010	4GQZHX1
950	Dell Optiplex 3010	410ZFX1
1251	Microsoft Surface 3	0 80456544553
	<b>MISCELLANEOUS</b>	





**Information Technology**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
Office 405.739.1374  
Fax 405.869.8602

<b>Quantity</b>	<b>Hardware Type</b>	<b>Serial Number</b>
1	DVR Recorder	83081440074
1	Cisco 52-Port SG300-52P	PSZ20171LB1
2	Dell Monito	
1	box of miscellaneous	
4	Monitor Arms	
1	Rolling Filing Cabinet	
2	Large Cabinet for stoarge	
1	Desk Extension with Drawer	
1	Overhead Desk extenson cabinet	



DISCUSSION ITEMS





The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director

---

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** (PC-2090) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from C-3, Community Commercial and to R-HD, High Density Residential, for the property described as a part of the SW/4 of Section 12, T-11-N, R-2-W, located at 2500 S. Douglas Blvd.

The applicant has requested that this item be continued to the November 2, 2021 Planning Commission meeting and December 14, 2021 City Council meetings. This request came in after notices for this application were sent to surrounding property owners and published in The Beacon with the hearing dates of September 7, 2021 and September 28, 2021. The request was tabled at those meetings due to the applicants request.

The Planning Commission took no action on this item at the September 7, 2021 and October 5, 2021 Planning Commission meetings.

Request by the applicant is for the City Council to table this public hearing and consideration for adoption until the December 14, 2021 City Council meeting.

Billy Harless, AICP  
Community Development Director

KG

**From:** Chris Webster <webschris@gmail.com>  
**To:** Kellie Gilles <KGilles@midwestcityok.org>  
**Date:** 10/13/2021 5:08 PM  
**Subject:** Re: Rezoning Application

Hi Kellie,

Please continue it to the December 14th meeting.

Also, can you tell me exactly what type of HD Multifamily zoning we already have granted in the middle and back?

And I suppose that the HD Multifamily zoning we have applied for in the front is the same, correct?

Thank you,  
Chris

On Wed, Oct 13, 2021 at 2:55 PM Kellie Gilles <KGilles@midwestcityok.org> wrote:

> Chris,  
>  
> I need to know by noon tomorrow if you would like to withdraw your  
> application of have the Council continue it to the December 14 meeting.  
>  
> Thank you,  
>  
> Kellie Gilles, AICP  
> Planning Manager  
> City of Midwest City  
> 405-739-1223  
>  
>  
>  
>



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director

---

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** (PC – 2092) Discussion and consideration for adoption, including any possible amendment of the Replat of Lot 14, Block 5 of the Pointon City Addition, described as a part of the NE/4 of Section 6, T11N, R1W and addressed as 10305 St. Patrick Drive.

**Executive Summary**

This is a request to divide one (1) existing lot into two (2) lots for residential development. There are currently no structures on the lot. The area of request is platted as Lot 14, Block 5 of the Pointon City Addition. The proposed lots meet the minimum standards regarding lot size. If approved, the home built on each lot must meet the minimum house size, exterior construction materials and setbacks listed in the Zoning Ordinance. If the replat application is approved, the applicant is responsible for bringing the curb and gutter along the frontage to city standard as well as sidewalks along the frontage of both proposed lots. The proposed lots have access to city water along the frontage. A public sanitary sewerage extension is required prior to the issuance of any building permit. The applicant has agreed to fulfill all requirements including sidewalk along the frontage of the two proposed lots as well as the sewer extension. Approval of this replat is at the discretion of the City Council.

**Dates of Hearing:** Planning Commission – October 5, 2021  
City Council – October 25, 2021

**Council Ward:** Ward 6, Councilmember Rick Favors

**Owner/Applicant:** Robert Smith, Monroe Homes LLC

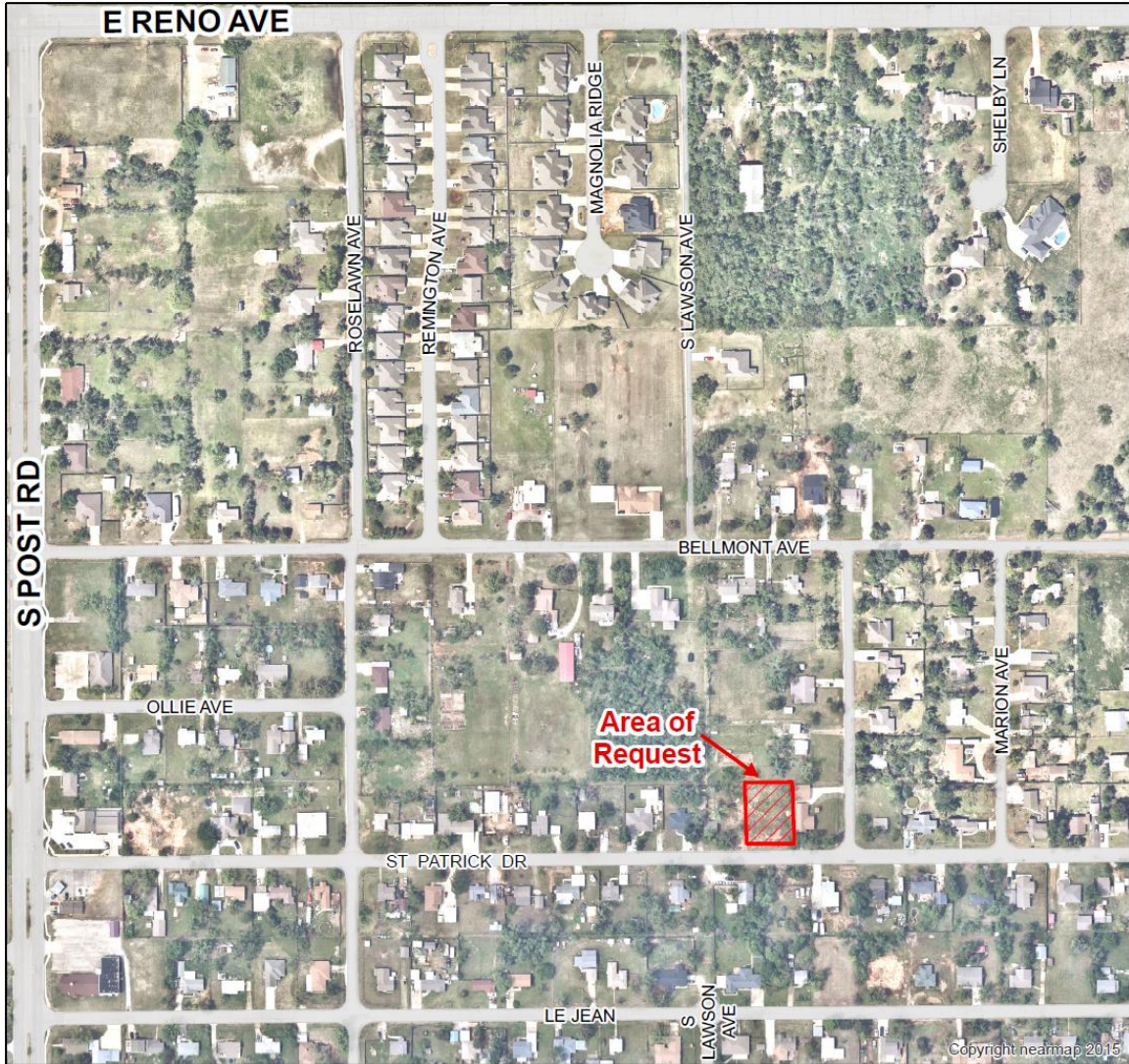
**Proposed Use:** two (2) lots for single family homes

**Size:**

The area of request has a frontage along St. Patrick Drive of approximately 100 ft. and a depth of approximately 129 feet, containing an area of approximately 12,920 square feet.

**Development Proposed by Comprehensive Plan:**

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



**Zoning Districts:**

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

**Land Use:**

Area of Request – vacant  
North, South, East and West – single family residences

**Comprehensive Plan Citation:**

Single-Family Detached Land Use

This use is representative of traditional single-family detached dwelling units. Of the residential categories, it is recommended that single-family detached land use continue to account for the largest percentage. The areas designated for single-family detached residential land uses are generally not adjacent to incompatible land uses, and are in proximity to existing single-family residential land use. The city should strive for a range of lot sizes to develop, and should reinforce this by providing a choice of several single-family zoning districts with various lot sized in the Zoning Ordinance.

**Municipal Code Citation:**

**38-21.1. Purpose**

A Replat of all or a portion of a recorded Plat may be approved without vacation of the recorded Plat, if the Replat meets the following criteria:

The Replat is signed and acknowledged by the owners of the property being replatted; and

The Replat does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded plat.

**History:**

1. The Plat of the Pointon City Addition was approved in 1949.
2. The Planning Commission recommended approval of this item October 5, 2021.

**Staff Comments:**

**Engineer's Comments:**

Note: This application is for a re-plat of Lot 14, Block 5 of the Pointon City Addition located at 10305 St Patrick Drive.

**Public Improvements**

The requirements of the public improvements can be found in the subdivision regulations under:

Sec. 38-21.3. Construction management (Replat).

(a)

Requires construction. If the subdivision as replatted requires construction of additional improvements, the provisions of article IV, Construction Plans and Procedures shall apply.

(b)

Does not require construction. If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no construction plans shall be required.

Upon application of replat, this office reviewed all the public improvements for compliance with the subdivision regulations.

**Water**

An existing six (6) inch water line runs along the south side of St. Patrick Drive. Therefore, all the proposed lots already have public water access. No further improvements required.

**Sanitary Sewer**

Neither of the proposed lots have direct access to public sanitary sewer lines. A replat will require tie into the public sewer system as outlined in Municipal Code 38-43.6. This will require an extension of the public sanitary sewer system. Extension will need to be designed by an Oklahoma licensed civil engineer; permitted by this office and Oklahoma Department of Environmental Quality (ODEQ); bonded; and inspected by a city inspector.

**Stormwater**

The proposed development is making two (2) lots out of one (1) existing. Only one (1) more house would be added to the existing system. The lots are relatively flat with a gentle slope to the south and east. Upon application of building permit, the lots will be required to keep the historic drainage pattern to St Patrick Drive. No further improvements required.

**Street**

St Patrick Drive is a publicly maintained roadway with curb and gutter 26 feet wide. Existing curbing will have to be examined and any missing or broken sections will have to be repaired at time of building permit. No further improvements required.

**Sidewalk**

A four (4) foot sidewalk will have to be constructed along the frontage of St Patrick Drive. Sidewalk will have to comply with current American with Disabilities Act (ADA) regulations. Sidewalk construction can be at time of building permit and will be required prior to any certificate of occupancy (CO) of the associated lot.

**Easements**

Subdivision Regulations requires that all existing, dedicated, and proposed rights-of-way and easements are depicted on the plat. As required, these are reflected on the plat as shown.

**Lighting**

Public street lighting is not required of this development since there are no areas within the extents of the development where street lighting is warranted.

**Signage**

Public street signage is not required of this development since there are no intersecting roadways within the extents of the development and St Patrick Drive is already a publicly maintained roadway.

**Record Drawings, Lien Release, and Bonding**

No public improvements are required other than sidewalk and some minor curbing, neither of which will require record drawings or bonding. The required improvements will be inspected upon completion.





Looking west along St Patrick Drive. Development just beyond beige house. Drainage will fall south and east towards the picture.



Drainage will fall from the left to the right (towards east).



Showing curb missing. Developer would be required to repair curb as part of building permit.

**Fire Marshal's Comments:**

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

**Planning Comments:**

The Replat of Lot 14, Block 5 of the Pointon City Addition will allow the owner to divide the existing lot into two (2) lots. Each lot is intended for one single family residence.

The proposed lots meet the minimum standard of 6,000 square feet. If this application is approved, the homes built on the lots must meet the requirements of the Zoning Ordinance including a minimum of 1,200 square feet, 85% masonry exterior materials (100% facing the street), maximum lot coverage of 40% and 7' side setbacks.

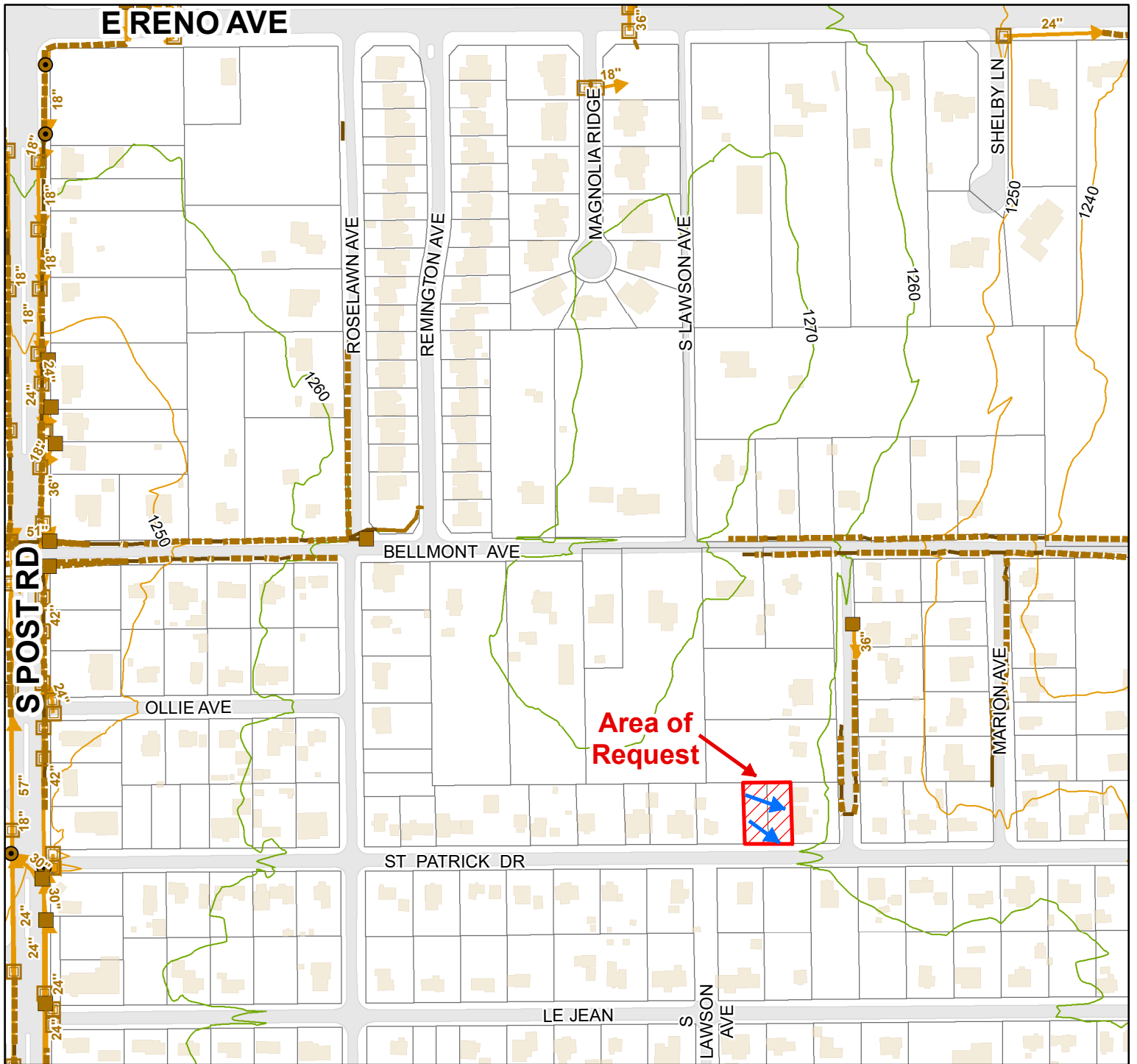
Approval of the Replat of Lot 14, Block 5 of the Pointon City Addition is at the discretion of the City Council.

**Action Required:** Approve or reject the Replat of a part of Lot 14, Block 5 of the Pointon City Addition located on the property as noted herein, subject to the staff comments and found in the October 26, 2021 agenda packet and made a part of PC-2092 file.

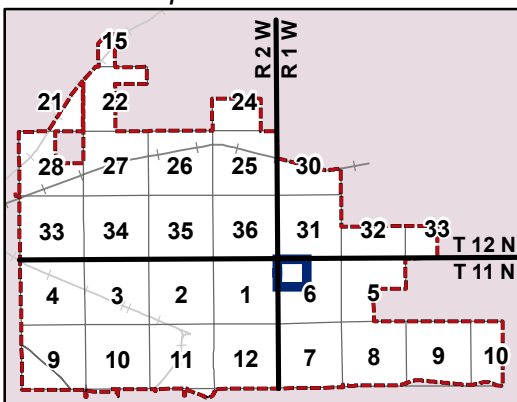
A handwritten signature in black ink, appearing to read "Billy Harless".

Billy Harless, AICP  
Community Development Director

KG



Locator Map



- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

- 2009 FEMA Floodplains**
- 500-yr floodplain
  - 100-yr floodplain
- 2009 FEMA Floodway**
- FLOODWAY

# DRAINAGE LOCATION MAP FOR PC-2092

(NW/4, Sec. 6, T11N, R1W)



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**OWNER'S CERTIFICATE AND DEDICATION:**

Robert Smith of Monroe Homes LLC, hereby certifies that he is the owner of and the only person, firm or corporation having any right, title, or interest in and to Lot 5 Block 14 shown on the plat of REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City. That it has caused the same to be surveyed and platted into lots, blocks, streets, and Easements as shown on said annexed plat, which said annexed plat, represents a correct survey of all property included therein under the name of REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City, Oklahoma County, Oklahoma.

The undersigned does hereby further certify that it is the owner of the land and the only company, corporation, partnership, person or entity having any right, title or interest in and to the land included in said annexed plat, except as set forth in the Bonded Abstractor's Certificate, and does hereby dedicate all streets and easements as shown on said annexed plat to the public for use as public streets, and drainage and utility easements for their heirs, executors, administrators, successors, and assigns forever and shall cause the same to be released from all encumbrances so that title is clear. All common areas and private drainage easements including channels and detention ponds are the responsibility of the Homeowner's Association to maintain.

The Owner's Restrictive Covenants and Limitations for the development of this addition are set out on typewritten sheets of paper and will be subsequently filed separately.

In witness whereof the undersigned has caused this instrument to be executed on this \_\_\_\_\_ day \_\_\_\_\_, 2021.

Robert Smith of Monroe Homes LLC

STATE OF OKLAHOMA )  
 ) SS  
COUNTY OF OKLAHOMA )

Before me the undersigned, a Notary Public in and for said County and State on this \_\_\_\_\_ day \_\_\_\_\_, 2021, personally appeared to me known as the identical person who City Manager and duly acknowledged to me that he executed the same as the free and voluntary act and deed of said corporation.

**BONDED ABTRACTOR'S CERTIFICATE**

KNOW ALL MEN BY THESE PRESENTS

The undersigned duly qualified and lawfully bonded abstractor of titles in and for Oklahoma County and the State of Oklahoma, hereby certifies that the records of said County show that the title to the land shown on this plat of REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City, Oklahoma is vested in the City of Midwest City, Oklahoma, and that on the \_\_\_\_\_ day \_\_\_\_\_, 2021, there are no actions pending or judgments of any nature in the land or the owner(s) thereof, that the taxes are paid for the year \_\_\_\_\_ and prior years, that there are no outstanding tax sales and no tax deeds are issued to any person, that there are no liens or other encumbrances of any kind against the land included in this plat except easements, mortgages, and mineral conveyances of record.

In witness whereof the undersigned has caused this instrument to be executed this \_\_\_\_\_ day \_\_\_\_\_, 2021.

Attest:  
By: \_\_\_\_\_  
Assistant Secretary Authorized Title Insurance Company

STATE OF OKLAHOMA )  
 ) SS  
COUNTY OF OKLAHOMA )

Before me the undersigned, a Notary Public in and for said County and State on this \_\_\_\_\_ day \_\_\_\_\_, 2021, personally appeared \_\_\_\_\_ to me known as the identical person who executed as vice president within and foregoing instrument and acknowledged to me that he executed the same as the free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal the say and last year above written.

My Commission Expires: \_\_\_\_\_

**SURVEYOR'S CERTIFICATE** Notary Public

I, D.W. Converse, do hereby state that I am a Registered Land Surveyor and that the plat REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City, Oklahoma, represents a survey made under my supervision on the \_\_\_\_\_ day \_\_\_\_\_, 2021.

I further certify that said re-plat complies with Requirements of Senate Bill 377, Section 518 as amended and that this plat of survey meets the Oklahoma Minimum Standards for the Practice of Land Surveying as adopted by the Oklahoma State Board of Licensure for Professional Engineers and Land Surveyors; and that said Final Plat complies with the requirements of the Title 11 Section 41-108 of the Oklahoma State Statutes.

Date Signed: \_\_\_\_\_

Delbert W. Converse, PE, FLS 1262

STATE OF OKLAHOMA )  
 ) SS  
COUNTY OF OKLAHOMA )

Before me the undersigned, a Notary Public in and for said County and State on this \_\_\_\_\_ day \_\_\_\_\_, 2021, personally appeared D.W. Converse to me known as the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for he uses and purposes therein set forth.

Given under my hand and seal the day and year last above written.

Commission Expires: \_\_\_\_\_

Notary Public

**CERTIFICATE OF CITY CLERK:**

I, \_\_\_\_\_ City Clerk of Midwest City, Oklahoma, hereby certify that I have examined the records of said City and find that all delinquent payments or unmatured installments upon special assessments have been paid in full and that there are no special assessment procedures now pending against the land shown on the plat of REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City, Oklahoma.

Signed by the City Clerk on this \_\_\_\_\_ day \_\_\_\_\_, 2021.

Chairman

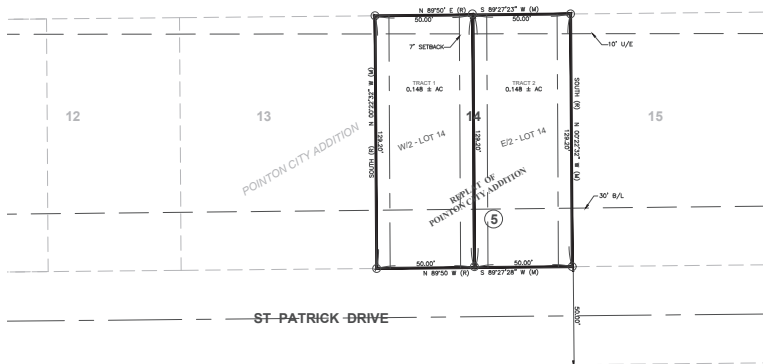
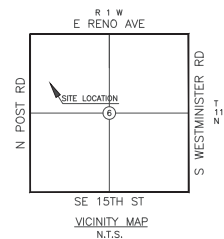
**COUNTY TREASURER'S CERTIFICATE:**

I, \_\_\_\_\_ do hereby certify that I am the duly elected, qualified and sworn County Treasurer of Oklahoma County, Oklahoma, that the tax records of said county show that all taxes for the year 2021 and prior years are paid on the annexed plat of REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City, Oklahoma, and that the required statutory security has been deposited in the office of the County Treasurer guaranteeing payment for the current year's taxes.

In witness whereof said County Treasurer has caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2021

County Treasurer

# REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14 SECTION 6, TOWNSHIP 11 NORTH, RANGE 1 WEST, I.M., MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA



- DENOTES SET IRON ROD / MAG NAIL
- DENOTES FOUND IRON ROD / MAG NAIL
- (R) - RECORDED BEARINGS / DISTANCES
- (M) - MEASURED BEARINGS / DISTANCES

**LEGAL DESCRIPTION**

**LEGAL DESCRIPTION - PARENT TRACT**

All of Lot 14, Block 5 of Pointon City Addition to Oklahoma County, Oklahoma.

**LEGAL DESCRIPTION - LOT 14A**

The West Half (W/2) of Lot 14, Block 5 of Pointon City Addition to Oklahoma County, Oklahoma.

**LEGAL DESCRIPTION - LOT 14B**

The East Half (E/2) of Lot 14, Block 5 of Pointon City Addition to Oklahoma County, Oklahoma.

**ACCEPTANCE OF DEDICATION BY CITY COUNCIL:**

BE IT HEREBY RESOLVED by the Council of the City of Midwest City, that the plat of REPLAT OF POINTON CITY ADDITION, BLOCK 5, LOT 14, an addition to the City of Midwest City, Oklahoma County, Oklahoma, is hereby approved and the dedications shown hereon are hereby approved and accepted.

ADOPTED by the Council of the City of Midwest City, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

APPROVED by the Mayor of the City of Midwest City, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

ATTEST

City Clerk

Mayor



Scale: 1 inch = 30 feet



**DEVELOPER:** ROBERT SMITH  
10210 SAINT PATRICK DRIVE  
MIDWEST CITY, OK 73130

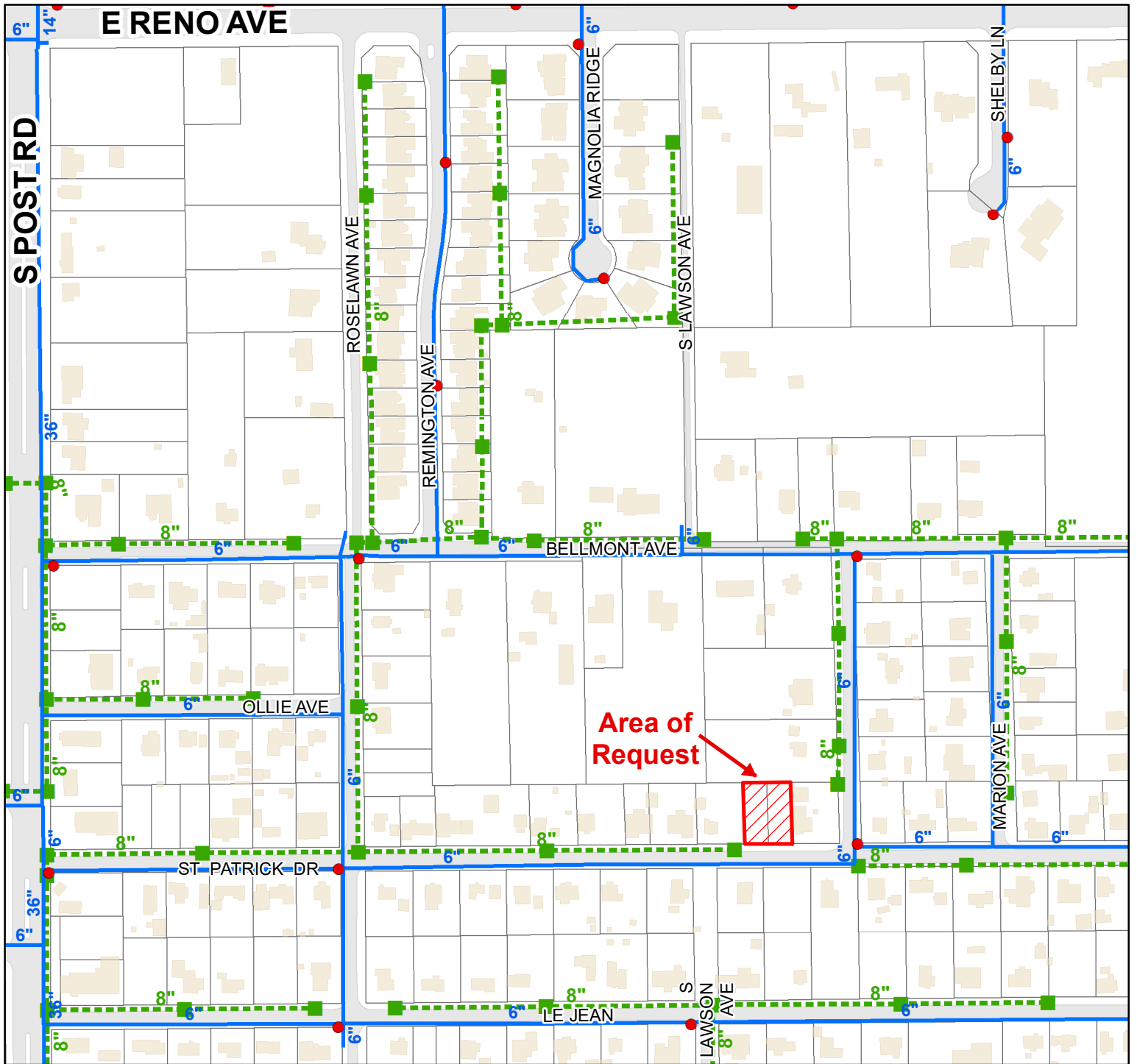
	ONE CALL UTILITY LOCATION NUMBER
	840-5032 1-800-522-6543

REPLAT OF POINTON CITY ADDITION,  
BLOCK 5, LOT 14  
SECTION 6, TOWNSHIP 11 NORTH, RANGE 1 WEST, I.M.,  
MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA

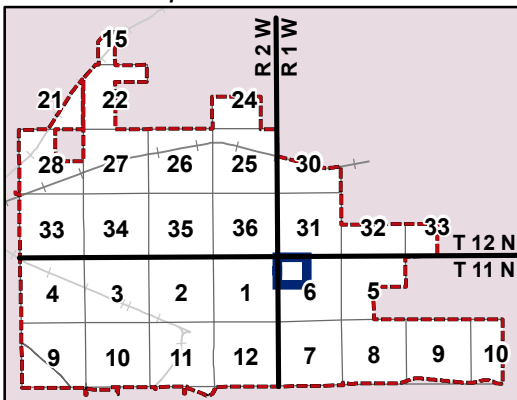
**CSE**  
Converse Surveying and Engineering Inc.  
2313 Silverfield Ln.,  
Edmond, OK 73025  
Phone: 405-826-1355  
E-Mail: cseoklahoma@gmail.com  
Certificate of Authorization No. 2977  
Expires June 30, 2022

CLIENT: SMITH	Revisions	
	No.	Date
DRAWN BY: DTC		
CHECKED BY: DMC		
DATE: 5/20/2021		
SURVEY NUMBER: 5-2019-0214		





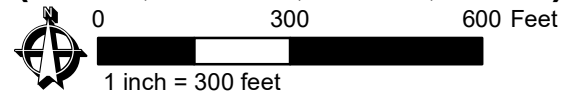
Locator Map



**Water/Sewer Legend**

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - - - OKC Cross Country
  - - - Sooner Utilities
  - - - Thunderbird
  - - - Unknown
- Sewer Manholes
- - - Sewer Lines

**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-2092  
(NW/4, Sec. 6, T11N, R1W)**

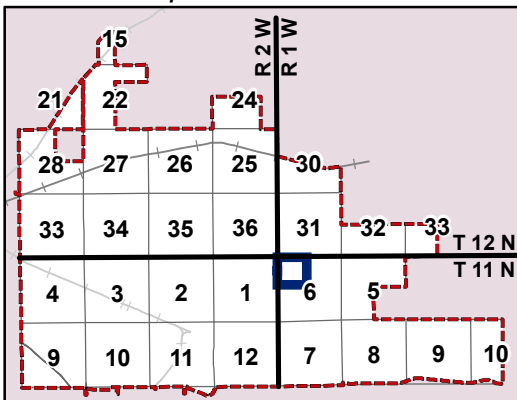


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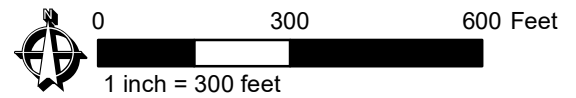


Copyright nearmap 2015

Locator Map



**4/2021 NEARMAP AERIAL VIEW FOR  
PC-2092  
(NW/4, Sec. 6, T11N, R1W)**



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**Midwest City Fire Marshal's Office**

8201 E Reno Avenue, Midwest City, OK 73110  
[dhelmberger@midwestcityok.org](mailto:dhelmberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC - 2092

Date: 20 September 2021

PC-2092 is a replat application for the lot addressed as 10305 St. Patrick. The applicant is requesting to split the one existing lot into two lots for single family residential development.

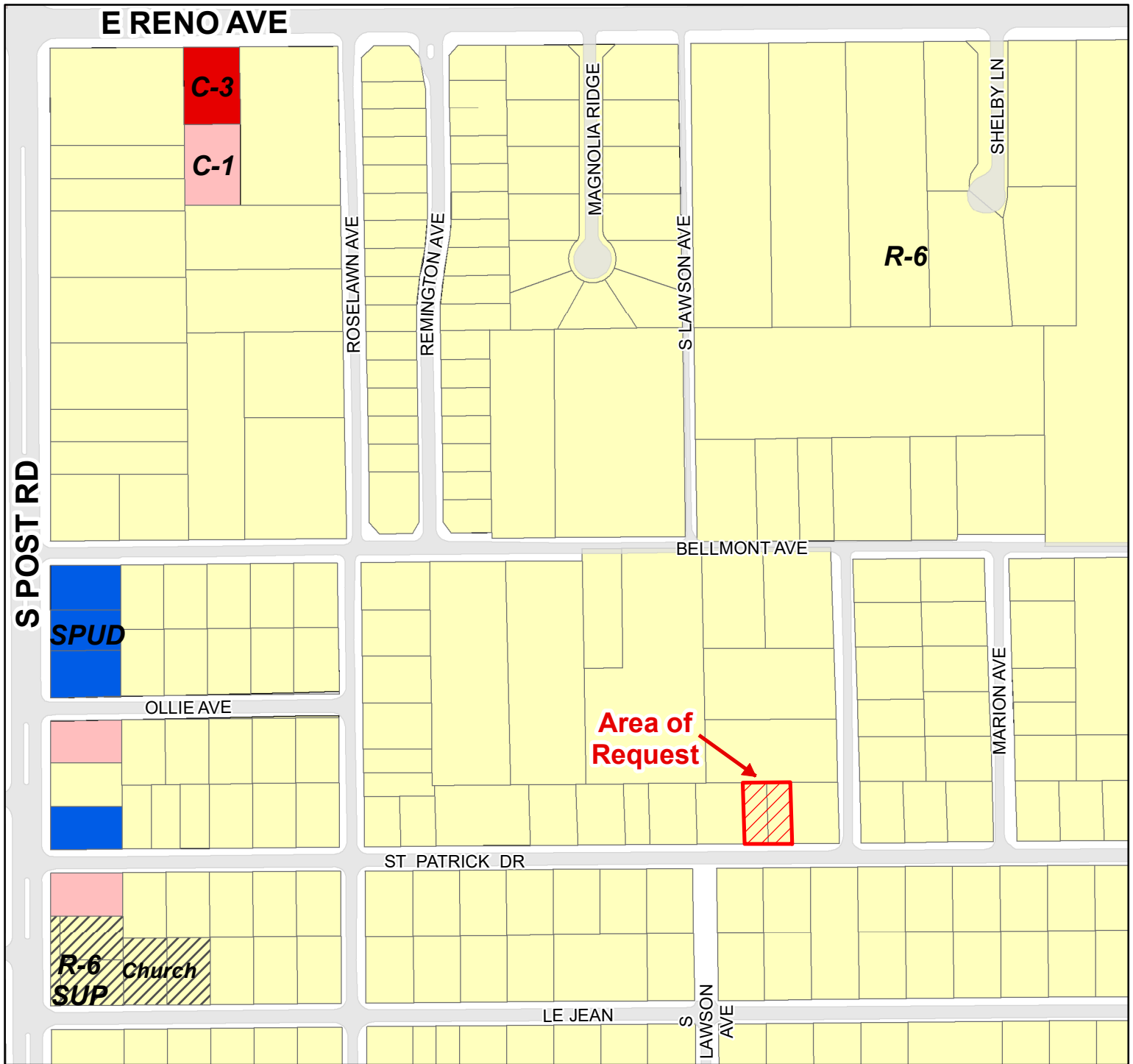
- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Respectfully,

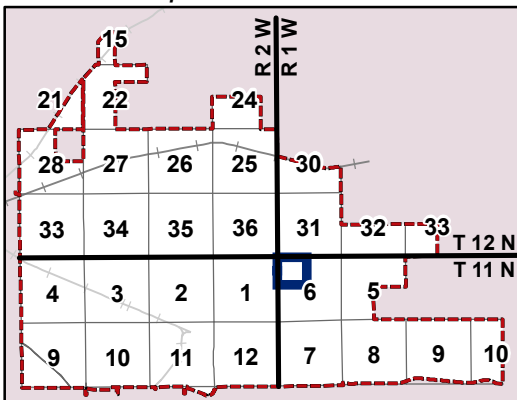
A handwritten signature in black ink, appearing to read "D. Helmberger".

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.



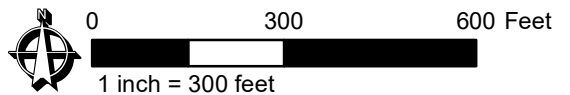
Locator Map



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-2092  
(NW/4, Sec. 6, T11N, R1W)**



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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 10<sup>th</sup>, 2021

Subject: Engineering staff comments for pc-2092 re-plat application

**ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2092:**

Note: This application is for a re-plat of Lot 14, Block 5 of the Pointon City Addition located at 10305 St Patrick Drive.

**Public Improvements**

The requirements of the public improvements can be found in the subdivision regulations under:  
Sec. 38-21.3. Construction management (Replat).

(a)

Requires construction. If the subdivision as replatted requires construction of additional improvements, the provisions of article IV, Construction Plans and Procedures shall apply.

(b)

Does not require construction. If the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., then no construction plans shall be required.

Upon application of replat, this office reviewed all the public improvements for compliance with the subdivision regulations.

**Water**

An existing six (6) inch water line runs along the south side of St. Patrick Drive. Therefore, all the proposed lots already have public water access. No further improvements required.

**Sanitary Sewer**

Neither of the proposed lots have direct access to public sanitary sewer lines. A replat will require tie into the public sewer system as outlined in Municipal Code 38-43.6. This will require an extension of the public sanitary sewer system. Extension will need to be designed by an Oklahoma licensed civil engineer; permitted by this office and Oklahoma Department of Environmental Quality (ODEQ); bonded; and inspected by a city inspector.

## Stormwater

The proposed development is making two (2) lots out of one (1) existing. Only one (1) more house would be added to the existing system. The lots are relatively flat with a gentle slope to the south and east. Upon application of building permit, the lots will be required to keep the historic drainage pattern to St Patrick Drive. No further improvements required.

## Street

St Patrick Drive is a publicly maintained roadway with curb and gutter 26 feet wide. Existing curbing will have to be examined and any missing or broken sections will have to be repaired at time of building permit. No further improvements required.

## Sidewalk

A four (4) foot sidewalk will have to be constructed along the frontage of St Patrick Drive. Sidewalk will have to comply with current American with Disabilities Act (ADA) regulations. Sidewalk construction can be at time of building permit and will be required prior to any certificate of occupancy (CO) of the associated lot.

## Easements

Subdivision Regulations requires that all existing, dedicated, and proposed rights-of-way and easements are depicted on the plat. As required, these are reflected on the plat as shown.

## Lighting

Public street lighting is not required of this development since there are no areas within the extents of the development where street lighting is warranted.

## Signage

Public street signage is not required of this development since there are no intersecting roadways within the extents of the development and St Patrick Drive is already a publicly maintained roadway.

## Record Drawings, Lien Release, and Bonding

No public improvements are required other than sidewalk and some minor curbing, neither of which will require record drawings or bonding. The required improvements will be inspected upon completion.



Looking west along St Patrick Drive.  
Development just beyond beige house. Drainage



Drainage will fall from the left to the right  
(towards east).

100 N. Midwest Boulevard, Midwest City, Oklahoma 73110

Engineering Division (405) 739-1220

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will fall south and east towards the picture.



Showing curb missing. Developer would be required to repair curb as part of building permit.

100 N. Midwest Boulevard, Midwest City, Oklahoma 73110

Engineering Division (405) 739-1220

*An Equal Opportunity Employer*



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Current Planning Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** (PC-2093) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from R-6, Single Family Detached Residential to C-3, Community Commercial, and a resolution to amend the Comprehensive Plan from OR, Office/Retail to COMM, Commercial, for the property described as Lots 1-4 of the Poling Addition, addressed as 10012 E. Reno Ave.

**Executive Summary:** This is a request to rezone the property from R-6, Single Family Detached Residential to C-3, Community Commercial. This lot is presently vacant. If this request is approved, the applicant proposes to build a Casey's General Store. No variances are being requested. All future construction would be required to meet the minimum requirements of the Zoning Ordinance including parking, landscaping, screening, exterior materials, coverage, setbacks, minimum lot size, etc. A letter from the applicant with details regarding this business is included in this agenda packet. Action is at the discretion of the City Council.



**Dates of Hearing:** Planning Commission – October 5, 2021  
City Council – October 26, 2021

**Council Ward:** Ward 6, Councilmember Rick Favors

**Applicant:** Nick Halfhill, Casey's Marketing Company

**Owner:** Lex LLC & Plane Fax Escrow Inc.

**Proposed Use:** Casey's General Store

**Size:**

The area of request has a frontage of approximately 287.80' along E. Reno Ave. and a depth of approximately 140.87' containing an area of approximately 60,505 square feet more or less.

**Development Proposed by Comprehensive Plan:**

Area of Request – Office Retail (OR)

North – Low Density Residential (LDR) and Office Retail (OR)

South – Office Retail (OR)

East – Low Density Residential (LDR) and Commercial (COMM)

West – Office Retail (OR)

**Zoning Districts:**

Area of Request – R-6, Single Family Detached Residential

North – R-6, Single Family Detached Residential and R-6, Single Family Detached Residential with a Special Use Permit for a church

South – R-6, Single Family Detached Residential

East – C-3, Community Commercial and C-1, Restricted Commercial

West – C-3, Community Commercial and C-4, General Commercial

**Land Use:**

Area of Request – vacant

North and South– single family houses

East – Kelso Electric

West – daycare

**Municipal Code Citation:**

2.20. C-3, Community Commercial

2.20.1 General Description

This commercial district is intended for the conduct of business activity which is located at the edge of residential areas but which serves a larger trade area than the immediately surrounding residential neighborhoods.

Business uses will most often be found in a wide variety of commercial structures, normally on individual sites with separate ingress, egress, and parking. Because of the varied uses permitted, it is important to be separated as much as possible visually and physically from any nearby residential areas and to limit the harmful effects of increased traffic, noise, and general nonresidential activity which will be generated.

Limited outdoor storage and limited open display as defined in the Zoning Ordinance shall be permitted.

Traffic generated by the uses permitted shall be primarily passenger vehicles and only those trucks and commercial vehicles required for stocking and delivery of retail goods.

**History:**

1. This parcel has been zoned for single family residential use under the 1985 and 2010 Zoning Maps.
2. The City has no records of this parcel ever having been developed.
3. The Planning Commission recommended approval of this item October 5, 2021.

**Staff Comments:**

**Engineer's report:**

Note: No engineering improvements are required with this application.

Water Improvements

There is a thirty-six (36) inch public water mains bordering the proposed parcel along the east side of Post Road. Note that this main may be under Post Road which will require additional patching to access the waterline for future improvements. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There are no public sanitary sewers immediately adjacent to this parcel. Any new commercial building permit will require tie into the public sewer system as outlined in Municipal Code 43-109. This will require an extension of the public sanitary sewer system. Extension will need to be designed by an Oklahoma licensed civil engineer; permitted by this office and Oklahoma Department of Environmental Equality (ODEQ); bonded; and inspected by a city inspector.

Streets and Sidewalks

Access to the area of request exists off Reno Avenue and Post Road. In the 2008 Comprehensive Plan Reno Avenue and Post Road are both listed as a Secondary Arterial Divided.

Sidewalk will be required with a building permit.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an "Area of Minimal Flood Hazard" on Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009.

Detention will be required with a building permit and tie to the existing underground storm system at the greatest extent possible. Future development will need to take existing conditions under consideration.

Easements and Right-of-Way

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

**Fire Marshal's report:**

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

**Plan Review Comments:**

This is an application to rezone the parcel located at 10012 E. Reno Ave. from R-6, Single Family Detached Residential to C-3, Community Commercial. If this request is approved, the applicant plans to build a Casey's General Store on this parcel. Attached is a letter from the applicant with details regarding the products sold and hours of operation at Casey's General Store.

If this request is approved, the following requirements of the Zoning Ordinance must be met with any building permit:

- The building must be constructed of 80% masonry materials. The City does not accept EIFS as a masonry product.
- Parking for retail use: 1 space per 150 sq. ft. GLA for the first 5,000 sq. ft. of GLA. From 5,001-12,000 sq. ft. GLA = 1 space per 200 sq. ft. of GLA.
- Minimum aisle width of 26'.
- Minimum parking space size of 8'6"x18'6"
- 25' front building line along E. Reno and S. Post
- 5' setback along east property line
- Required south setback of 10' or 30' – if the building is to be serviced from the rear
- Base landscaping of six (6) trees and twelve (12) shrubs per building plus two (2) trees and two (2) shrubs for every ten (10) parking spaces installed. Landscaping and irrigation must be in place prior to issuance of a Certificate of Occupancy.
- Maximum lot coverage of 90%
- Signage must meet the requirements of the Sign Ordinance
- Dumpster must be enclosed on three (3) sides by a minimum of 8' tall masonry walls with a minimum 12' opening when gates are opened.

Action is at the discretion of the City Council.

**Action Required:**

Approve or reject the ordinance to redistrict to C-3, Community Commercial and a resolution to amend the Comprehensive Plan from OR, Office Retail to COMM, Commercial, for the property as noted herein, subject to staff comments as found in the October 26, 2021 agenda packet and made a part of PC-2093 file.



Billy Harless,  
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, Plans Review Manager

From: Brandon Bundy, City Engineer

Date: September 10<sup>th</sup>, 2021

Subject: Engineering staff comments for pc-2093 application

**ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2093:**

Note: No engineering improvements are required with this application.

**Water Supply and Distribution**

There is a thirty six (36) inch public water mains bordering the proposed parcel along the east side of Post Road. Note that this main may be under Post Road which will require additional patching to access the waterline for future improvements. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

**Sanitary Sewerage Collection and Disposal**

There are no public sanitary sewers immediately adjacent to this parcel. Any new commercial building permit will require tie into the public sewer system as outlined in Municipal Code 43-109. This will require an extension of the public sanitary sewer system. Extension will need to be designed by an Oklahoma licensed civil engineer; permitted by this office and Oklahoma Department of Environmental Equality (ODEQ); bonded; and inspected by a city inspector.

**Streets and Sidewalks**

Access to the area of request exists off Reno Avenue and Post Road. In the 2008 Comprehensive Plan Reno Avenue and Post Road are both listed as a Secondary Arterial Divided.

Sidewalk will be required with a building permit.

**Drainage and Flood Control, Wetlands, and Sediment Control**

The area of request is shown to be in an "Area of Minimal Flood Hazard" on Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009.

Detention will be required with a building permit and tie to the existing underground storm system at the greatest extent possible. Future development will need to take existing conditions under consideration.

**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  
[dhelmlberger@midwestcityok.org](mailto:dhelmlberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC - 2093

Date: 20 September 2021

PC-2093 is a request to rezone the parcel at 10012 E Reno from R-6, single-family detached residential to C-3, Community Commercial for the development of a Casey's General Store.

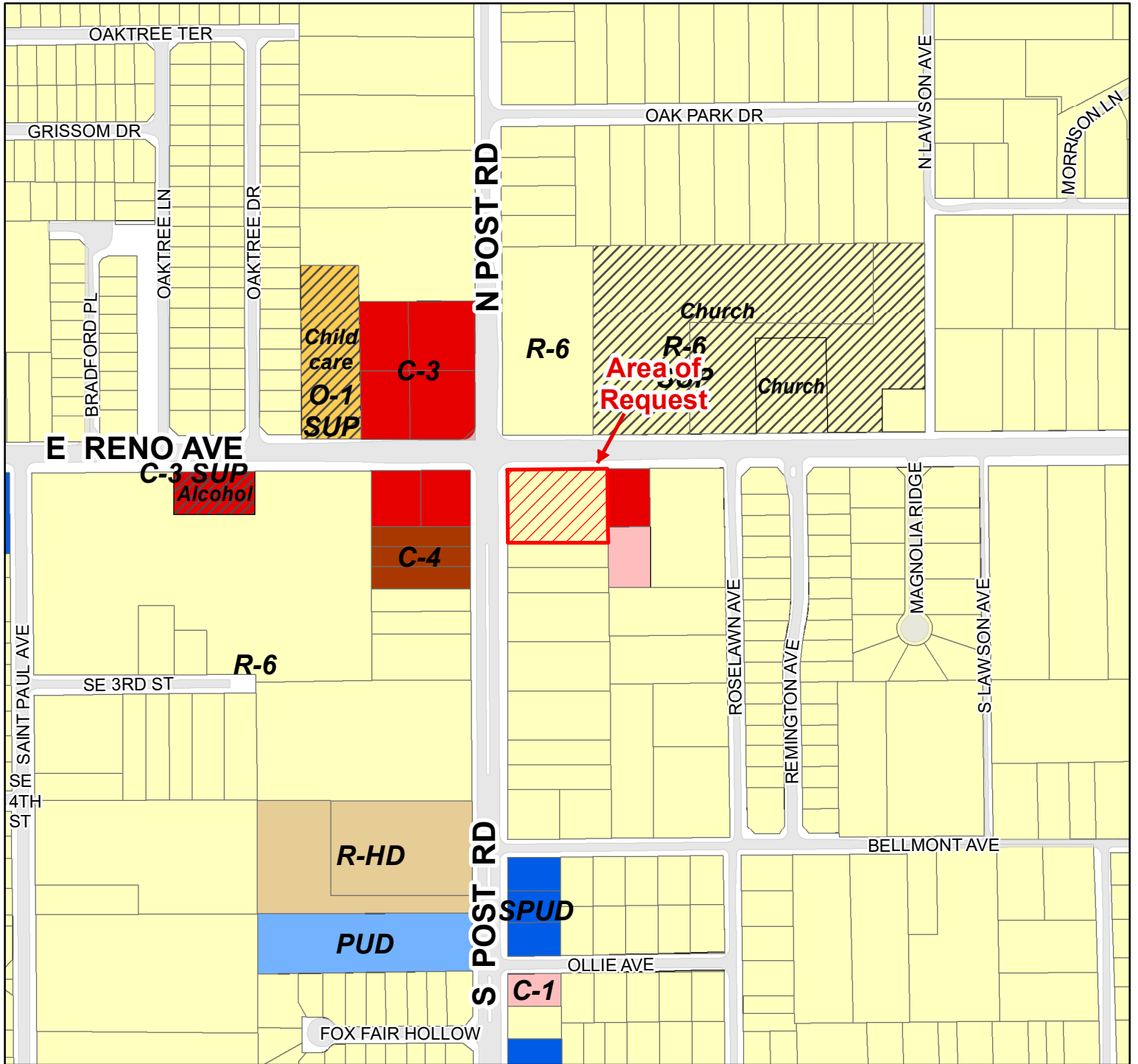
- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.

Respectfully,

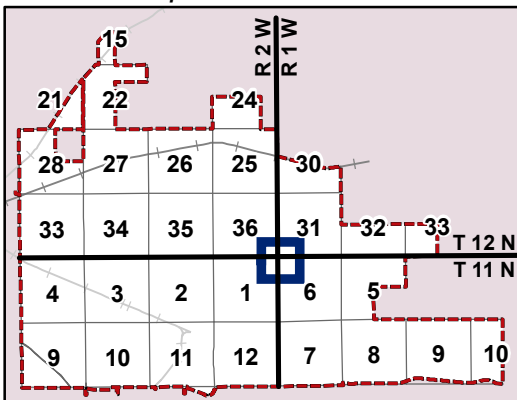
A handwritten signature in black ink, appearing to read "D. Helmlberger".

Duane Helmlberger  
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.



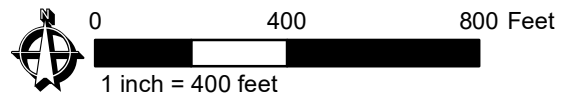
Locator Map



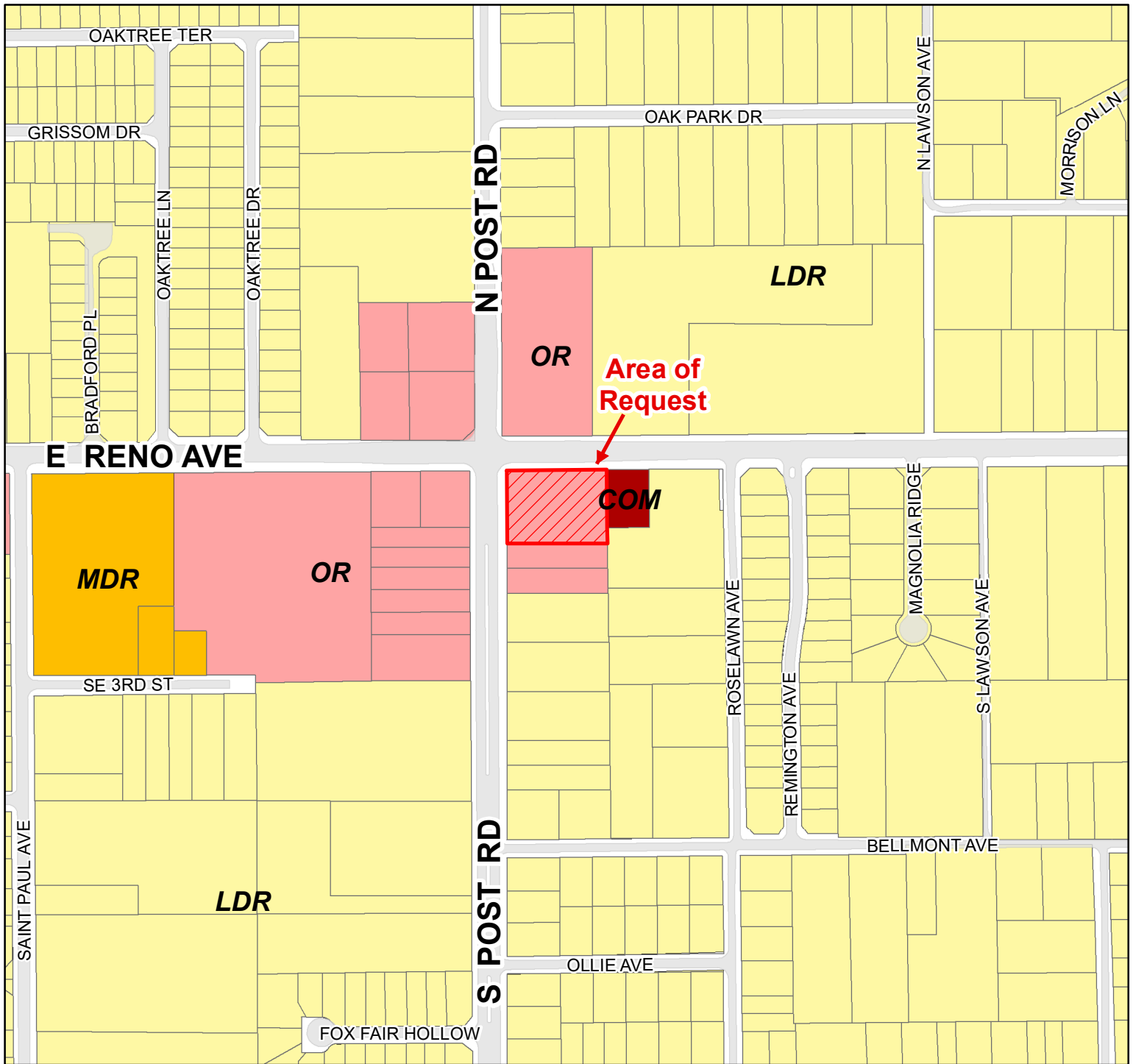
Current Zoning Legend

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

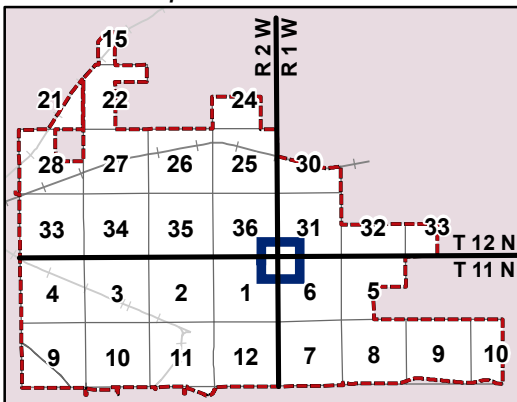
**ZONING MAP FOR  
PC-2093  
(NW/4, Sec. 6, T11N, R1W)**



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Locator Map



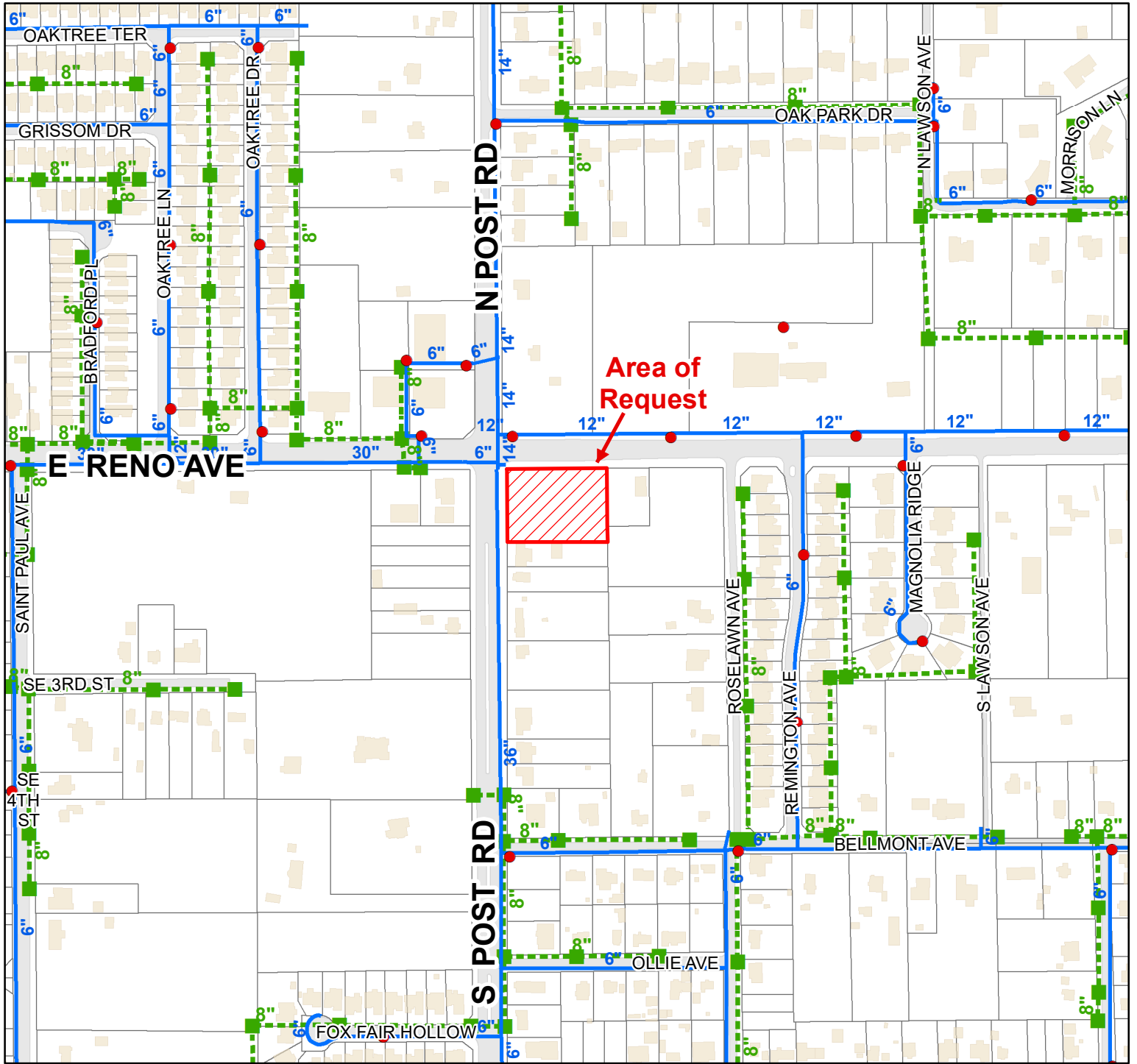
Future Land Use Legend

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

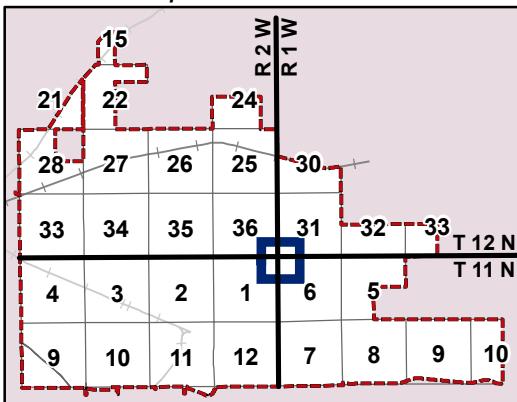
**FUTURE LAND USE  
MAP FOR  
PC-2093  
(NW/4, Sec. 6, T11N, R1W)**



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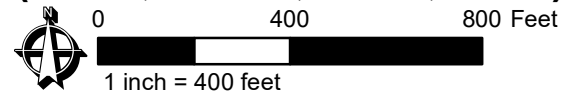
Locator Map



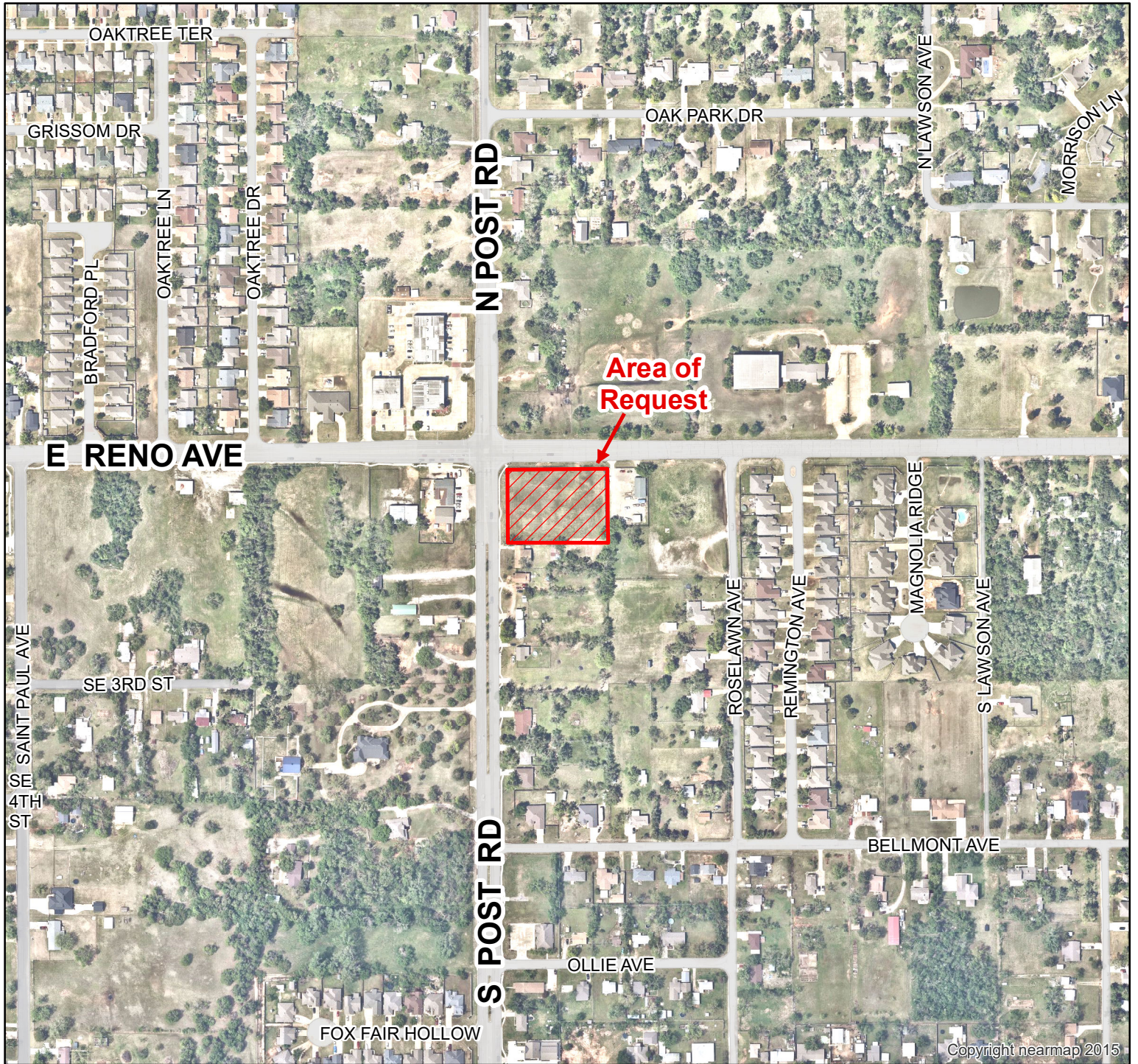
**Water/Sewer Legend**

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - - - OKC Cross Country
  - - - Sooner Utilities
  - - - Thunderbird
  - - - Unknown
- Sewer Manholes
- - - Sewer Lines

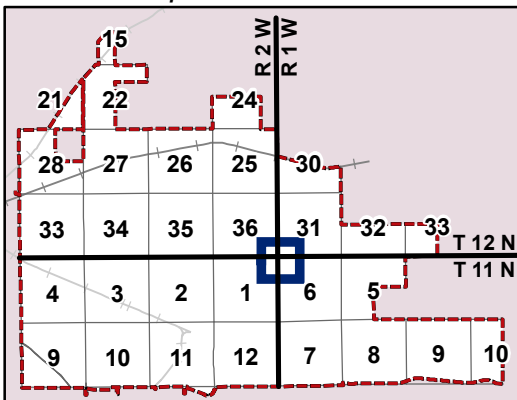
**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-2093  
(NW/4, Sec. 6, T11N, R1W)**



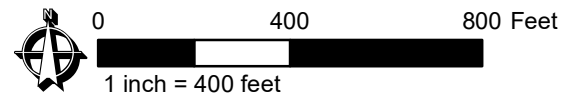
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Locator Map



**4/2021 NEARMAP AERIAL VIEW FOR  
PC-2093  
(NW/4, Sec. 6, T11N, R1W)**



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# MORRISON SHIPLEY

August 24, 2021

Midwest City Planning Department  
Attention: Kellie Gilles  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
Telephone: (405) 739-1223

**RE: *Rezone Application  
Casey's General Store  
10021 E. Reno Avenue  
Midwest City, OK 72130***

Midwest City Planning Department:

On behalf of Casey's Marketing Company, please find attached the rezone application, the application fee (\$225.00), the site legal description, the property owner consent form signed and notarized, a copy of the site survey, and the preliminary site plan for a proposed Casey's General Store. PDF files of the proposed building elevations and proposed pylon sign detail are included. We are also submitting the list of adjacent property owners within 300' of the proposed development. This application being submitted for review and consideration by Midwest City Planning Department, Planning Commission, and City Council. Once the rezone is reviewed by the city, we will submit the large scale development plans.

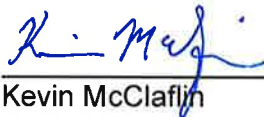
This development is proposed at the southeast corner of E. Reno Avenue and S. Post Road in Midwest City. The existing site is approximately 1.4 acres and is zoned R-6. PDF files of the site survey and the preliminary site plan are attached for review. We ask the city to consider rezoning this site from R-6 to C-3 (Community Commercial District) to allow a convenience store with fuel sales. The proposed Casey's General Store building will be approximately 3,380 S.F. (1,510 S.F. commercial/public use area) and 25' tall. A 24' by 154' canopy is proposed over 6 fuel pumps (12 fueling bays), along with approximately 19 parking spaces and one truck loading space. Casey's is proposing one driveway connection (30' wide, full access) along the south side of E. Reno Avenue, approximately 277' east of the intersection with S. Post Road. A second entrance (also 30' wide, full access) is proposed along the east side of S. Post Road, approximately 207' south of the street intersection.

Casey's proposes to have twenty-four hour operations, seven days a week. The store sales will include drinks, prepared foods, snacks, packaged wine and beer, and other grocery items. Casey's also offers food delivery service. Casey's will have ice bins and a propane bottle kiosk along the front of the store. The proposed services will not include a car wash, mechanical repair to vehicles, or vehicle storage. A proposed dumpster enclosure will be located along the western

side of the building. The enclosure will be eight feet tall brick walls (three sides) with metal gates along the front. No other exterior storage is proposed as a part of this project. Landscaping will be provided in accordance with Midwest City development regulations. The proposed monument sign will be approximately 14.5 feet tall by 7.5' feet wide, a detail is included for city review. The sign permit application will be submitted with the Large Scale Development Plans. Site lighting will be provided by parking lot light poles, recessed interior canopy lights, and exterior building lights. The lights will be oriented and shielded to minimize any offsite lighting impacts. A site lighting plan will be submitted with the large scale development plans for city review.

Thank you for your review and consideration of this proposed development and the rezone request. We look forward to working with Midwest City on this project. If you should have any questions or need additional information for review, please call.

Sincerely,  
***Morrison-Shibley Engineers, Inc.***



---

Kevin McClafin  
Project Manager

Cc: Casey's Marketing Company, file



FRONT





BACK



FRONT ELEVATION



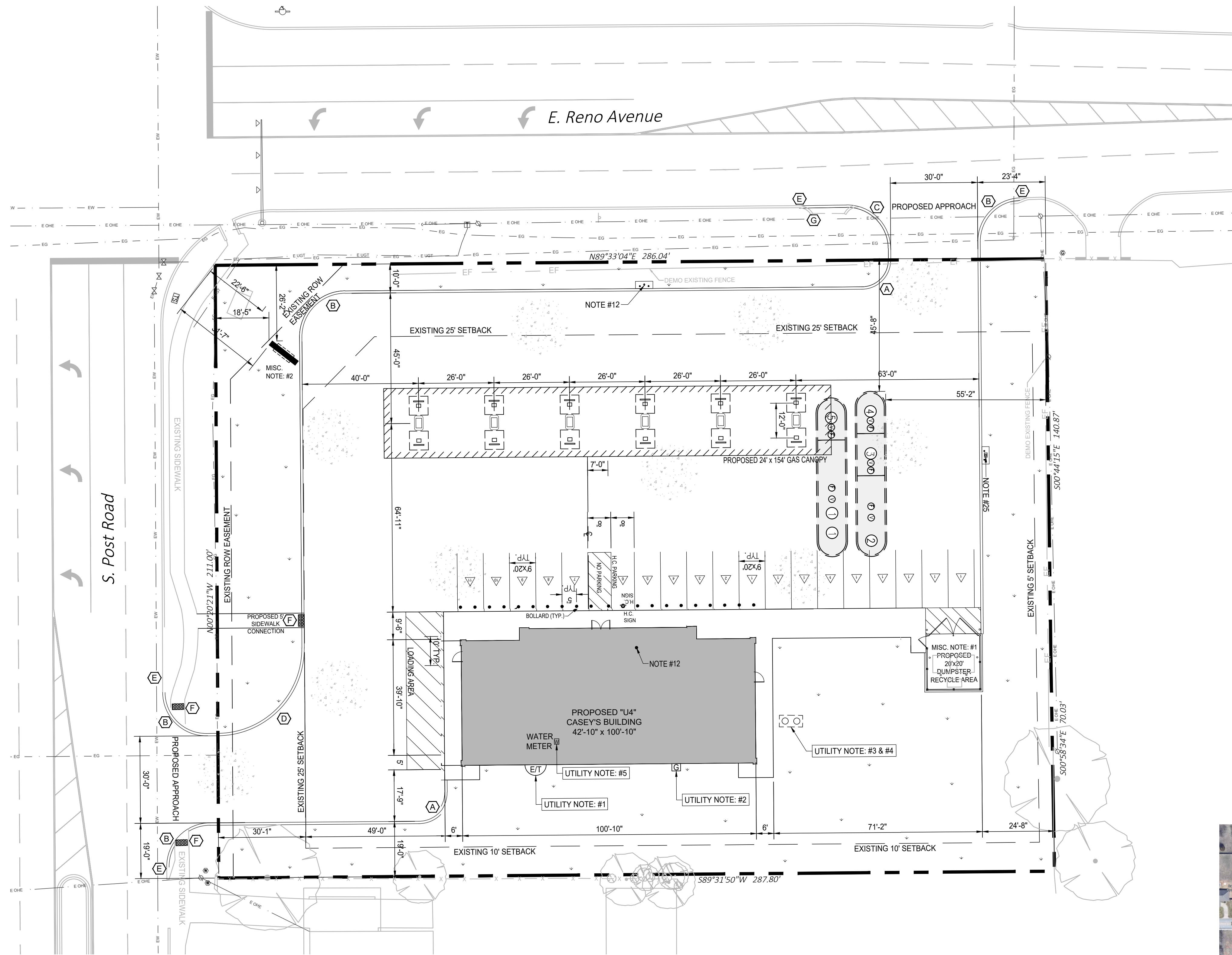
RIGHT ELEVATION



BACK ELEVATION



LEFT ELEVATION



TRUE PLAN NORTH NORTH **A1** Site Layout Plan 1" = 20'

### U.G.S.T. Notes

- (F) FILL W/SPILL CONTAINMENT & OVERSPILL PROTECTION (TYP.)
- (1)(2)(3)(4)(5) TURBINE ENCLOSURE TYP. CONTAINS: SUB-PUMB W/LINE LEAK DETECTION, TANK PROBE FOR FUEL MONITORING, INTERSTITIAL SENSOR AND TANK SUMP SENSOR
- (V) VENT W/SPILL CONTAINMENT & EXTRACTOR SUMP SENSOR @ EACH DISPENSER.

### General Notes

1. RELATED SHEETS: FOR ADDITIONAL INFORMATION NOT DIRECTLY REFERENCED, SEE CIVIL PLANS DONE BY MORRISON SHIPLEY ENGINEERING.

### Utility Notes

- UTILITY NOTE #1: ELECTRICAL: ELECTRICAL SERVICE ENTRANCE. ELECTRIC 3 PHASE, 800 AMP, 208 VOLTS, 4 WIRE. TELEPHONE 20 PAIR, 6 LINES.
- UTILITY NOTE #2: GAS: 1.5" SCHEDULE 40 IRON PIPE GAS SERVICE CONNECTION. CONNECTION LOAD IS 680 MBH. TOTAL CONNECTED LOAD IS 680,000 BTU @ 618 CU/FT. HR. HOUSE PRESSURE IS 7" W.C.
- UTILITY NOTE #3: SANITARY SEWER: 6" SCHEDULE 40 PVC SANITARY SEWER CONNECTION.
- UTILITY NOTE #4: SANITARY SEWER: 1,000 GALLON BELOW GRADE GREASE INTERCEPTOR WITH 2 MANHOLES.
- UTILITY NOTE #5: WATER: 2" CTS, HDPE, SDR9 C5-200 PSI WATER SERVICE CONNECTION.

### Misc. Notes

- Misc. #1: DUMPSTER ENCLOSURE 8' HEIGHT BRICK 2-9' GATES AND 4' SERVICE GATE
- Misc. #2: 4 PRODUCT PYLON PRICE SIGN - REFER TO SIGN PACKET

### Zoning Information

- ZONED: RESIDENTIAL SINGLE FAMILY DETACHED - R6 - REZONE REQ.
- SETBACKS:  
 FRONT (N): 25'  
 SIDES (E/W): 5' WHEN ABUTTING COMMERCIAL, 25' WHEN ABUTTING ARTERIAL ST.  
 REAR (S): 10' WHEN ABUTTING RESIDENTIAL
- PARKING:  
 1 SPACE / 150 SQ. FT. BUILDING AREA REQ.  
 4320 / 150 = 29 SPACES REQ.  
 19 SPACES PROVIDED INCLUDING 1 ADA SPACE PLUS 12 AT THE PUMP

### General Construction Notes

- PETROLEUM:**
- 1) 2-30,000 GALLON DOUBLE WALL FIBERGLASS TANKS. TANK 1 - 22,000 GALLON (87E) TANK 2 - 14,000 GALLON (BIO DIESEL) TANK 3 - 8,000 GALLON (87C) TANK 4 - 8,000 GALLON (91C) TANK 5 - 8,000 GALLON (E85) TANK SETTING DETAILS PAGE QF-301
  - 2) FILL PIPE AND MANHOLE DETAIL PAGE QF-301
  - 3) GILBARCO WIRING PAGE QF-601
  - 4) GAS ISLAND SIZE - 3' x 5' W/DUAL GUARD PIPE
  - 5) 6- GAS GILBARCO 700 S DISPENSERS (BLENDED) 2 = NG1 4 NOZZLES & 8 METERS EACH 4 = NF8 8 NOZZLES & 8 METERS EACH
  - 6) ISLAND DETAILS PAGE AL-501
  - 7) ISLAND CONDUIT DETAIL PAGE E-602
  - 8) DO NOT PLACE PRODUCT PIPING UNDER ISLAND
  - 9) 18" MIN. FROM TANK PIPING TO FINISH SURFACE
  - 10) RUN VENT LINES UP SEPARATE CANOPY COLUMN. VERIFY ALL FUEL DISPENSERS FALL WITHIN A 100 FOOT RADIUS OF THE EMERGENCY SHUT-OFF SWITCH LOCATED INSIDE AT THE SALES COUNTER FOR THE CONVENIENCE STAFF. A SECONDARY SHUT-OFF SHALL BE INSTALLED ON A POST AT THE CURB IF ALL FUEL DISPENSERS DO NOT FALL WITHIN A 100 RADIUS.
- APPROACHES/CONCRETE:**
- 13) DRIVEWAY JOINTS TO BE PACKED & CAULKED
  - 14) CONCRETE DRIVE TROWELED WITH LIGHT BROOM FINISH
  - 15) CONTROL JOINTS - MIN. 100 sq.ft. - MAX. 125 sq.ft. - 25% DEEP
  - 16) CONSTRUCTION JOINTS - PINNED 4" O.C. 12" EACH WAY WITH 1/2" REBAR #4
  - 17) APPROACHES TO BE 7" NON-REINFORCED OR AS PER STATE/CITY SPEC.
  - 18) SLOPE MAX. 2% FOR BUILDING SIDEWALK, H.C PARKING 1:50 ALL DIRECTIONS ALL ACCESS ISLE STRIPING AT 45 DEGREE ANGLE BEING MAX. 4' SEPARATION
  - 19) 2% MAX. CROSS-SLOPE IN APPROACH SIDEWALK AREA
  - 20) 10" ROLL-OVER CURB TYP. - SEE STANDARD CIVIL DETAILS
  - 21) CANOPY FOOTING: SIZE 6'-3" LENGTH x 6'-3" WIDTH x 3'-0" DEPTH. CONCRETE: MINIMUM COMPRESSIVE STRENGTH OF F-C-3000 p.s.i. CONCRETE REINFORCING: ASTM A-615 GRADE 60. REBAR CAGE: (8) #6 HORIZONTAL TIES LENGTH WISE TOP AND BOTTOM 12" MAXIMUM SPACING. SIGN BASE AND DETAILS PAGE AL-601
- SITE ITEMS:**
- 23) VERIFY ALL UTILITY LOCATIONS AND DIMENSIONS.
  - 24) IRRIGATION REQUIRED WITH RAIN SENSOR MOUNTED ON BACK RAILING OF ROOF.
  - 25) AIR COMPRESSOR BOX, MOUNTED TO STEEL POLE, INSTALLED ON CONCRETE PAD 16" FROM BACK OF CURB. 110 VOLT-60HZ-5.5 AMP. 8 GAUGE MINIMUM RECOMMENDED.

### Keyed Construction Notes

- NOTICE: ALL WORK IN/ON THE R.O.W. AREA IS SUBJECT TO THE CITY OF MIDWEST CITY APPROVAL AND SPECIFICATIONS.
- (A) PROPOSED 10' RADIUS
  - (B) PROPOSED 15' RADIUS
  - (C) PROPOSED 20' RADIUS
  - (D) PROPOSED 30' RADIUS
  - (E) TIE INTO AND MATCH EXISTING CURB & FLOW LINE.
  - (F) DETECTABLE SIDEWALK MAT. VERIFY WITH CITY.
  - (G) DEMO EXISTING APPROACHES

### Legal Description:

SEE CIVIL

### Legend

- △ MARKED PARKING SPACES (PAINT LINES AS INDICATED)
- TYP. CONCRETE PAVING OR SIDEWALKS (34,290 SQ. FT.)
- AREA TO BE SOD
- ◆ AREA LIGHTS (0 SHOWN) REFER TO LIGHTING PLAN RL-7-S1 DONE BY RED LEONARD

NOTE:  
 SYMBOL INDICATES EXISTING UTILITY TO EXISTING STRUCTURE TO BE REMOVED OR DISCONNECTED BY APPROPRIATE CONTRACTOR. VERIFY WITH UTILITY COMPANY REPRESENTATIVE.

**SPECIAL REQUIREMENTS:**  
 KNOX BOX REQ.  
 8' TALL BRICK DUMPSTER ENCLOSURE REQ.



VICINITY MAP

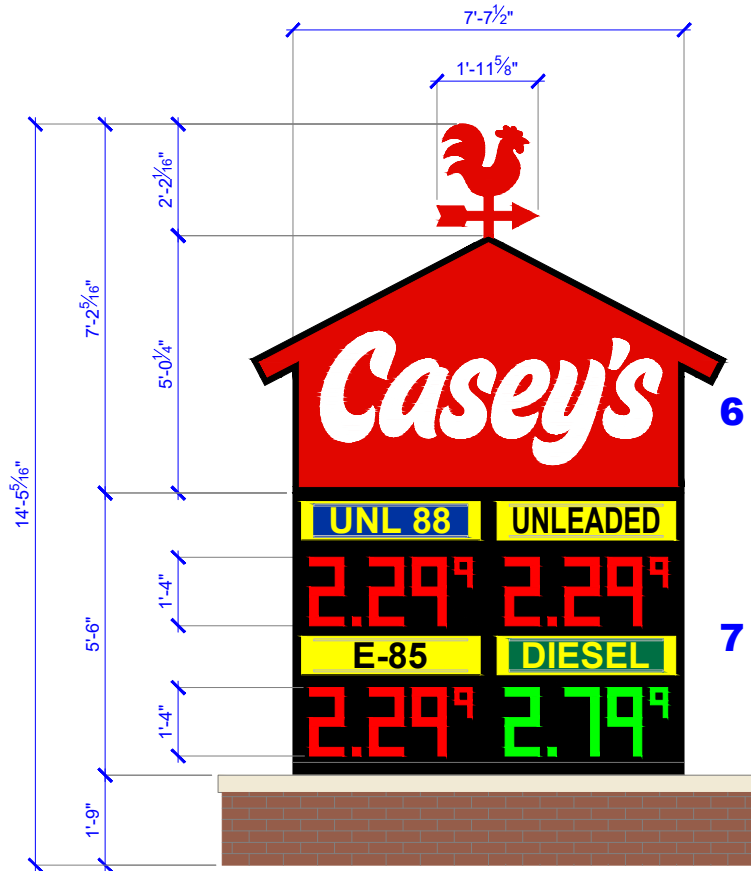
NTS

<b>Casey's</b>		<b>Casey's</b>
CASEY'S CONSTRUCTION DIVISION One Convenience Blvd., P.O. Box 3001, Ankeny, IA 50021 515-965-6100		
PROJECT: Midwest City, OK SEC of Post Rd. & Reno Ave.	DATE REVISED: 05/07/21 07/14/21 08/18/21	SITE PLAN  <b>AL-101</b>
DRAWING INFORMATION: CONSTRUCTION DIVISION	DRAWN BY: Derek Wheatley	

**Monument Sign (4 Product)**

**SIGNS 6, 7**

Sign #	Sign	Type	Location	Illumination	Dimensions				
					Height	Width	Bottom	Top	Area Ft <sup>2</sup>
6	Weathervane	Freestanding	Street	N/A	2' 2-1/16"	1' 11-5/8"	12' 3-1/4"	14' 5-5/16"	1.94
	House Logo	Freestanding	Street	Internal	5' 0-1/4"	7' 7-1/2"	4' 3"	12' 3-1/4"	31.6
7	Price Sign	Freestanding	Street	Internal	5' 6"	7' 7-1/2"	1' 9"	7' 3"	41.94
								<b>Total</b>	<b>75.48</b>



**PRICER NOTES:**

- 16" RED AND GREEN LED
- ZIP TRACK COMMODITIES, INTERCHANGEABLE
- DIESEL ON THE RIGHT, BOTH SIDES

**OTHER NOTES**

- CABINETS ARE BLACK IN COLOR
- STRUCTURES ARE BLACK IN COLOR



**MONUMENT PRICE SIGN**

4 PRODUCT HOUSE

DRAWN BY:  
J. CLARK

DATE:  
08-07-20

1 **PC-2093**

2 **ORDINANCE NO. \_\_\_\_\_**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**  
4 **DESCRIBED IN THIS ORDINANCE TO C-3, COMMUNITY COMMERCIAL, AND DI-**  
5 **RECTING AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP TO RE-**  
6 **FLECT THE RECLASSIFICATION OF THE PROPERTY’S ZONING DISTRICT; AND**  
7 **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 C-3, Community Commercial, subject to the conditions contained in the PC-2093 file, and that  
12 the official Zoning District Map shall be amended to reflect the reclassification of the property’s  
13 zoning district as specified in this ordinance:

14 Lots 1-4 of the Poling Addition, Midwest City, OK

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

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

20 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,  
21 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

22 THE CITY OF MIDWEST CITY, OKLA-  
23 HOMA

24 \_\_\_\_\_  
25 MATTHEW D. DUKES II, Mayor

26 ATTEST:

27 \_\_\_\_\_  
28 SARA HANCOCK, City Clerk

29 APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

30 \_\_\_\_\_  
31 DONALD MAISCH, City Attorney

RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN MAP CLASSIFICATION FROM OR, OFFICE REAIL, TO COMM, COMMERCIAL FOR THE PROPERTY DESCRIBED IN THIS RESOLUTION WITHIN THE CITY OF MIDWEST CITY, OKLAHOMA.

**WHEREAS**, the Comprehensive Plan Map of Midwest City, Oklahoma shows the following described property identified as OR, Office Retail:

Lots 1-4 of the Poling Addition, Midwest City, OK

**WHEREAS**, it is the desire of the Midwest City Council to amend the classification of the referenced property to Commercial;

**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 Commercial on the Comprehensive Plan Map.

**PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF MIDWEST CITY, OKLAHOMA

\_\_\_\_\_  
MATTHEW D. DUKES II, Mayor

ATTEST:

\_\_\_\_\_  
SARA HANCOCK, City Clerk

**APPROVED** as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD MAISCH, City Attorney



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Planning Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director

---

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** (PC – 2094) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to amend the Soldier Creek Industrial Park (SCIP) Planned Unit Development governed by the C-4, General Commercial district and I-2, Moderate Industrial district for the property described as a part of the N/2 of Section 27, T-12-N, R-2-W, of the Indian Meridian, Oklahoma County, OK.

**Executive Summary**

This PUD Amendment is being requested in order to allow Global Turbine Services, GTS, to utilize a large portion of Phase I of the Soldier Creek Industrial Park for their business. According to the PUD, “GTS maintains, repairs and overhauls jet turbines for both civilian and military applications.” This use is not specifically listed in the Zoning Ordinance and is therefore not allowed in the current PUD. If approved, development of three (3) buildings will occur in three (3) phases. Phase I will result in the construction of an approximately 25,000 sq. ft. jet turbine test facility. Phase II will add an approximately 15,000 sq. ft. jet turbine maintenance, repair, overhaul (MRO) and warehouse building. Phase III will add a second MRO building. The PUD lists Special Development Regulations with regard to landscaping, parking and height. Those are detailed further within this report. Action is at the discretion of the City Council

**Dates of Hearing:** Planning Commission – October 5, 2021  
City Council – October 26, 2021

**Council Ward:** Ward 5, Christine C. Price Allen

**Owner/Applicant:** Midwest City Utilities Authority Public Trust

**Proposed Use:** Commercial and Industrial Park

**Size:**

The area of request has a frontage along NE 23<sup>rd</sup> St of approximately 1,295 feet, containing an area of 1,072,883 sq. ft., more or less.





**Zoning Districts:**

Area of Request – PUD  
North and East – A-1, Agriculture  
South and West - PUD

**Land Use:**

Area of Request – Vacant  
North – homes and Oklahoma County Training Facility  
South and East – Vacant  
West – SCIP Trails

**Municipal Code Citation:**

*2.25 PUD, Planned Unit Development*

**2.25.1 General Provisions**

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

#### 2.25.2 Intent and Purpose

The intent and purpose of the PUD provisions are as follows:

(A) Innovative land development

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

(B) Flexibility within developments

Permit flexibility within the development to maximize the unique physical features of the particular site.

(C) Efficient use of land

Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.

(D) Function, design and diversity

Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.

(E) Modifications to development requirements

Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

#### **History:**

1. This area was rezoned on May 22, 2012 to a PUD governed by the I-2, Moderate Industrial and C-4, General Commercial Districts (PC-1766).
2. Council approved a preliminary plat for this area on November 22, 2016 (PC-1888).
3. Council approved a final plat for this area on June 26, 2018 (PC-1954).
4. Council approved the Amended PUD for this area on October 22, 2019 (PC-2022).
5. Council approved the revised Preliminary Plat for the Soldier Creek Industrial Park on January 14, 2020 (PC-2036).
6. The Soldier Creek Industrial Park Final Plat was approved October 6, 2020 (PC-2055).
7. An amendment to one lot within the PUD was approved in May 2021 (PC-2076).
8. The Planning Commission recommended approval of this item October 5, 2021.

#### **Staff Comments:**

#### **Engineering Comments:**

Note: No engineering improvements are required with this application.

### **Water Supply and Distribution**

An eight (8) inch public water main is located along the frontage of America Avenue. Any new building will be required to tie into the public water system as outlined in Municipal Code 43-32.

### **Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public sanitary sewer terminating just in front of the proposed parcel. Any future building permit will require a sanitary sewer connection as outlined in Municipal Code 43-109.

### **Streets**

Access to the area of request exists off America Avenue. America Avenue is classified as a local road in the 2008 Comprehensive Plan. NE 20<sup>th</sup> Street and the future extension of America Avenue is classified as a Collector which is adjacent to the property.

### **Drainage and Flood Control, Wetlands, and Sediment Control**

The area of request is currently existing vacant land. The area of request does not have an area designated as flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009. This area is contained on the south portion of the property. Any development in the designated floodplain will be subject to floodplain permits.

### **Easements and Right-of-Way**

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

### **Fire Marshal's Comments:**

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

### **Plan Comments:**

The area was zoned to a PUD for the Soldier Creek Industrial Park (SCIP) in 2012. Since that time all of the required infrastructure has been installed and the City has had many inquiries about potential businesses wanting to locate within the park. The PUD has been amended twice to accommodate specific uses. This amendment is also being requested to allow for a specific use. No uses other than that specifically outlined in this application, those approved through PUD amendments and those specifically allowed in the original PUD would be allowed.

As mentioned in the Executive Summary, this PUD amendment is being requested to allow Global Turbine Services, GTS, to locate within SCIP. GTS "maintains, repairs and overhauls jet turbines for both civilian and military operations." Three (3) structures are proposed and will be built in phases. One structure will house a jet turbine test facility. The PUD does state that the test cell will feature noise attenuation and that noise ordinances existing within the Midwest City Municipal Code will not be violated with this use. The other two (2) proposed structures will be jet turbine maintenance, repair and overhaul (MRO) and warehouse buildings.

Special Development Regulations are included to address landscaping, parking and height.

Landscaping

If this PUD is approved, landscaping will be installed based on the requirements of the Zoning Ordinance including the required parking even though this PUD is requesting a decrease in the number of required spaces.

Parking

For industrial uses, the code requires one parking space per 500 square feet of floor space. The PUD states that this requirement “creates an inordinate amount of hard surface, impervious paving that will never be utilized.” Within this PUD, the applicant is requesting to install one (1) parking space for every 900 square feet of floor space. The PUD also states that “in no instance shall there be less than one space per onsite employee plus twenty (20) stalls for visitors, whichever is greater.”

Height

The PUD states that the height of the buildings will not exceed 40 feet in height, however, the test cell facility will have “intake and exhaust structures of approximately fifty (50) feet in height above grade.” The code states that there are no height restrictions unless there is a residential zoning district within 150 feet of the proposed building. In this case, there is not a residential zoning district within 150 feet of any of the proposed buildings.

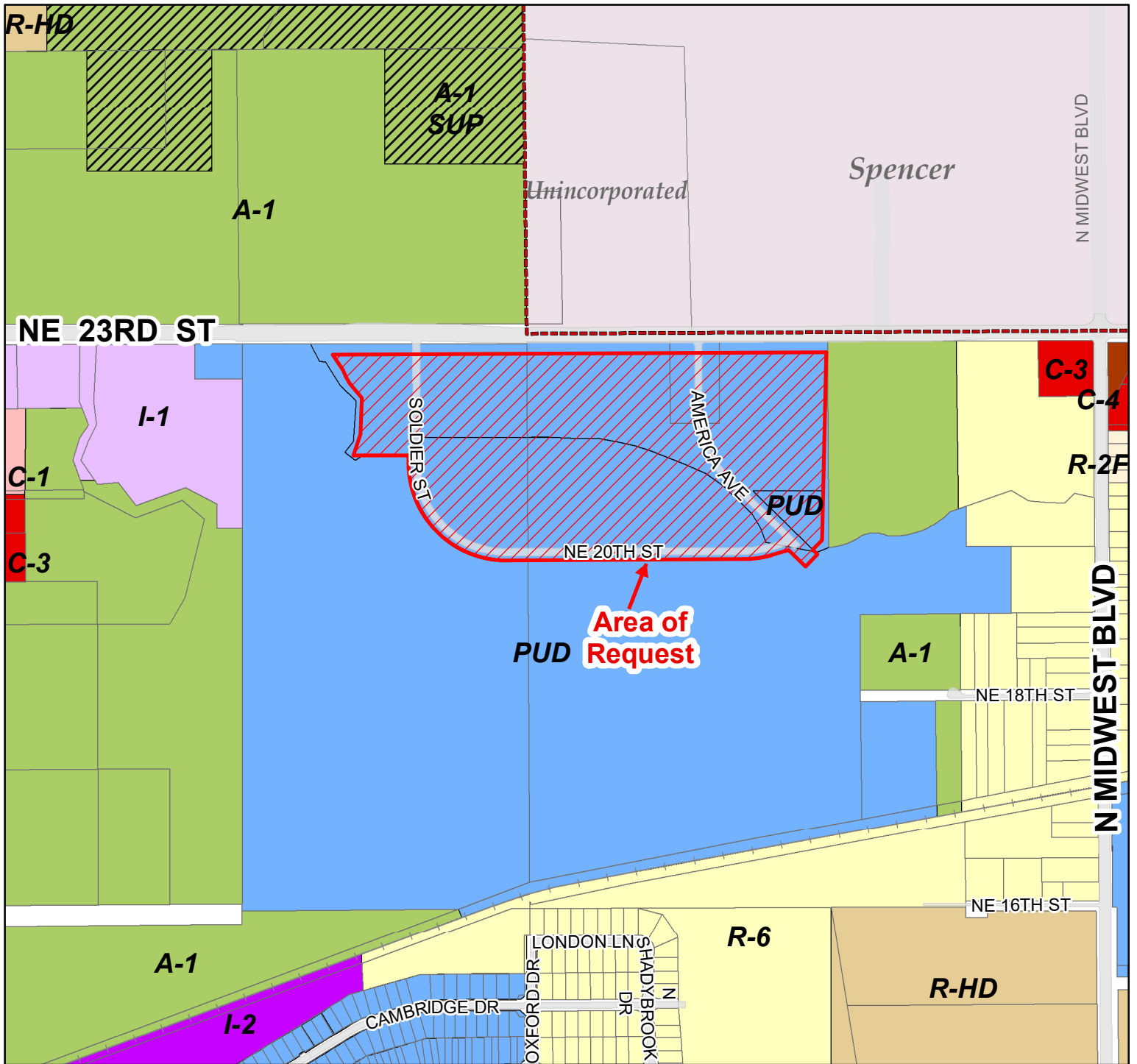
The site is identified as Commercial and Industrial in the 2008 Comprehensive Plan and a large portion of the funding for this development is through a grant to promote the economic growth of the area. It is believed that because of the relative isolation of the area from large concentrations of residential developments, the proposed development would be beneficial to the area.

**Action Required:** Approve or reject an ordinance to amend the Planned Unit Development for the property noted in this report and subject to staff’s comments as found in the October 26, 2021 agenda packet, and as noted in PC – 2094 file.

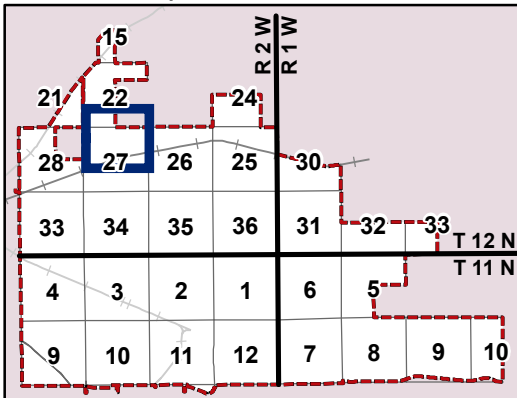


Billy Harless, AICP  
Community Development Director

KG



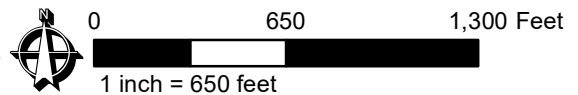
Locator Map



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-2094  
(N/2, Sec. 27, T12N, R2W)**



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.

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 10<sup>th</sup>, 2021

Subject: Engineering staff comments for pc-2094 application

**ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2094:**

Note: No engineering improvements are required with this application.

**Water Supply and Distribution**

An eight (8) inch public water main is located along the frontage of America Avenue, NE 20<sup>th</sup> Street, and Soldier Street. Any new building will be required to tie into the public water system as outlined in Municipal Code 43-32.

**Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public sanitary sewer bisecting the proposed development. Any future building permit will require a sanitary sewer connection as outlined in Municipal Code 43-109.

**Streets**

Access to the area of request exists off America Avenue, NE 20<sup>th</sup> Street, and Soldier Street. In the 2008 Comprehensive Plan; America Avenue is shown as a local road; NE 20<sup>th</sup> Street and Soldier Street are shown as a Collector.

**Drainage and Flood Control, Wetlands, and Sediment Control**

The area of request is currently existing vacant land. The area of request is does have an area designated as flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009. This area is contained on the southwest portion of the property. Any development in the designated floodplain will be subject to floodplain permits.

**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  
[dhelmsberger@midwestcityok.org](mailto:dhelmsberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC - 2094

Date: 20 September 2021

PC-2094 is a request to amend the current PUD for SCIP to allow an additional use. The Master Design Statement is attached. This statement provides details for the proposed use. A Master Development Plan is also attached.

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

Respectfully,

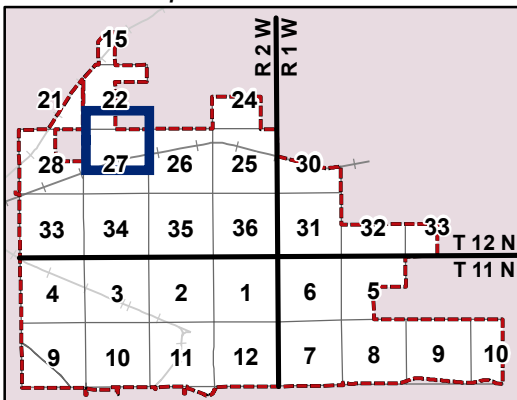
A handwritten signature in black ink, appearing to read "D. Helmsberger".

Duane Helmsberger  
Fire Marshal  
Midwest City Fire Department

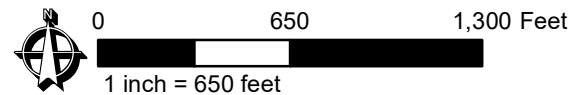
The Midwest City Fire Department is committed to providing the highest level of public safety services for our community and citizens. We protect lives and property through fire suppression, emergency medical response, disaster management, fire prevention and public education.



Locator Map



**3/2021 NEARMAP AERIAL VIEW FOR  
PC-2094  
(N/2, Sec. 27, T12N, R2W)**



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.



**CITY OF MIDWEST  
PLANNED UNIT DEVELOPMENT**

**DESIGNMENT STATEMENT FOR THE 3<sup>rd</sup> AMENDMENT TO  
SOLDIER CREEK INDUSTRIAL PARK - PUD-1766**

August 24, 2021

**OWNER/APPLICANT**

City of Midwest City Utilities Authority  
100 N Midwest Boulevard  
Midwest City, OK 73110  
(405) 739-1204  
tlyon@MidwestCityOK.org



**TABLE OF CONTENTS**

1.0 INTRODUCTION 3

2.0 LEGAL DESCRIPTION 3

3.0 OWNER/DEVELOPER 3

4.0 CONCEPT 3

5.0 SPECIAL DEVELOPMENT REGULATIONS 4

6.0 USE AND DEVELOPMENT REGULATIONS 4

6.1 Special Conditions

6.2 Landscaping Regulations

6.3 Parking Regulations

6.4 Height Regulations

## 1.0 INTRODUCTION

The City of Midwest City Utilities Authority ("Authority") has entered into a contract with Global Turbine Services ("GTS") to purchase ± 24.63 acres with the Soldier Creek Industrial Park ("SCIP"). This includes the entire area contained within the streets serving the park as shown on Exhibit A. GTS maintains, repairs and overhauls jet turbines for both civilian and military applications.

## 2.0 LEGAL DESCRIPTION

The North Half of Section 27, Township 12 North, Range 2 West of the Indian Meridian; more specifically described as Lots 2A, 2B, 2C, 2D, 2E, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 5A, 5B, 5C, 5D, 6A, 6B, 6C, 6D, 6E, 6F, 6G, 6H and 6I of Soldier Creek Industrial Park, an Addition to the City of Midwest City, Oklahoma, Oklahoma County, Oklahoma. (See Attachment)

## 3.0 OWNER/DEVELOPER

Owner: Tim Lyon, General Manager/Administrator  
Midwest City Utilities Authority  
100 N Midwest Boulevard  
Midwest City, OK 73110  
(405) 739-1218

Developer: Jack Tannir, President/CEO  
9374 NW 102<sup>nd</sup> ST  
Medley, FL 33178  
(786) 478-2166

## 4.0 CONCEPT

GTS proposes to create a campus consisting of three buildings to be developed in three phases:

Phase I: Construction and operation of a jet turbine test facility of approximately 25,000 square feet. (ft.<sup>2</sup>). The mean height of the Test Cell will not exceed 35 feet above grade, but the intake and exhaust structures could extend as high as 50 feet above grade. Construction will be a tilt-up concrete design or similar in conformance with the City of Midwest City ("City") Zoning Ordinance. The Test Cell will feature noise attenuation so that operations do not violate City noise standards in effect at the time of development.

The Test Cell will be built on the northwest side of the Site to further avoid disturbing residential areas lying south of SCIP. Typical daily population will be approximately thirty (30) employees or less.

Phase I is scheduled for completion approximately 30 months following the approval of this application.

Phase II: Construction and operation of a 150,000 ft.<sup>2</sup> jet turbine maintenance, repair and overhaul ("MRO") and warehouse building, of which approximately 12,500 ft.<sup>2</sup> shall be dedicated to administrative/office use with a total average building occupancy of approximately 200. Phase II is scheduled for completion approximately 34 months following approval of this application.

Phase III: Construction and operation of an additional 150,000 ft.<sup>2</sup> for MRO and warehousing operations, which may be an addition to an existing building or a freestanding structure. The total average occupancy shall be approximately 110. Phase III is scheduled for completion approximately 4 years following approval of this application.

## **5.0 SPECIAL DEVELOPMENT REGULATIONS**

Neither the Test Cell nor the MRO operation are allowed by right in PUD-1766. The Owner is requesting an amendment to the PUD to allow same.

## **6.0 USE AND DEVELOPMENT REGULATIONS**

### **6.1 SPECIAL CONDITIONS**

As part of Phase I, a fuel storage tank shall be constructed in accordance with all applicable local, state and federal regulations.

### **6.2 LANDSCAPING REGULATIONS**

Landscaping requirements shall be enforced based on current standard parking requirements and shall not be diminished despite a reduction in those requirements for this amendment.

To help attenuate noise from reaching residentially zoned areas due south and southeast of the development the following landscaping regulations shall be in effect:

- 6.2.1 Trees species must conform with Section 42-5 of the Code of the City of Midwest City.
- 6.2.2 Shrubs and Trees planted south of the Front Building Line must be evergreen.
- 9.3.3 Trees must be twice the minimum size of current code requirement

### **6.3 PARKING REGULATIONS**

The facility will rarely have visitors due to the nature of the business, thus existing City parking code appear excessive for the proposed use. Code currently requires one parking stall for each 500 square feet of floor space, which creates an inordinate amount of hard surface, impervious paving that will never be utilized.

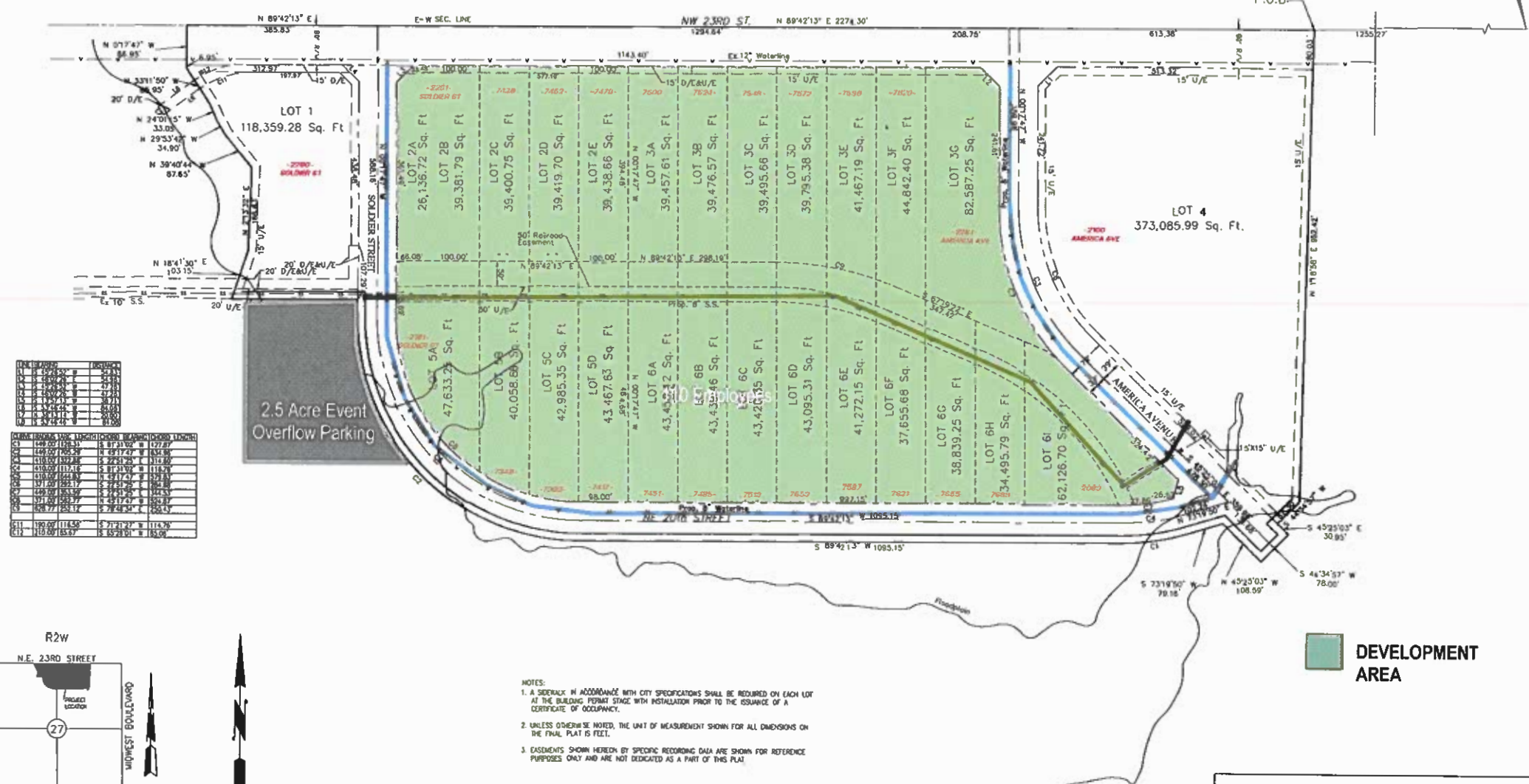
For this development, the parking requirement shall be one (1) parking stall for each nine hundred (900) square feet of floor space or portion thereof, but in no instance shall there be less than one space per onsite employee plus twenty (20) stalls for visitors, whichever is greater.

#### **6.4 HEIGHT REGULATIONS**

Height on the buildings will not exceed forty (40) feet with the exception of the Test Cell facility, which will have an intake and exhaust structures of approximately fifty (50) feet in height above grade.

FINAL PLAT  
**SOLDIER CREEK INDUSTRIAL PARK**  
 A PART OF THE NORTH HALF, SECTION 27, T12N, R2W, 1.M. AND  
 CITY OF MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA

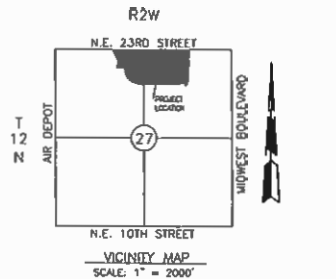
P.O.C.  
 N.E. COR., N.E. 1/4, SEC. 27  
 T12N, R2W, 1.M.



Lot	Area (Sq. Ft.)	Area (Acres)
LOT 1	118,359.28	2.71
LOT 2A	26,136.72	0.60
LOT 2B	39,381.79	0.90
LOT 2C	39,400.75	0.90
LOT 2D	39,419.70	0.90
LOT 2E	39,438.66	0.90
LOT 2F	39,457.61	0.90
LOT 3A	39,476.57	0.90
LOT 3B	39,495.66	0.90
LOT 3C	39,514.61	0.90
LOT 3D	39,533.57	0.90
LOT 3E	41,467.19	0.94
LOT 3F	44,842.40	1.02
LOT 3G	82,587.25	1.89
LOT 4	373,085.99	8.56
LOT 5A	47,633.28	1.09
LOT 6A	40,058.88	0.91
LOT 6B	42,985.35	0.97
LOT 6C	43,467.63	0.99
LOT 6D	43,486.16	0.99
LOT 6E	43,467.63	0.99
LOT 6F	43,486.16	0.99
LOT 6G	43,467.63	0.99
LOT 6H	43,486.16	0.99
LOT 6I	43,467.63	0.99
LOT 6J	43,486.16	0.99
LOT 6K	37,655.68	0.86
LOT 6L	38,839.25	0.88
LOT 6M	34,495.79	0.78
LOT 6N	162,126.70	3.70

2.5 Acre Event  
 Overflow Parking

DEVELOPMENT AREA



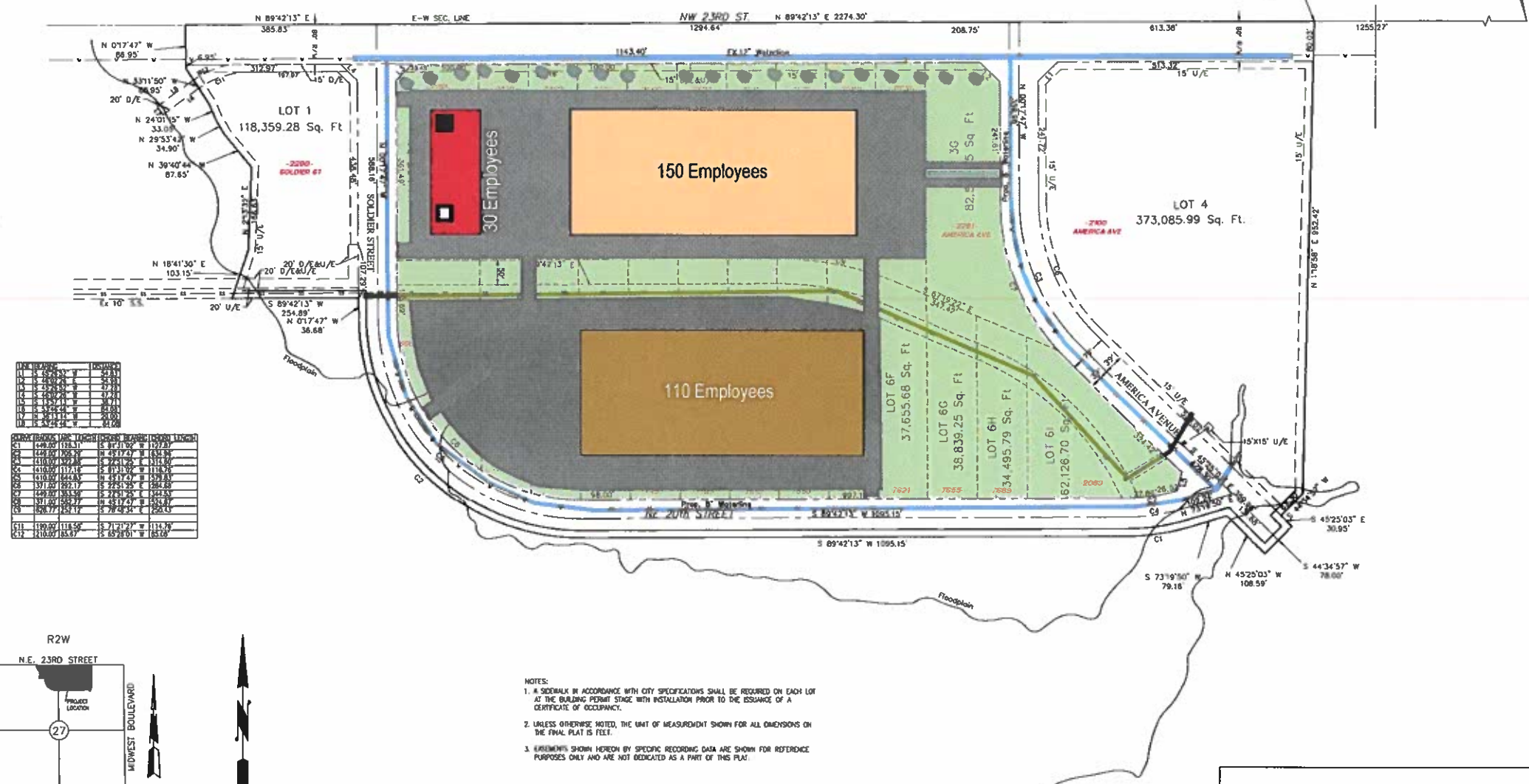
- NOTES:
1. A SEWERAL IN ACCORDANCE WITH CITY SPECIFICATIONS SHALL BE REQUIRED ON EACH LOT AT THE BUILDING PERMIT STAGE WITH INSTALLATION PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
  2. UNLESS OTHERWISE NOTED, THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.
  3. EASEMENTS SHOWN HEREON BY SPECIFIC RECORDING DATA ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED AS A PART OF THIS PLAT.

SCALE: 1" = 100'  
 BASIS OF BEARING FOR THIS PLAT IS N 89°42'13" E AS SHOWN ON THE NORTH LINE OF SEC. 27

**Golden Land Surveying**  
 920 N.W. 139th St. Pkwy, Oklahoma City, Oklahoma 73013  
 Telephone: (405) 802-7883  
 C.A. #7263 Exp. 6/30/2021  
 troy1745@gmail.com

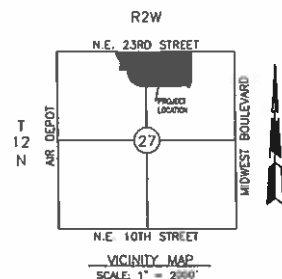
FINAL PLAT  
**SOLDIER CREEK INDUSTRIAL PARK**  
 A PART OF THE NORTH HALF, SECTION 27, T12N, R2W, I.M. AND  
 CITY OF MIDWEST CITY, OKLAHOMA COUNTY, OKLAHOMA

P.O.C.  
 N.E. COR., N.E. 1/4, SEC. 27  
 T12N, R2W, I.M.



LINE	BEARING	DISTANCE	BEARING	DISTANCE
1	N 89°42'13" E	385.83	S 89°42'13" W	127.23
2	N 017°47' W	78.95	S 017°47' E	78.95
3	N 24°01'15" W	33.07	S 24°01'15" E	33.07
4	N 29°53'44" W	34.90	S 29°53'44" E	34.90
5	N 39°40'44" W	87.65	S 39°40'44" E	87.65
6	N 18°41'30" E	103.15	S 18°41'30" W	103.15
7	N 017°47' W	78.95	S 017°47' E	78.95
8	N 89°42'13" E	385.83	S 89°42'13" W	127.23
9	N 017°47' W	78.95	S 017°47' E	78.95
10	N 24°01'15" W	33.07	S 24°01'15" E	33.07
11	N 29°53'44" W	34.90	S 29°53'44" E	34.90
12	N 39°40'44" W	87.65	S 39°40'44" E	87.65
13	N 18°41'30" E	103.15	S 18°41'30" W	103.15
14	N 017°47' W	78.95	S 017°47' E	78.95
15	N 89°42'13" E	385.83	S 89°42'13" W	127.23
16	N 017°47' W	78.95	S 017°47' E	78.95
17	N 24°01'15" W	33.07	S 24°01'15" E	33.07
18	N 29°53'44" W	34.90	S 29°53'44" E	34.90
19	N 39°40'44" W	87.65	S 39°40'44" E	87.65
20	N 18°41'30" E	103.15	S 18°41'30" W	103.15
21	N 017°47' W	78.95	S 017°47' E	78.95
22	N 89°42'13" E	385.83	S 89°42'13" W	127.23
23	N 017°47' W	78.95	S 017°47' E	78.95
24	N 24°01'15" W	33.07	S 24°01'15" E	33.07
25	N 29°53'44" W	34.90	S 29°53'44" E	34.90
26	N 39°40'44" W	87.65	S 39°40'44" E	87.65
27	N 18°41'30" E	103.15	S 18°41'30" W	103.15
28	N 017°47' W	78.95	S 017°47' E	78.95
29	N 89°42'13" E	385.83	S 89°42'13" W	127.23
30	N 017°47' W	78.95	S 017°47' E	78.95
31	N 24°01'15" W	33.07	S 24°01'15" E	33.07
32	N 29°53'44" W	34.90	S 29°53'44" E	34.90
33	N 39°40'44" W	87.65	S 39°40'44" E	87.65
34	N 18°41'30" E	103.15	S 18°41'30" W	103.15
35	N 017°47' W	78.95	S 017°47' E	78.95
36	N 89°42'13" E	385.83	S 89°42'13" W	127.23
37	N 017°47' W	78.95	S 017°47' E	78.95
38	N 24°01'15" W	33.07	S 24°01'15" E	33.07
39	N 29°53'44" W	34.90	S 29°53'44" E	34.90
40	N 39°40'44" W	87.65	S 39°40'44" E	87.65
41	N 18°41'30" E	103.15	S 18°41'30" W	103.15
42	N 017°47' W	78.95	S 017°47' E	78.95
43	N 89°42'13" E	385.83	S 89°42'13" W	127.23
44	N 017°47' W	78.95	S 017°47' E	78.95
45	N 24°01'15" W	33.07	S 24°01'15" E	33.07
46	N 29°53'44" W	34.90	S 29°53'44" E	34.90
47	N 39°40'44" W	87.65	S 39°40'44" E	87.65
48	N 18°41'30" E	103.15	S 18°41'30" W	103.15
49	N 017°47' W	78.95	S 017°47' E	78.95
50	N 89°42'13" E	385.83	S 89°42'13" W	127.23
51	N 017°47' W	78.95	S 017°47' E	78.95
52	N 24°01'15" W	33.07	S 24°01'15" E	33.07
53	N 29°53'44" W	34.90	S 29°53'44" E	34.90
54	N 39°40'44" W	87.65	S 39°40'44" E	87.65
55	N 18°41'30" E	103.15	S 18°41'30" W	103.15
56	N 017°47' W	78.95	S 017°47' E	78.95
57	N 89°42'13" E	385.83	S 89°42'13" W	127.23
58	N 017°47' W	78.95	S 017°47' E	78.95
59	N 24°01'15" W	33.07	S 24°01'15" E	33.07
60	N 29°53'44" W	34.90	S 29°53'44" E	34.90
61	N 39°40'44" W	87.65	S 39°40'44" E	87.65
62	N 18°41'30" E	103.15	S 18°41'30" W	103.15
63	N 017°47' W	78.95	S 017°47' E	78.95
64	N 89°42'13" E	385.83	S 89°42'13" W	127.23
65	N 017°47' W	78.95	S 017°47' E	78.95
66	N 24°01'15" W	33.07	S 24°01'15" E	33.07
67	N 29°53'44" W	34.90	S 29°53'44" E	34.90
68	N 39°40'44" W	87.65	S 39°40'44" E	87.65
69	N 18°41'30" E	103.15	S 18°41'30" W	103.15
70	N 017°47' W	78.95	S 017°47' E	78.95
71	N 89°42'13" E	385.83	S 89°42'13" W	127.23
72	N 017°47' W	78.95	S 017°47' E	78.95
73	N 24°01'15" W	33.07	S 24°01'15" E	33.07
74	N 29°53'44" W	34.90	S 29°53'44" E	34.90
75	N 39°40'44" W	87.65	S 39°40'44" E	87.65
76	N 18°41'30" E	103.15	S 18°41'30" W	103.15
77	N 017°47' W	78.95	S 017°47' E	78.95
78	N 89°42'13" E	385.83	S 89°42'13" W	127.23
79	N 017°47' W	78.95	S 017°47' E	78.95
80	N 24°01'15" W	33.07	S 24°01'15" E	33.07
81	N 29°53'44" W	34.90	S 29°53'44" E	34.90
82	N 39°40'44" W	87.65	S 39°40'44" E	87.65
83	N 18°41'30" E	103.15	S 18°41'30" W	103.15
84	N 017°47' W	78.95	S 017°47' E	78.95
85	N 89°42'13" E	385.83	S 89°42'13" W	127.23
86	N 017°47' W	78.95	S 017°47' E	78.95
87	N 24°01'15" W	33.07	S 24°01'15" E	33.07
88	N 29°53'44" W	34.90	S 29°53'44" E	34.90
89	N 39°40'44" W	87.65	S 39°40'44" E	87.65
90	N 18°41'30" E	103.15	S 18°41'30" W	103.15
91	N 017°47' W	78.95	S 017°47' E	78.95
92	N 89°42'13" E	385.83	S 89°42'13" W	127.23
93	N 017°47' W	78.95	S 017°47' E	78.95
94	N 24°01'15" W	33.07	S 24°01'15" E	33.07
95	N 29°53'44" W	34.90	S 29°53'44" E	34.90
96	N 39°40'44" W	87.65	S 39°40'44" E	87.65
97	N 18°41'30" E	103.15	S 18°41'30" W	103.15
98	N 017°47' W	78.95	S 017°47' E	78.95
99	N 89°42'13" E	385.83	S 89°42'13" W	127.23
100	N 017°47' W	78.95	S 017°47' E	78.95

- 25,000 FT.<sup>2</sup> ENGINE TEST CELL
- 150,000 FT.<sup>2</sup> MRO - AND OFFICES
- 150,000 FT.<sup>2</sup> MRO - AND OFFICES
- PARKING & DRIVEWAYS



SCALE: 1" = 100'  
 BESS OF BEARING FOR THIS PLAT IS N 89°42'13" E AS SHOWN ON THE NORTH LINE OF SEC. 27

- NOTES:
- A SIDEWALK IN ACCORDANCE WITH CITY SPECIFICATIONS SHALL BE REQUIRED ON EACH LOT AT THE BUILDING PERMIT STAGE WITH INSTALLATION PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
  - UNLESS OTHERWISE NOTED, THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.
  - EXEMPTIONS SHOWN HEREON BY SPECIFIC RECORDING DATA ARE SHOWN FOR REFERENCE PURPOSES ONLY AND ARE NOT DEDICATED AS A PART OF THIS PLAT.

**Golden Land Surveying**  
 920 N.W. 139th St. Pkwy, Oklahoma City, Oklahoma 73013  
 Telephone: (405) 802-7883  
 C.A. #7263 Exp. 6/30/2021  
 lroy1745@gmail.com

1 **PC-2094**

2 **ORDINANCE NO. \_\_\_\_\_**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**  
4 **DESCRIBED IN THIS ORDINANCE TO AMENDED PLANNED UNIT DEVELOP-**  
5 **MENT III 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 Amended Planned Unit Development III, subject to the conditions contained in the PC-2094  
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 A tract of land lying in the NE/4 and the NW/4 of Section 27, T12N, R2W of the Indian  
15 Meridian, City of Midwest City, Oklahoma County, Oklahoma, being more particularly  
16 described as follows:

17 Commencing at the NE/4 of said Section 27; Thence S89°42'13"W along the North line  
18 of said NE/4 a distance of 1255.12 feet to the POINT OF BEGINNING; Thence  
19 S1°18'58"W a distance of 952.42 feet; Thence S44°34'57"W a distance of 62.30 feet;  
20 Thence S45°25'03"E a distance of 30.95 feet; Thence S44°34'57"W a distance of 78.00  
21 feet; Thence N45°25'03"W a distance of 108.60 feet; Thence S73°19'50"W a distance of  
22 79.16 feet; Thence along a curve to the Right having a radius of 449.00 feet and a chord  
23 bearing of S81°31'02"W and a chord length of 127.87 feet for an arc length of 128.31  
24 feet; Thence S89°42'13"W a distance of 1095.15 feet; Thence along a curve to the Right  
25 having a radius of 449.00 feet and a chord bearing of N45°17'47"W and a chord length of  
26 634.96 feet for an arc length of 705.29 feet; Thence N0°17'47"W a distance of 36.68 feet;  
27 Thence S89°42'13"W a distance of 254.89 feet; Thence N18°41'30"E a distance of  
28 103.15 feet; Thence N2°13'32"E a distance of 166.63 feet; Thence N 39°40'44"W a dis-  
29 tance of 87.65 feet; Thence N29°53'42"W a distance of 34.90 feet; Thence N24°01'15"W  
30 a distance of 33.05 feet; Thence N33°11'50"W a distance of 85.95 feet; Thence  
N0°17'47"W a distance of 86.95 feet to a point on the North line of said Section 27;  
Thence N89°42'13"E along the North line of said Section 27 a distance of 2274.30 feet to  
the POINT OF BEGINNING. Containing 2,082,644.56 Sq. Ft. of 47.81 Acres, more or  
less.

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

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



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PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD MAISCH, 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, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

**To:** Honorable Mayor and City Council  
**From:** Billy Harless, Community Development Director  
**Date:** October 26, 2021

**Subject:** (PC-2095) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from R-2F, Two-Family Attached Residential District to SPUD, Simplified Planned Unit Development, governed by the R-MD, Medium Density Residential District and a resolution to amend the Comprehensive Plan from PSP, Public/Semi-Public to MDR, Medium Density Residential, for the property described as Lot 20, Block 5 of the Country Estate Second Addition, addressed as 521 Babb Dr.

**Executive Summary:** This request is to rezone one (1) single, privately owned parcel from R-2F, Two-Family Attached Residential District to a SPUD governed by the R-MD, Medium Density Residential District. The applicant is requesting variances to Area Regulations and Standards of the Zoning regulations for side setback, frontage, lot size per dwelling unit, and paved hard surface material. The applicant is proposing one single building with 4 units containing 2 bedrooms each. One access point, not to exceed 24' wide at the approach, will serve the lot from Babb Dr. The applicant is required to meet

all other development regulations of the zoning code including landscaping, masonry requirement, number of parking spaces, front setback, and building and impervious surface coverage. A SPUD Master Design Statement and SPUD Master Development Map has been included with this application. Staff received one letter of protest prior to the Planning Commission meeting and one letter following that meeting. Both letters are included. Action is at the discretion of the City Council.



100 N. Midwest Boulevard • Midwest City, Oklahoma 73110  
Community Development Department (405) 739-1220 • FAX (405) 739-1399 • TDD (405) 739-1359  
*An Equal Opportunity Employer*

**Dates of Hearing:** Planning Commission – October 5, 2021  
City Council – October 26, 2021

**Council/Ward:** Ward 1 – Susan Eads

**Applicant/Owner:** Jeff Johnson, JLou Properties LLC

**Proposed Use:** One multi-family building containing four 2-bedroom units for residential use.

**Size:**

The area of request contains approximately 50’ of frontage on Babb Dr. and contains an area of approximately .18 acres.

**Zoning Districts:**

Area of Request – R-2F, Two-Family Attached Residential  
North – R-6, Single Family Residential  
East, South and West - R-2F, Two-Family Attached Residential

**Land Use:**

Area of Request – Vacant lot  
North – Single Family Homes  
East and South – Duplex  
West - First Presbyterian Church

**Comprehensive Plan Citation:**

Residential Land Uses

Residential land use is the largest land use category within the City currently, and it is generally accepted knowledge that this type of residential product will continue to be the largest category within Midwest City. It should be noted that single-family detached residential land uses can be buffered from non-residential uses with medium and high density residential land uses, or alternatively, can be effectively integrated for increased access between the two types. The following sections discuss specific aspects of the recommended residential land uses within Midwest City.

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:**

**2.26 SPUD, Simplified Planned Unit Development**

**2.26.1. General Description**

The simplified planned unit development, herein referred to as SPUD, is a special Zoning district that provides an alternate approach to conventional land use controls to produce unique, creative, progressive or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed as one unit according to a master development plan map.

The SPUD is subject to special review procedures and once approved by the City Council it becomes a special zoning classification for the property it represents.

**2.26.2 Intent and Purpose**

The intent and purpose of the simplified planned unit development provisions are to ensure:

**(A) Innovative development**

Encouraging innovative development and protect the health, safety and welfare of the community.

**(B) Efficient use of land**

Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems;

**(C) Appropriate limitations and compatibility**

Maintain appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

**History:**

1. The property was zoned R-2, Two Family Residential with the adoption of the 1985 Zoning Map.
2. The Planning Commission recommended approval of this item October 5, 2021.

**Staff Comments:**

**Engineer's report:**

Note: No engineering improvements are required with this application.

**Water Supply and Distribution**

There is a six (6) inch public water main bordering the proposed parcel along the north side of Babb Drive. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

**Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public water main bordering the proposed parcel along the north side in a platted easement. Any new building permit will require tie into the public sewer system as outlined in Municipal Code 43-10 9.

Streets

Access to the area of request exists off Babb Drive. In the 2008 Comprehensive Plan, Babb Drive is shown as a Local Road.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an “Area of Minimal Flood Hazard” on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009.

Drainage accommodations will be required with a building permit. Future development will need to take existing conditions under consideration.

Easements and Right-of-Way

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

**Fire Marshal’s report:**

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.
- Fire department access is required to reach all portions of the facility within a distance of 150’-0” from the public street.
- Dead-end fire lanes are not to exceed 50’-0” in length from the public street.
- Fire lanes shall be a minimum of 20’-0” in width.
- Aerial fire lanes with a minimum of 26’-0” will be required if the vertical distance between the grade plane and the highest roof surface exceeds 30’-0”.
- Fire suppression systems will be required in R-2 apartment buildings.
- A fire alarm system providing occupant notification and fire suppression supervision is required.

**Plan Review Comments:**

As mentioned in the Executive Summary, this a request to rezone from R-2F, Two Family Attached Residential to SPUD, governed by R-MD, Medium Density Residential. The applicant has proposed one (1) 2-story multi-family building containing four (4) individual units approximately 3000 sq. ft. in size. Each unit will contain two (2) bedrooms each, for a total of eight (8) bedrooms. The development will be constructed in a single phase. The development will be served by eight (8) parking spaces. Individual poly carts will be used for trash and will be located on the side of the building in an enclosure screened from the street. The proposed development has not requested variances to the following and must meet the minimum zoning requirements for impervious surface and building coverage, landscaping, parking spaces and dimensions, exterior materials, front and rear yard setbacks.

The applicant has requested the following special development regulations:

Variance Type	Variance Requested	Requirement by code
Side Yard Setback	5’	7’
Frontage	50’	70’
Sq. Ft. of Lot per Dwelling Unit	2096.3 sq. ft.	2200 sq. ft.
Paved Hard Surface Material	760 sq. ft. of pervious hard surface	2” Asphalt Concrete OR 4” Portland Cement Concrete

The applicant has requested to use a permeable surface for four of the eight parking spaces as denoted on the SPUD Master Development Map.

Prior to the Planning Commission meeting, staff received one letter of protest for this item. On October 6, 2021, the day following the Planning Commission meeting, staff received a second letter of protest. Both letters are included within the agenda packet.

Action is at the discretion of the City Council.

**Action Required:**

Approve or reject the ordinance to redistrict to SPUD and resolution to amend the Comprehensive Plan to MDR for the property addressed as 521 Babb Dr. as noted herein, subject to staff's comments as found in the October 26, 2021 agenda packet and made a part of PC-2095 file.

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,  
Community Development Director

SS:kg



## Midwest City Fire Marshal's Office

8201 E Reno Avenue, Midwest City, OK 73110  
[dhelmberger@midwestcityok.org](mailto:dhelmberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC - 2095

Date: 20 September 2021

PC-2095 is a request to rezone the property at 521 Babb Drive from R-2F (two family residential) to a SPUD governed by the R-MD, medium density residential district to allow for the development of a small, two-story apartment building.

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.
- Fire department access is required to reach all portions of the facility within a distance of 150'-0" from the public street.
- Dead-end fire lanes are not to exceed 50'-0" in length from the public street.
- Fire lanes shall be a minimum of 20'-0" in width.
- Aerial fire lanes with a minimum of 26'-0" will be required if the vertical distance between the grade plane and the highest roof surface exceeds 30'-0".
- Fire suppression systems will be required in R-2 apartment buildings.
- A fire alarm system providing occupant notification and fire suppression supervision is required.

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 10<sup>th</sup>, 2021

Subject: Engineering staff comments for pc-2095 application

### **ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2095:**

Note: No engineering improvements are required with this application.

#### **Water Supply and Distribution**

There is a six (6) inch public water main bordering the proposed parcel along the north side of Babb Drive. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

#### **Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public water main bordering the proposed parcel along the north side in a platted easement. Any new building permit will require tie into the public sewer system as outlined in Municipal Code 43-109.

#### **Streets**

Access to the area of request exists off Babb Drive. In the 2008 Comprehensive Plan, Babb Drive is shown as a Local Road.

#### **Drainage and Flood Control, Wetlands, and Sediment Control**

The area of request is shown to be in an "Area of Minimal Flood Hazard" on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009.

Drainage accommodations will be required with a building permit. Future development will need to take existing conditions under consideration.

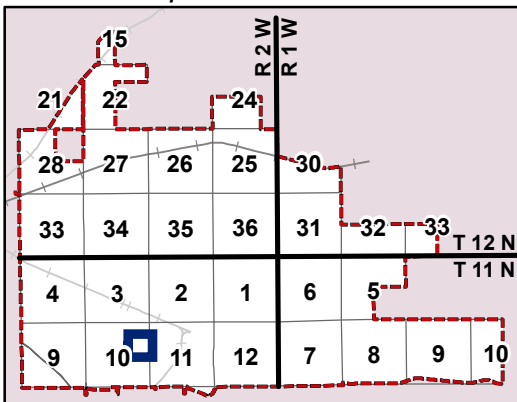
#### **Easements and Right-of-Way**

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





Locator Map



Future Land Use Legend

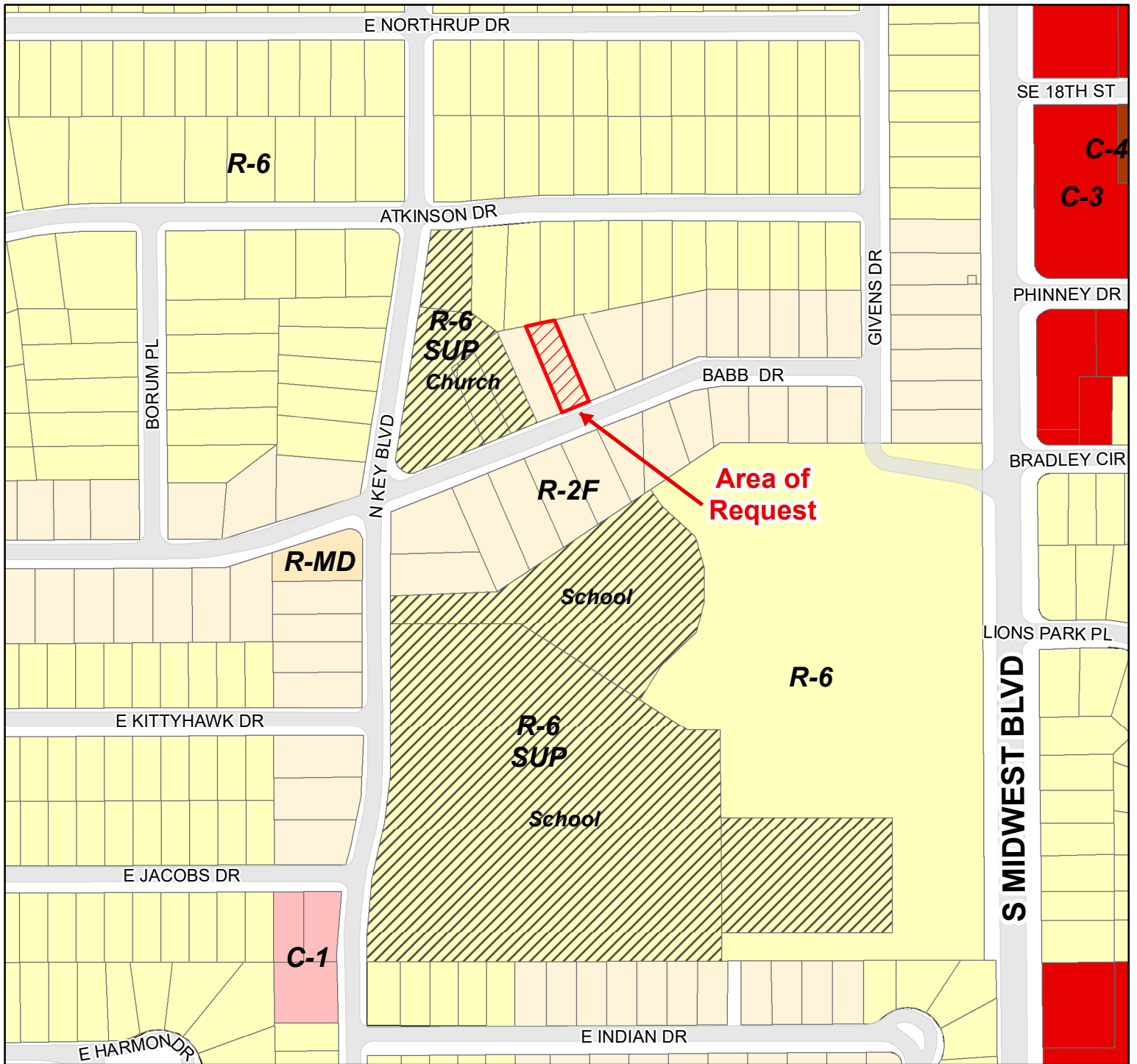
- Single-Family Detached Residential
- Medium Density Residential
- High Density Residential
- Manufactured Home
- Public/Semi-Public
- Parks/Open Space
- Office/Retail
- Commercial
- Industrial
- Town Center

**FUTURE LAND USE  
MAP FOR  
PC-2095**

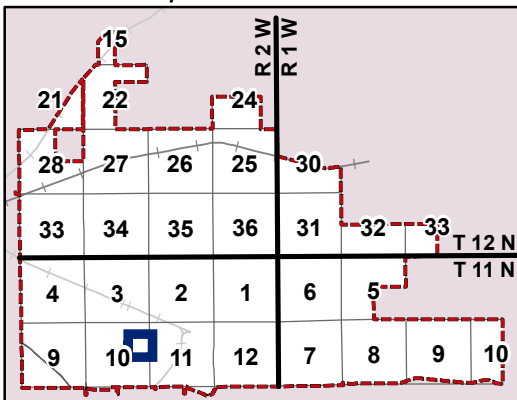
**(NE/4, Sec. 10, T11N, R2W)**



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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-2095  
(NE/4, Sec. 10, T11N, R2W)**



0 250 500 Feet

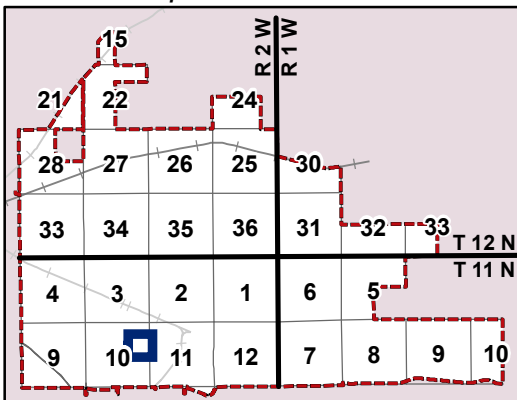
1 inch = 250 feet

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Copyright nearmap 2015

Locator Map



## 4/2021 NEARMAP AERIAL VIEW FOR PC-2095 (NE/4, Sec. 10, T11N, R2W)

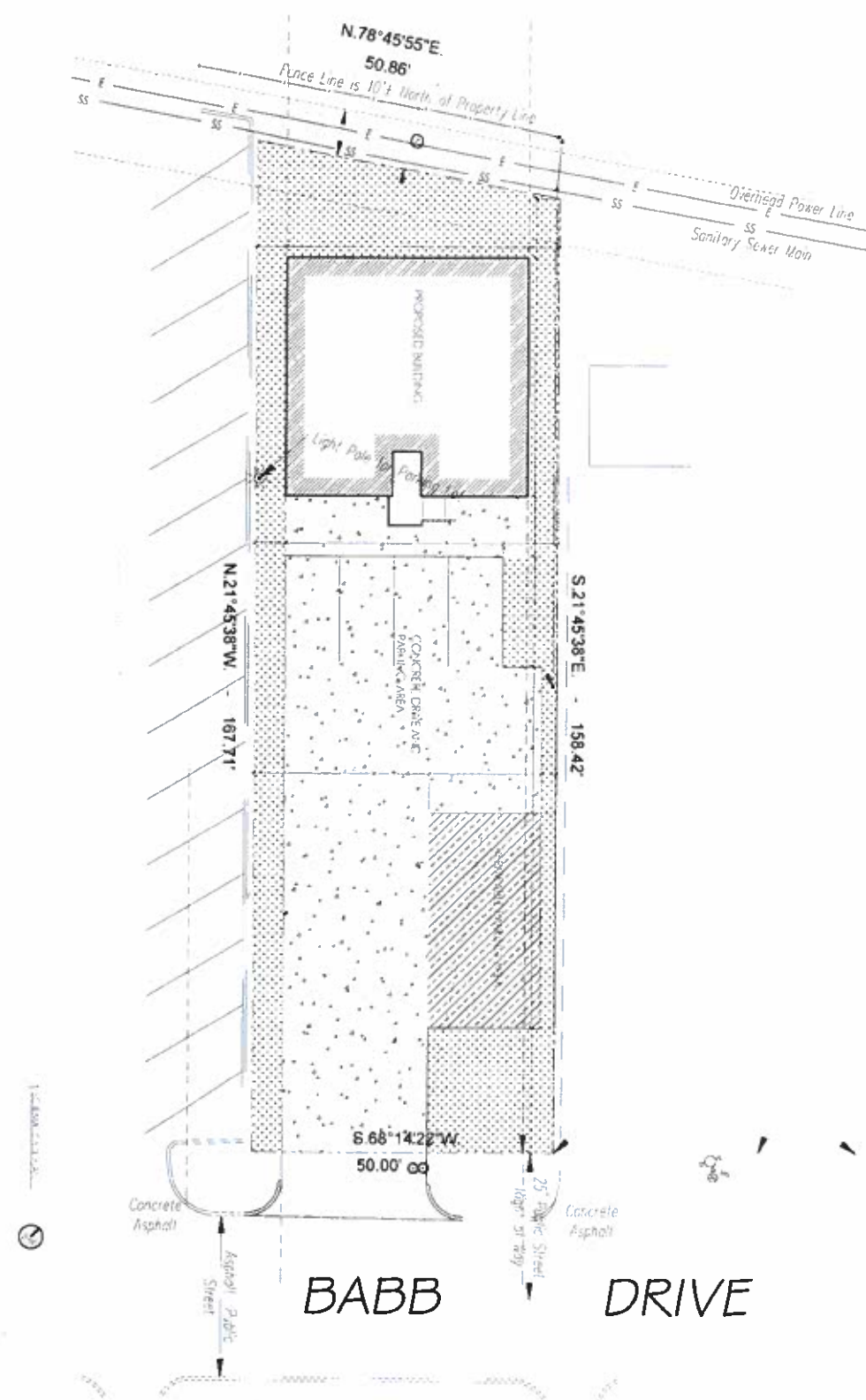


0 250 500 Feet



1 inch = 250 feet

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not for construction.

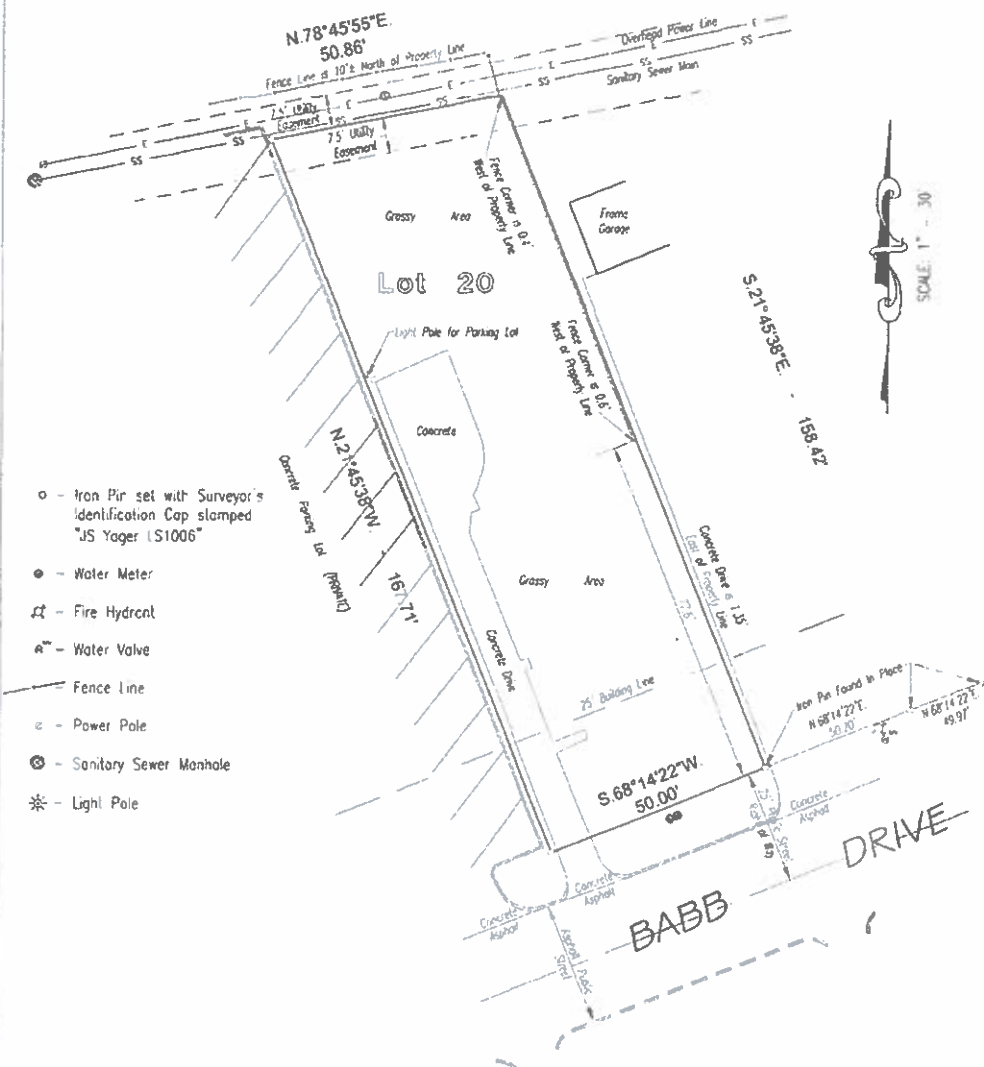
BABB DRIVE  
MIDWEST CITY, OK

SPI

SCHEMATIC SITE PLAN



**PLAT OF SURVEY**  
**Lot 20 in Block 5 of Country Estate Second Addition**  
**Midwest City, Oklahoma County, Oklahoma**



- - Iron Pin set with Surveyor's Identification Cap stamped "JS Yager LS1006"
- - Water Meter
- ⚡ - Fire Hydrant
- ⊕ - Water Valve
- - Fence Line
- ⊖ - Power Pole
- ⊗ - Sanitary Sewer Manhole
- ☼ - Light Pole

SCALE: 1" = 30'

**CERTIFICATE OF SURVEY**

I, James S. Yager, Licensed Professional Land Surveyor, do hereby certify that I have made a careful survey of the following described tract:

All of Lot 20 in Block 5 of Country Estates Second Addition, an addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

The basis for the bearings shown on the above Plat of Survey, are based upon the South Line of Block 5 of Country Estates Second Addition, an addition to Midwest City, Oklahoma County, Oklahoma, being a N 68° 14' 22" E bearing. This Plat of Survey meets the Minimum Technical Standards as adopted by The Board of Licensure for Professional Engineers and Land Surveyors for the State of Oklahoma.

Date of Survey: 26 July 2021  
 Date Signed: 7-30-21

*[Handwritten Signature]*  
 James S. Yager



Licensed Professional Land Surveyor Number 1006  
 Certificate of Authorization Number 2778 Expires 30 June 2023  
 1212 S. Air Depot Number 19 Suite 102  
 Midwest City, Oklahoma 73110  
 405-737-3412

Page 1 of 1 File Name: S21\_BABB\_BOUNDARY\_SURVEY.DWG  
**James S. Yager**  
 Licensed Professional Land Surveyor  
 Certificate of Authorization Number 2778 Expires 30 June 2023  
 1212 South Air Depot Number 19 Suite 102  
 Midwest City Oklahoma 73110 Telephone: 405-737-3412/Fax: 405-737-4215



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

### Simplified Planned Unit Development

The following is to be used if the request is for a Simplified Planned Unit Development. If this request is not for a Simplified Planned Unit Development, do not complete the next 2 pages.

This document serves as the DESIGN STATEMENT and fulfills the requirement for the SPUD. The Special Development Regulations section of the form must be completed in its entirety. If the applicant proposes additional, more restrictive, design criteria than established in the Special Development Regulations, please elaborate under Other Development Regulations.

#### A. Special Development Regulations

1. List of the owners and/or developers: JLou Properties
2. Please list the adjoining land uses, both existing and proposed.  
North: Residential  
South: Duplex Residential  
East: Duplex Residential  
West: CHURCH
3. Please list the use or uses that would be permitted on the site.  
Residential - 4 2 Bed units, 1 Single Building
4. This site will be developed in accordance with the Development Regulations of the R-MD SPUD zoning district.
5. Please list all applicable special development regulations or modified regulations to the base zoning district: 5' Sideyard, 50' Frontage, 2096.37 per Dwelling Unit, Paved Hard Surface material / Partial
6. Please provide a statement of the existing and proposed streets, including right-of-way standards and street design concepts: Asphalt Public Street, 25' Public Right of Way.
7. Please describe the physical characteristics of the following:  
Sight-proof screening proposed: N/A  
  
Landscaping proposed: Midwest City Code, 2 trees of 2.5 caliper



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

Signs proposed: N/A

Area of open space proposed: \_\_\_\_\_

Proposed access points: Single point from Babb

Drainage information: N/A

8. Existing or proposed building size: 3000  
Maximum building height: 2 story  
Number of existing or proposed buildings: 1  
Building setbacks – Front: 25'  
Sides: 5'  
Rear: 10'

9. Please provide a description of the proposed sequence of development.  
1 phase

**B. Other Development Regulations**

Please list any other amenities or controls included in the SPUD:  
760 sq ft of Previous Hard Surface Parking

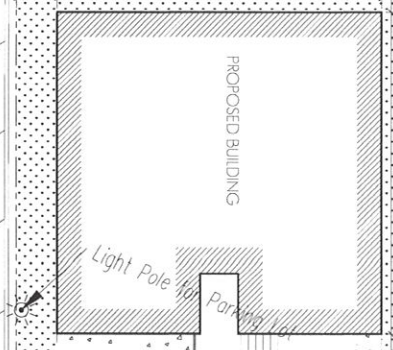
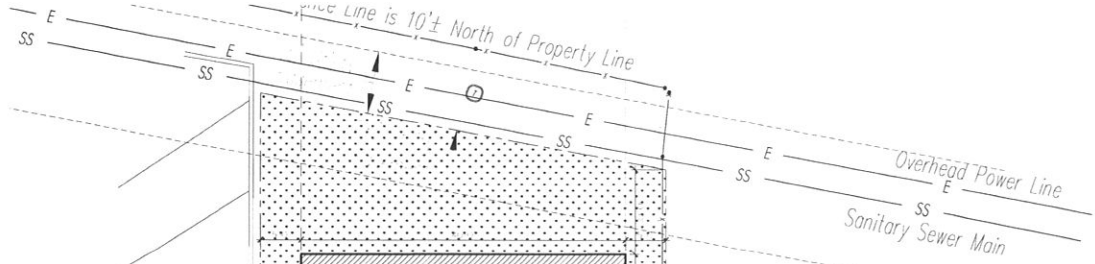
**C. Master Plan Map (attached)**

Exhibit A: Two parking spots per unit provided, see Attached site plan

This site will be developed in accordance with the Master Development Plan Map as submitted to the City of Midwest City for approval in conjunction with this request.

Signature

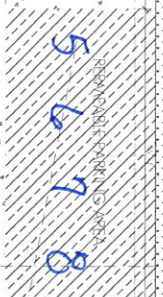
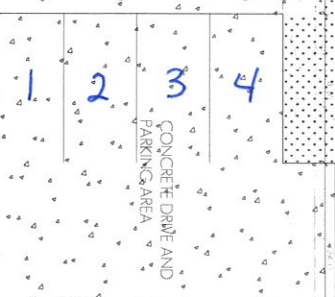
Date



8 required PARKS

N 21° 45' 38" W. - 167.71'

S 21° 45' 38" E. - 158.42'



S 68° 14' 22" W. 50.00'

Concrete Asphalt

Concrete Asphalt

Asphalt Public Street

25' Public Street Right of Way

BABB

DRIVE

1 SCHEMATIC SITE PLAN

not for construction.





11 Sep 2021

REFERENCE: PC-2095

OWNER: BYRON BOLVIN (OWNER)  
526/524 BABY DR  
MIDWEST CITY OK 73110

I OBJECT TO THE REZDNEING TO MEDIUM  
DENSITY. THE CHARACTER OF THE AREA  
IS DUPLEX OR DUPLEXS THAT HAVE BEEN CONVERTED  
TO SINGLE FAMILY HOUSES, LOT IS SMALL  
FOR MORE THAN A DUPLEX.

BYRON BOLVIN 405-478-3060

Gina Soli

October 6, 2021

Reference: PC-2095

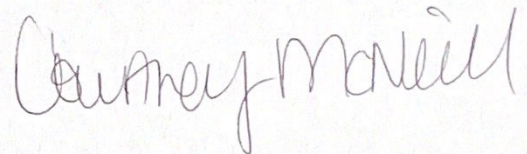
Owner: 527 Babb Dr Midwest City, Ok 73110

I, Courtney McNeill Object to the rezoning of Lot 20, Block 5 from R-2F to SPUD – R-MD.

To whom it may concern,

This lot is far too small for this, it will also drastically affect my property value being a direct neighbor of the requested lot. I bought my home July of 2020 and one of the selling points was the open space with the church next door. As a mother/foster mom of 3+ small children at any given point it gave me some peace of mind. Safety is a huge concern for me, Babb Drive is already an overly crowded neighborhood, adding so much traffic in such a small lot is a hazard and does not make sense for the character of the neighborhood.

Thank you,

A handwritten signature in cursive script that reads "Courtney McNeill". The signature is written in dark ink and is positioned to the right of the typed name "Courtney McNeill".

PC-2095

RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN MAP CLASSIFICATION FROM PSP, PUBLIC/SEMI-PUBLIC, TO MDR, MEDIUM DENSITY RESIDENTIAL FOR THE PROPERTY DESCRIBED IN THIS RESOLUTION WITHIN THE CITY OF MIDWEST CITY, OKLAHOMA.

**WHEREAS**, the Comprehensive Plan Map of Midwest City, Oklahoma shows the following described property identified as PSP, Public/Semi-Public:

Lot 20, Block 5 in the Country Estates Second Addition, Midwest City, OK

**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 Comprehensive Plan Map.

**PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF MIDWEST CITY, OKLAHOMA

\_\_\_\_\_  
MATTHEW D. DUKES II, Mayor

ATTEST:

\_\_\_\_\_  
SARA HANCOCK, City Clerk

**APPROVED** as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD MAISCH, City Attorney

1 **PC-2095**

2 **ORDINANCE NO. \_\_\_\_\_**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**  
4 **DESCRIBED IN THIS ORDINANCE TO SPUD, SIMPLIFIED PLANNED UNIT DE-**  
5 **VELOPMENT, AND DIRECTING AMENDMENT OF THE OFFICIAL ZONING DIS-**  
6 **TRICT MAP TO REFLECT THE RECLASSIFICATION OF THE PROPERTY’S ZON-**  
7 **ING DISTRICT; 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 SPUD, Simplified Planned Unit Development, subject to the conditions contained in the PC-  
12 2095 file, and that the official Zoning District Map shall be amended to reflect the reclassifica-  
13 tion of the property’s zoning district as specified in this ordinance:

14 Lot 20, Block 5 in the County Estates Second Addition, Midwest City, OK

15 SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are  
16 hereby repealed.

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

20 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,  
21 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

22 THE CITY OF MIDWEST CITY, OKLA-  
23 HOMA

24 \_\_\_\_\_  
25 MATTHEW D. DUKES II, Mayor

26 ATTEST:

27 \_\_\_\_\_  
28 SARA HANCOCK, City Clerk

29 APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

30 \_\_\_\_\_  
DONALD MAISCH, 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, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

**To:** Honorable Mayor and City Council  
**From:** Billy Harless, Community Development Director  
**Date:** October 26, 2021

**Subject:** (PC-2096) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from R-6, Single Family Residential to SPUD, Simplified Planned Unit Development, governed by the R-2F, Two-Family Attached Residential District and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential subject to staff comments, for the property described as Lot 20, Block 5 of the Pine Addition, addressed as 219 E Jacobs Dr.

**Executive Summary:** This request is to rezone the property from R-6, Single Family Residential to a SPUD governed by R-2F, Two Family Attached Residential. The applicant is proposing a single structure 2-story duplex, to be developed on this lot. The applicant is requesting variances to the minimum lot size, minimum lot width, and minimum side setback requirements of the Area Regulations and Standards of the R-2F, Two-Family Attached Residential District. The structure will be served by a single access point from E. Jacobs Dr.



The lot does have access to city sewer and water. The applicant is required to meet all other development regulations of the zoning code including landscaping, exterior construction and design requirements, number of parking spaces, front setback, and building and impervious surface coverage. As of this writing, staff has not received protest to the rezoning. Action is at the discretion of the City Council.

**Dates of Hearing:** Planning Commission – October 5, 2021  
City Council – October 26, 2021

**Council/Ward:** Ward 1 – Susan Eads

**Applicant/Owner:** Jeff Johnson, JLou Properties LLC

**Proposed Use:** One 2-story duplex structure for residential use.

**Size:**

The area of request contains approximately 50’ of frontage on E. Jacobs Dr. and contains an area of approximately 5,612.5 sq. ft.

**Zoning Districts:**

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

**Comprehensive Plan/Future Land Use:**

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

**Land Use:**

Area of Request – Vacant lot  
North, South, East and West – Single Family Homes

**Comprehensive Plan Citation:**

Residential Land Uses

Residential land use is the largest land use category within the City currently, and it is generally accepted knowledge that this type of residential product will continue to be the largest category within Midwest City. It should be noted that single-family detached residential land uses can be buffered from non-residential uses with medium and high density residential land uses, or alternatively, can be effectively integrated for increased access between the two types. The following sections discuss specific aspects of the recommended residential land uses within Midwest City.

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:**

**2.26 SPUD, Simplified Planned Unit Development**

**2.26.1. General Description**

The simplified planned unit development, herein referred to as SPUD, is a special Zoning district that provides an alternate approach to conventional land use controls to produce unique, creative, progressive or quality land developments.

The SPUD may be used for particular tracts or parcels of land that are to be developed as one unit according to a master development plan map.

The SPUD is subject to special review procedures and once approved by the City Council it becomes a special zoning classification for the property it represents.

**2.26.2 Intent and Purpose**

The intent and purpose of the simplified planned unit development provisions are to ensure:

**(A) Innovative development**

Encouraging innovative development and protect the health, safety and welfare of the community.

**(B) Efficient use of land**

Encourage efficient use of land, facilitate economic arrangement of buildings and circulation systems;

**(C) Appropriate limitations and compatibility**

Maintain appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

**History:**

1. The property has been zoned Single Family Residential since the adoption of the 1985 Zoning Map.
2. The Planning Commission recommended approval of this item October 5, 2021.

**Staff Comments:**

**Engineer's report:**

Note: No engineering improvements are required with this application.

**Water Supply and Distribution**

There is a six (6) inch public water main bordering the proposed parcel along the south side of E Jacobs Drive. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

**Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public water main bordering the proposed parcel along the north side in a platted easement. Any new building permit will require tie into the public sewer system as outlined in Municipal Code 43-109.

Streets

Access to the area of request exists off E Jacobs Drive. In the 2008 Comprehensive Plan, E Jacobs Drive is shown as a Local Road.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an “Area of Minimal Flood Hazard” on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009.

No detention will be required with the one single residence proposed. Future development will need to take existing conditions under consideration.

Easements and Right-of-Way

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

**Fire Marshal’s report:**

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.
- Fire department access will be hindered if the setbacks are reduced to 5’, recommended to keep the 7’ required per zoning.
- Access shall be provided from the street to all corners of the building within 150’ as the hose lays.
- Duplex occupancies are required to be protected by a fire suppression system.
- Fire alarm monitoring is required for fire suppression systems.

**Plan Review Comments:**

As mentioned in the Executive Summary, this is a request to rezone from R-6, Single Family Detached Residential to SPUD, governed by the R-2F, Two-Family Attached Residential District. The applicant has proposed one (1) duplex structure with two (2) dwelling units. Two (2) parking spaces would be required for each dwelling unit. The development would be constructed in a single phase. The applicant has not requested variances to the following and must meet the minimum requirements for impervious surface and building coverage, landscaping, parking, exterior materials, front and rear yard setbacks.

The applicant has requested the following special development regulations:

Variance Type	Variance Requested	Requirement by code
Side Yard Setback	5’	7’
Frontage	50’ total	40’ per DU = 80’ total
Lot size	5,615 total	4,800 per DU = 9,600 total

As of this writing, staff has not received any calls or letters of protest regarding this application.

Action is at the discretion of the City Council.



**Action Required:**

Approve or reject the ordinance to redistrict to SPUD and a resolution to amend the Comprehensive Plan to MDR for the property as noted herein, subject to staff's comments as found in the October 26, 2021 agenda packet and made a part of PC-2096 file.

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,  
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, Plans Review Manager

From: Brandon Bundy, City Engineer

Date: September 10<sup>th</sup>, 2021

Subject: Engineering staff comments for pc-2096 application

### **ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2096:**

Note: No engineering improvements are required with this application.

#### **Water Supply and Distribution**

There is a six (6) inch public water main bordering the proposed parcel along the south side of E Jacobs Drive. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

#### **Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public water main bordering the proposed parcel along the north side in a platted easement. Any new building permit will require tie into the public sewer system as outlined in Municipal Code 43-109.

#### **Streets**

Access to the area of request exists off E Jacobs Drive. In the 2008 Comprehensive Plan, E Jacobs Drive is shown as a Local Road.

#### **Drainage and Flood Control, Wetlands, and Sediment Control**

The area of request is shown to be in an "Area of Minimal Flood Hazard" on Flood Insurance Rate Map (FIRM) number 40109C0310H, dated December 18th, 2009.

No detention will be required with the one single residence proposed. Future development will need to take existing conditions under consideration.

#### **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](mailto:dhelmberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC – 2096

Date: 20 September 2021

PC-2096 is a request to rezone the parcel at 219 E Jacobs from R-6, single family detached residential to R-2F, two family attached residential for development of a duplex.

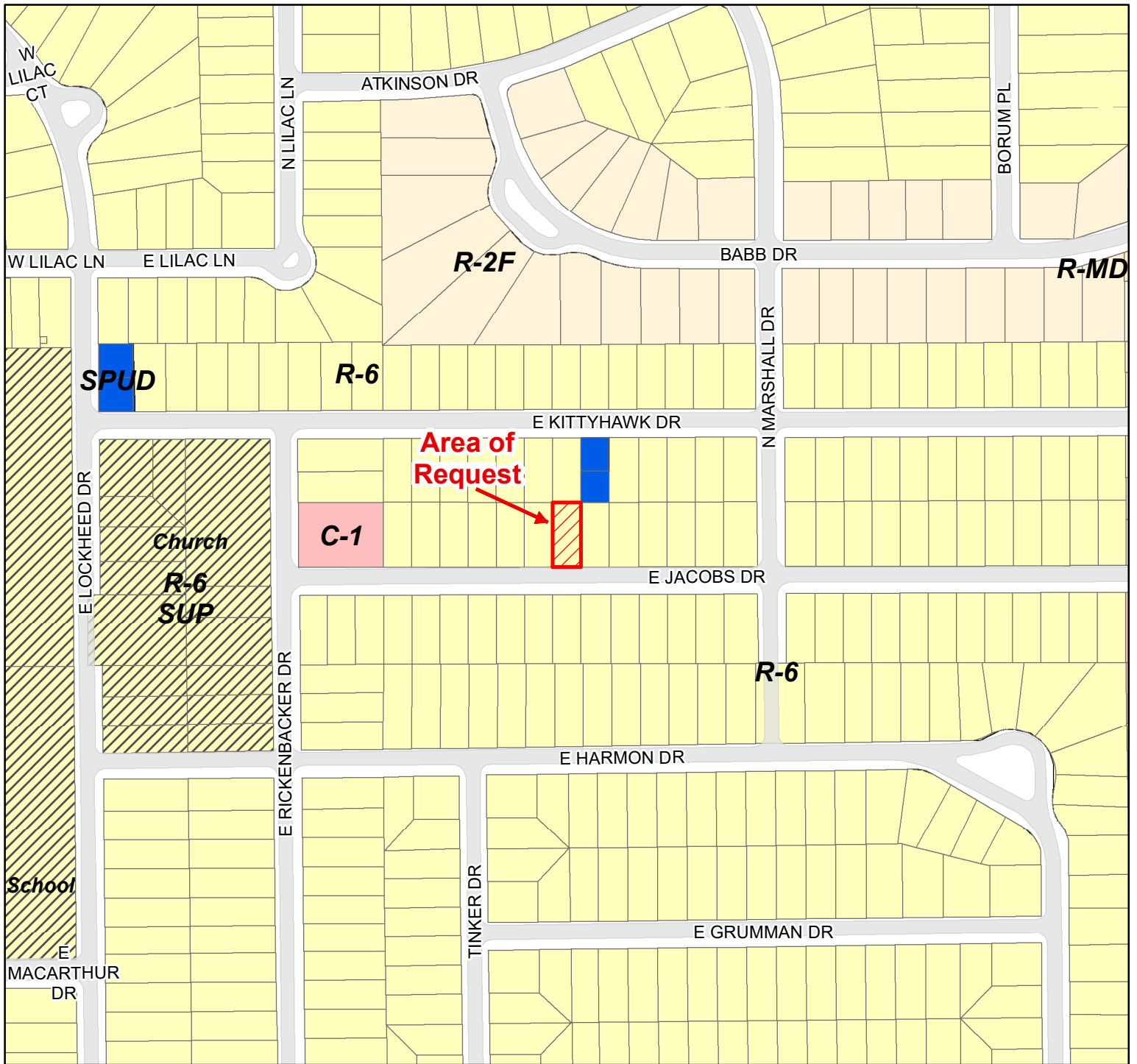
- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.
- Fire department access will be hindered if the setbacks are reduced to 5', recommended to keep the 7' required per zoning.
- Access shall be provided from the street to all corners of the building within 150' as the hose lays.
- Duplex occupancies are required to be protected by a fire suppression system.
- Fire alarm monitoring is required for fire suppression systems.

Respectfully,

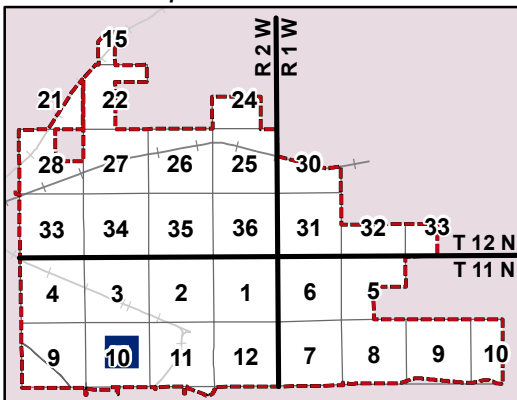
A handwritten signature in black ink, appearing to read "D. Helmberger".

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.



Locator Map



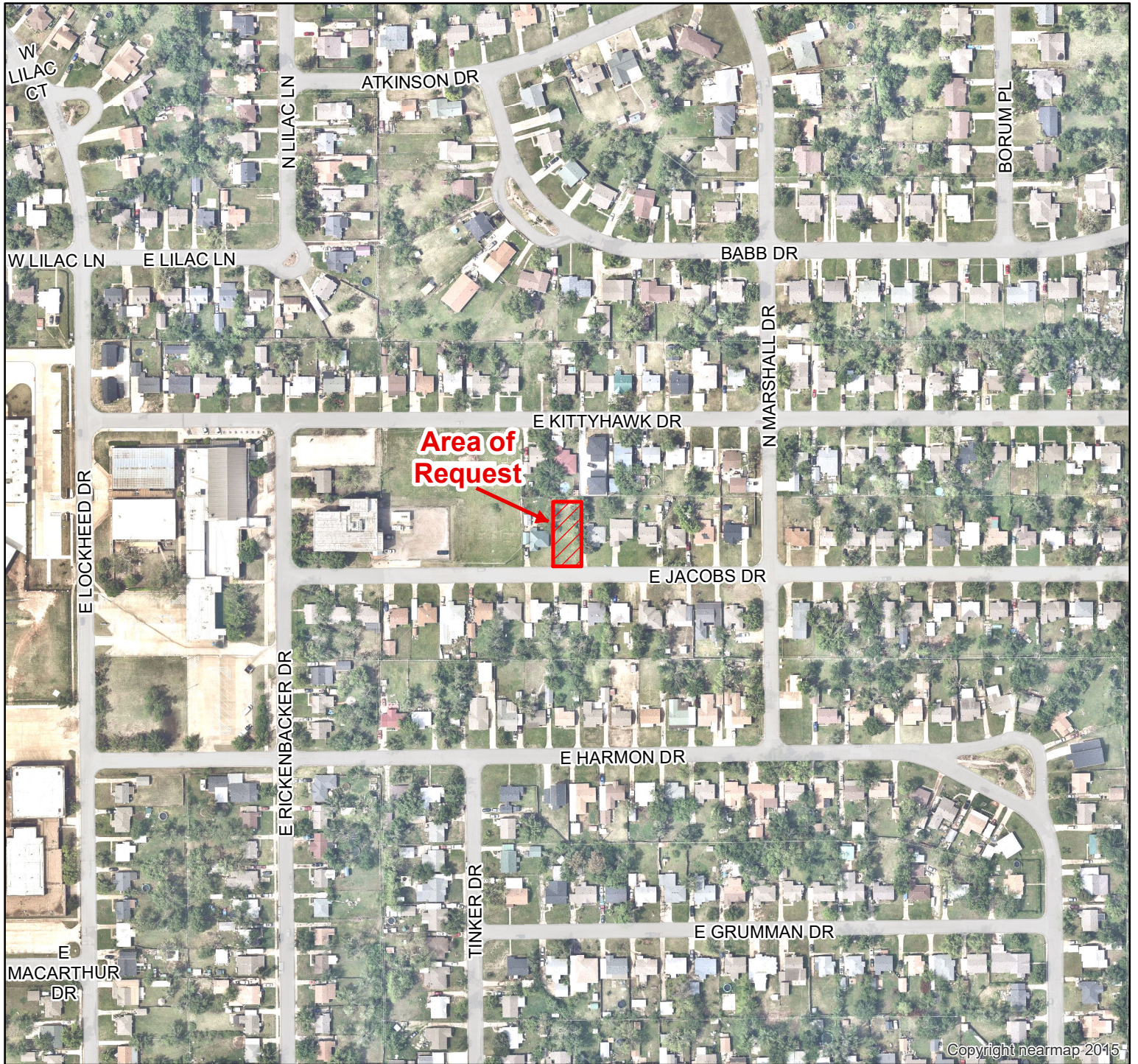
Current Zoning Legend

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

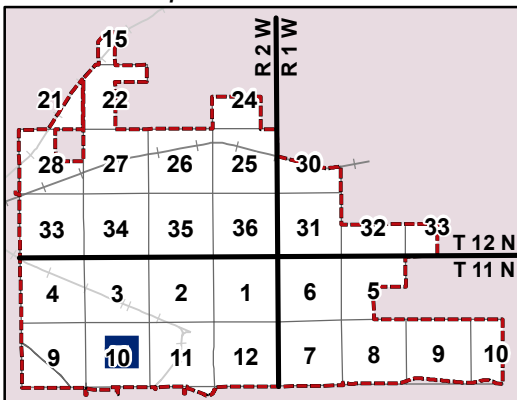
**ZONING MAP FOR  
PC-2096  
(NE/4, Sec. 10, T11N, R2W)**



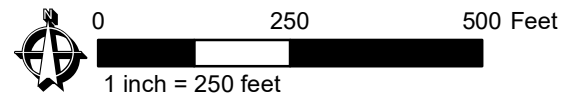
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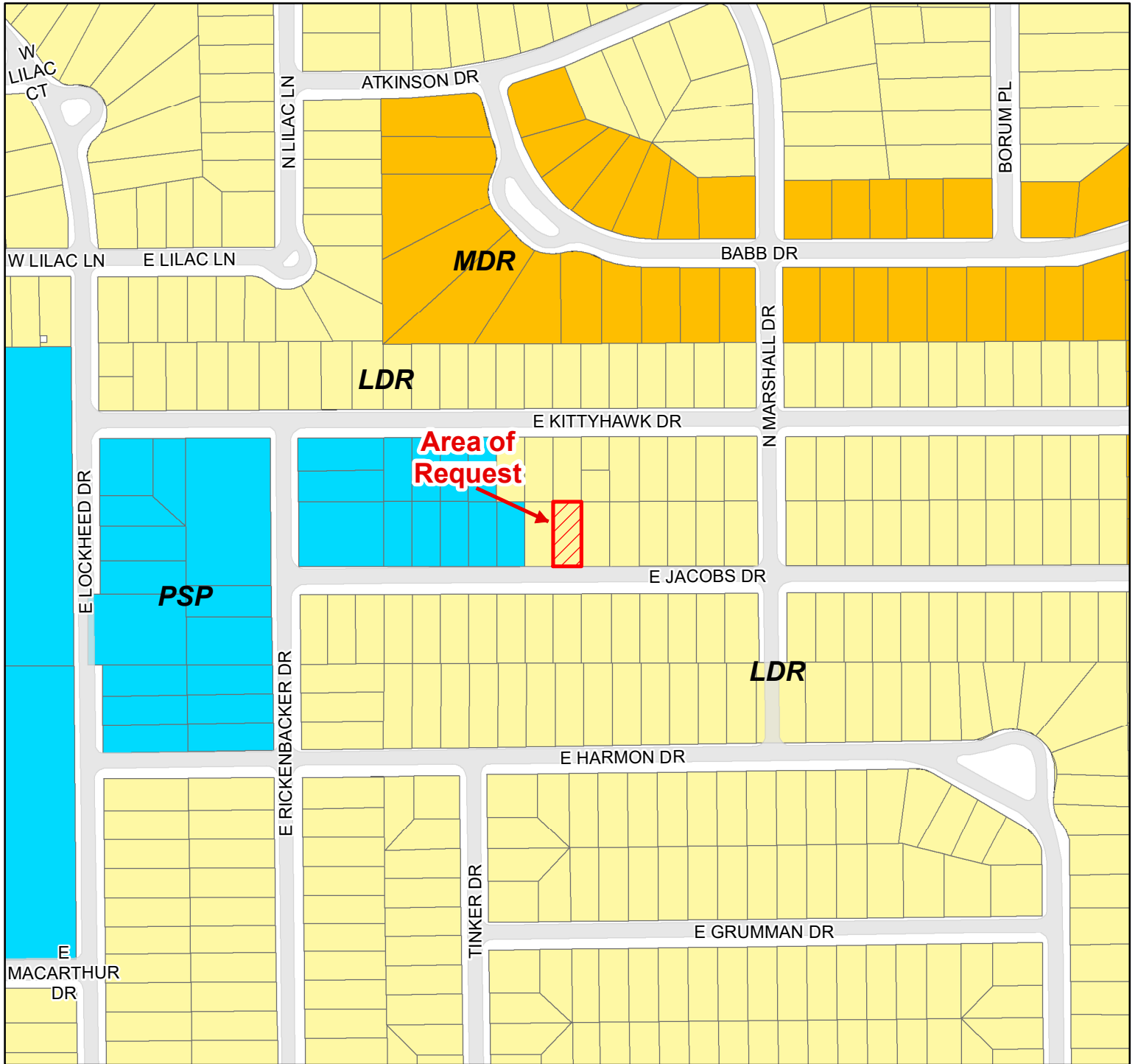
Locator Map



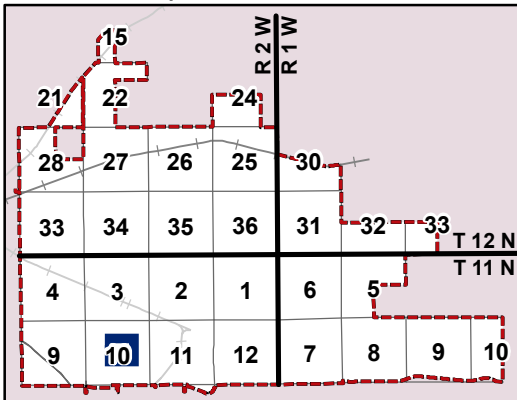
**4/2021 NEARMAP AERIAL VIEW FOR  
PC-2096  
(NE/4, Sec. 10, T11N, R2W)**



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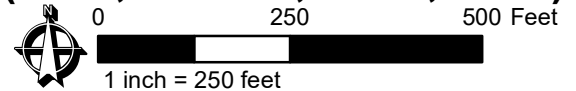


Future Land Use Legend

- 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-2096**

**(NE/4, Sec. 10, T11N, R2W)**



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.



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

### Simplified Planned Unit Development

The following is to be used if the request is for a Simplified Planned Unit Development. If this request is not for a Simplified Planned Unit Development, do not complete the next 2 pages.

This document serves as the DESIGN STATEMENT and fulfills the requirement for the SPUD. The Special Development Regulations section of the form must be completed in its entirety. If the applicant proposes additional, more restrictive, design criteria than established in the Special Development Regulations, please elaborate under Other Development Regulations.

#### A. Special Development Regulations

1. List of the owners and/or developers: JLou Properties
2. Please list the adjoining land uses, both existing and proposed.  
North: Residential  
South: Residential  
East: Residential  
West: Residential
3. Please list the use or uses that would be permitted on the site. Residential
4. This site will be developed in accordance with the Development Regulations of the R-2F SPUD zoning district.
5. Please list all applicable special development regulations or modified regulations to the base zoning district: 40' per Dwelling unit Frontage, Lot Size, 4800 per unit, 7 Foot side yard, to 5'
6. Please provide a statement of the existing and proposed streets, including right-of-way standards and street design concepts: Asphalt Paving, 25' Right Away
7. Please describe the physical characteristics of the following:  
Sight-proof screening proposed: N/A  
  
Landscaping proposed: Midwest City Code, 2, 2.5 caliper trees



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

Signs proposed: N/A

Area of open space proposed: \_\_\_\_\_

Proposed access points: Single Access, E. JACOBS

Drainage information: N/A

8. Existing or proposed building size: \_\_\_\_\_

Maximum building height: 2 story

Number of existing or proposed buildings: 1

Building setbacks – Front: 25

Sides: 5'

Rear: 20'

9. Please provide a description of the proposed sequence of development.

1 Phase

**B. Other Development Regulations**

Please list any other amenities or controls included in the SPUD: NONE

**C. Master Plan Map (attached)**

Exhibit A: \_\_\_\_\_

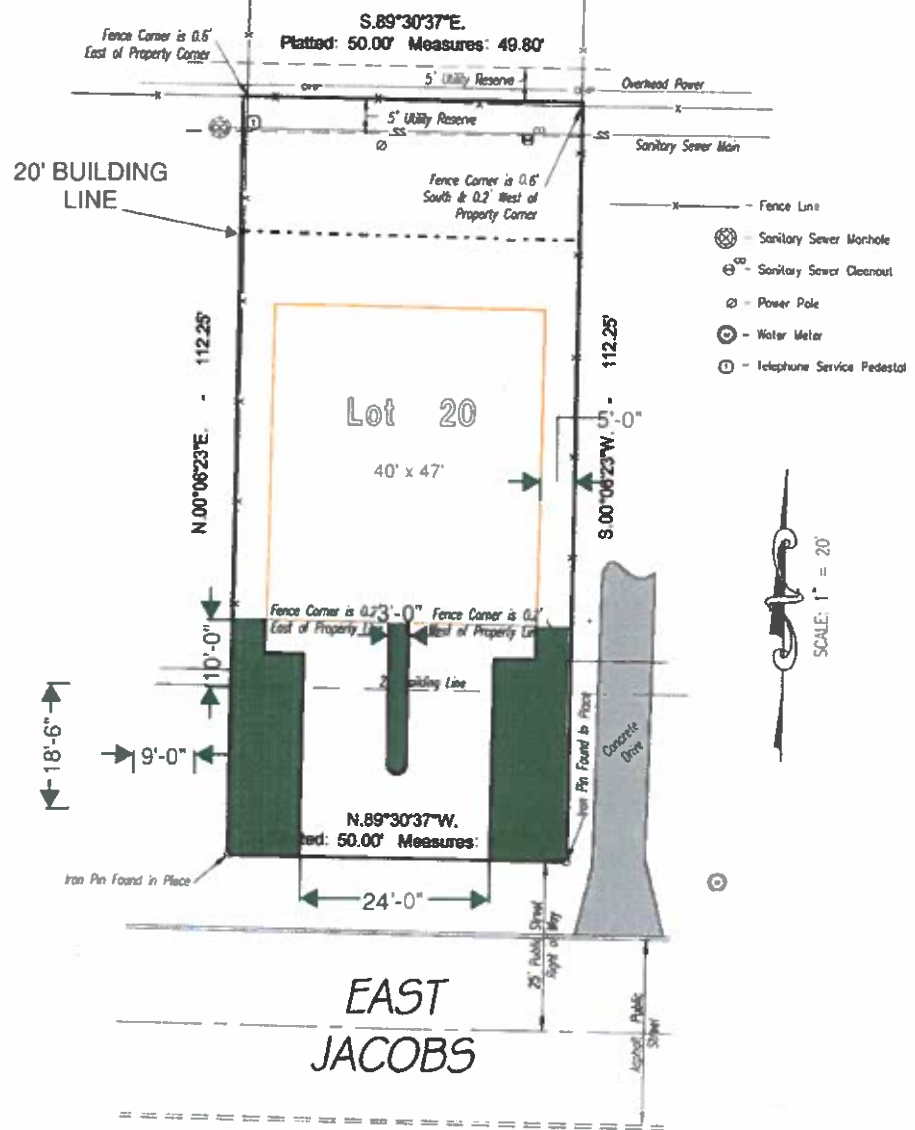
This site will be developed in accordance with the Master Development Plan Map as submitted to the City of Midwest City for approval in conjunction with this request.

Signature

Date



**PLAT OF SURVEY**  
**Lot 20 in Block 5 of Pine Addition**  
**Midwest City, Oklahoma County, Oklahoma**



**CERTIFICATE OF SURVEY**

I, James S. Yager, Licensed Professional Land Surveyor, do hereby certify that I have made a careful survey of the following described tract:

All of Lot 20 in Block 5 of Pine Addition, an addition to Midwest City, Oklahoma County, Oklahoma, according to the recorded plat thereof.

The basis for the bearings shown on the above Plat of Survey, are based upon the South Line of Block 5 of Pine Addition, an addition to Midwest City, Oklahoma County, Oklahoma, being a S 89°30'37\"/>

Date of Survey: 28 July 2021  
 Date Signed: 8-3-21

*James S. Yager*  
 James S. Yager  
 Licensed Professional Land Surveyor Number 1088  
 Certificate of Authorization Number 220 Expires: 6-30-2023  
 1212 S. Air Depot Number 19 Suite 102  
 Midwest City, Oklahoma 73110  
 405-737-3412



Page 1 of 1 File Name: C:\219 E JACOBS\BOUNDARY.DWG  
**James S. Yager**  
 Licensed Professional Land Surveyor  
 Certificate of Authorization Number 2778 Expires: 30 June 2023  
 1212 South Air Depot • Number 19 Suite 102  
 Midwest City, Oklahoma 73110 Telephone: 405-737-3412/Fax: 405-737-4215

1 **PC-2096**

2 **ORDINANCE NO. \_\_\_\_\_**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**  
4 **DESCRIBED IN THIS ORDINANCE TO SPUD, SIMPLIFIED PLANNED UNIT DE-**  
5 **VELOPMENT, AND DIRECTING AMENDMENT OF THE OFFICIAL ZONING DIS-**  
6 **TRICT MAP TO REFLECT THE RECLASSIFICATION OF THE PROPERTY’S ZON-**  
7 **ING DISTRICT; 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 SPUD, Simplified Planned Unit Development, subject to the conditions contained in the PC-  
12 2096 file, and that the official Zoning District Map shall be amended to reflect the reclassifica-  
13 tion of the property’s zoning district as specified in this ordinance:

14 Lot 20, Block 5 in the Pine Addition, Midwest City, OK

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

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

20 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,  
21 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

22 THE CITY OF MIDWEST CITY, OKLA-  
23 HOMA

24 \_\_\_\_\_  
25 MATTHEW D. DUKES II, Mayor

26 ATTEST:

27 \_\_\_\_\_  
28 SARA HANCOCK, City Clerk

29 APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

30 \_\_\_\_\_  
DONALD MAISCH, City Attorney

PC-2096

RESOLUTION NO. 2021-\_\_\_\_\_

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

**WHEREAS**, the Comprehensive Plan Map of Midwest City, Oklahoma shows the following described property identified as LDR, Low Density Residential:

Lot 20, Block 5 in the Pine Addition, Midwest City, OK

**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 Comprehensive Plan Map.

**PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF MIDWEST CITY, OKLAHOMA

\_\_\_\_\_  
MATTHEW D. DUKES II, Mayor

ATTEST:

\_\_\_\_\_  
SARA HANCOCK, City Clerk

**APPROVED** as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD MAISCH, City Attorney



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** (PC – 2097) Discussion and consideration for adoption, including any possible amendment of approval of the Final Plat of Freedom Villas, described as a part of the SE/4 of Section 35, T12N, R2W.

**Executive Summary:** This is a request to approve a final plat to subdivide a single parcel into eighteen (18) individual parcels and thirty-six (36) dwelling units for two-family residential development. The preliminary plat was approved in August of 2020. All public improvements required with the preliminary plat have been installed or bonded. The applicant has also provided staff a copy of the covenants that will govern the development of this addition. The City Attorney has reviewed the HOA covenants and found them to be in compliance with Section 38-50 of the Subdivision Regulations. The Park Land Review Committee approved a fee in lieu of park land dedication. The applicant paid the fee on September 8, 2021. This final plat is in compliance with the approved preliminary plat and Subdivision Regulations. Action is at the discretion of the City Council.



**Dates of Hearing:**  
Planning Commission –  
October 5, 2021  
City Council – October  
26, 2021

**Council Ward:** Ward 3,  
Española Bowen

**Owner/Applicant:**  
Tinker Villas, LLC – Joel  
Bryant

**Engineer:** Mark Grubbs

**Proposed Use:** Duplexes

**Size:**  
The area of request has a  
frontage along East Main

Street of approximately 330 ft. and contains an area of approximately 4.79 acres.

**Zoning Districts:**

Area of Request – R-HD, High Density Residential

North and South – PUD

East – C-3, Community Commercial and R-HD, High Density Residential

West – R-6, Single Family Detached Residential

**Municipal Code Citation:**

38-19 *Final Plat*

38-18.1. *Purpose*

The purpose of a Final Plat is to ensure consistency with standards of the Subdivision Ordinance pertaining to the adequacy of public facilities, provide for public improvements to serve the subdivision and that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

**History:**

1. (PC-699) This property was rezoned from R-1 to R-4, Medium Density with a Special Use Permit for a Group Home in 1984.
2. (PC-1604) An application for a Special Use Permit for a Community Based Care Facility was stricken on January 10, 2006.
3. The official 2010 Zoning Map identified this area as R-HD, High Density Residential with a Special Use Permit for a group home.
4. The Freedom Villas Preliminary Plat was approved August 25, 2020.
5. The Planning Commission recommended approval of this item October 5, 2021.

**Staff Comments:**

**Engineer's Comments:**

Note: This application is for a final plat of the Freedom Villas located on E Main Street between Woodside Drive and Douglas Boulevard.

Public Improvements

The requirements of the public improvements can be found in the subdivision regulations under:

Sec. 38-30.1. Completion prior to final plat approval and recordation.

(a) Construction required prior to final plat approval and recordation. Completion of all required public improvements, in accordance with the approved preliminary plat and the approved construction plans, shall occur prior to final plat approval and recordation.

(b) Final plat shall not be accepted. A final plat shall not be accepted for filing, nor shall it be considered for approval, prior to completion of all required public improvements.

Upon application of final plat, this office reviewed all the public improvements for compliance with the subdivision regulations.

Water

Water line improvements were permitted through this office and Oklahoma Department of Environmental Quality (ODEQ). Construction of the improvements were inspected by the Construction Inspector and completed.

#### Sanitary Sewer

Sanitary Sewer improvements were permitted through this office and Oklahoma Department of Environmental Quality (ODEQ). Construction of the improvements were inspected by the Construction Inspector and completed.

#### Stormwater

Stormwater improvements were permitted through this office. Construction of the improvements were inspected by the Construction Inspector and completed.

#### Street

Both roadways; Spirit and Patriot Drive and associated improvements along E Main Street were permitted through this office. Construction of the improvements were inspected by the Construction Inspector and completed.

#### Sidewalk

Sidewalk along E Main Street and the common space were reviewed and constructed. The remaining sidewalk has been approved but the developer wants to construct the sidewalks as part of the houses. An approved Sidewalk Plan stating exactly where and whose responsibility it would be to complete has been included in this application. Additionally, a note on the plat stating sidewalk to be built prior to certificate of occupancy. Both of these were supplied by the developer in a satisfactory manner.

#### Easements

Subdivision Regulations requires that all existing, dedicated, and proposed rights-of-way and easements are depicted on the final plat. As required, these are reflected on the final plat.

#### Lighting

Public street lighting is required as part of this development in two locations: at the intersection of E Main Street / Spirit Drive and Spirit Drive / Patriot Drive. The developer has contacted OG&E which supplies the lighting for Midwest City. The lighting has not been installed as of this memo. Because the lighting is not a direct capital expense to the City, the developer should not be held to OG&E's timeline. This requirement has been satisfied by the developer's formal request to OG&E.

#### Signage

Public signage is required for this development at the intersection of E Main Street / Spirit Drive and Spirit Drive / Patriot Drive. The signage has been completed per City's specifications.

#### Record Drawings, Lien Release, and Bonding

Record drawings have been submitted to the city and filed accordingly. Bonds were provided for all the public infrastructure and a lien release has been received.



Looking east along Main Street from the NW corner of the development



Looking west along Patriot Drive



Looking north along Spirit Drive



Looking west along Main Street from the NE corner of the development



View of detention pond looking northwest. Outflow in view ties directly into existing City storm system



View of detention pond looking west. The area will accept sheet flow from 2 lots only with the concrete flex mat serving as scour protection.



Looking west from the intersection of Spirit Drive and Main Street. Detention pond in view.



Looking east from the intersection of Spirit Drive and Main Street.



Sign at Patriot Drive and Spirit Drive complete



Sign at Main Street and Spirit Drive complete

**Fire Marshal's Comments:**

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

Fire protection systems shall be required for the duplexes

**Plan Review Comments:**

This is a request to subdivide one (1) existing 4.05-acre tract into eighteen (18) individual parcels for thirty-six (36) dwelling units. The parcels are intended for two-family residential development.

Construction must meet all requirements of the Zoning Ordinance, including:

- The exterior of each home must be constructed of a minimum of 85% masonry materials, 100% facing the street
- 25' front setback, 20' rear setback, 7' side setbacks
- 50% maximum building coverage
- Minimum 5:12 roof pitch
- Two (2) trees in each front yard prior to issuance of a Certificate of Occupancy

As noted in the preliminary plat report, the Park Land Review Committee voted to approve the request by the applicant to pay a fee in lieu of a park land dedication. Staff and the applicant agreed upon a value of the land which was used to calculate the required fee of \$6,716. The applicant submitted this fee with this final plat application and the fee was deposited into the park fund per ordinance.



If this application is approved, staff will obtain the required signatures on the mylar copies of the plat and return them to the applicant. The applicant must file the plat with Oklahoma County and return a filed copy to the City prior to submitting any building permit applications.

The Freedom Villas Final Plat as submitted is consistent with the approved preliminary plat. Action is at the discretion of the City Council.

**Action Required:** Approve or reject the Freedom Villas Final Plat located on the property as noted herein, subject to the staff comments and found in the October 26, 2021 agenda packet and made a part of PC- 2097 file.

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

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 23<sup>rd</sup>, 2021

Subject: Engineering staff comments for pc-2097 final plat application

**ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2097:**

Note: This application is for a final plat of the Freedom Villas located on E Main Street between Woodside Drive and Douglas Boulevard.

**Public Improvements**

The requirements of the public improvements can be found in the subdivision regulations under:  
Sec. 38-30.1. Completion prior to final plat approval and recordation.

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Upon application of final plat, this office reviewed all the public improvements for compliance with the subdivision regulations.

**Water**

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**Sanitary Sewer**

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**Stormwater**

Stormwater improvements were permitted through this office. Construction of the improvements were inspected by the Construction Inspector and completed.

**Street**

Both roadways; Spirit and Patriot Drive and associated improvements along E Main Street were permitted through this office. Construction of the improvements were inspected by the Construction Inspector and completed.

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**Signage**

Public signage is required for this development at the intersection of E Main Street / Spirit Drive and Spirit Drive / Patriot Drive. The signage has been completed per City’s specifications.

**Record Drawings, Lien Release, and Bonding**

Record drawings have been submitted to the city and filed accordingly. Bonds were provided for all the public infrastructure and a lien release has been received.



Looking east along Main Street from the NW corner of the development

Looking west along Patriot Drive

100 N. Midwest Boulevard, Midwest City, Oklahoma 73110

Engineering Division (405) 739-1220

*An Equal Opportunity Employer*



Looking north along Spirit Drive



Looking west along Main Street from the NE corner of the development



View of detention pond looking northwest. Outflow in view ties directly into existing City storm system



View of detention pond looking west. The area will accept sheet flow from 2 lots only with the concrete flex mat serving as scour protection.



Looking west from the intersection of Spirit Drive and Main Street. Detention pond in view.



Looking east from the intersection of Spirit Drive and Main Street.



Sign at Patriot Drive and Spirit Drive complete



Sign at Main Street and Spirit Drive complete

100 N. Midwest Boulevard, Midwest City, Oklahoma 73110

Engineering Division (405) 739-1220

*An Equal Opportunity Employer*



The City of  
**MIDWEST CITY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 ENGINEERING DIVISION

Applicant: Freedom Villas  
 Phone Number: \_\_\_\_\_  
 Address: Section 35, T12N, R2W

**Final Plat Requirements/Checklist - Engineering**

The final plat shall be accompanied by a statement signed by the registered engineer preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the latest subdivision regulations and in accordance with the ordinances and regulations governing the subdivision of land.

38-19	Items to accompany the Final Plat	
38-19.4 38-19.9(a)(1)	The final plat and all accompanying data shall conform to the approved preliminary plat or as the preliminary plat may have been subsequently amended. See section 38-18.10 for amending preliminary plat following approval.	BB
38-19.9(a)(2)	All conditions imposed at the time of approval of the preliminary plat, as applicable, have been satisfied.	BB
38-19.9(a)(3)	The construction plans conform to the requirements of section 38-27 and have been approved by the city engineer.	BB
38-19.9(a)(4)	Where public improvements have been installed, the improvements conform to the approved construction plans and have been approved for acceptance by the city engineer.	BB
38-19.9(a)(5)	The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance.	BB
38-19.9(a)(6)	The final plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual and construction details.	BB
38-19.9(a)(7)	The final plat conforms to the director of community development's subdivision application checklist, which will include a site development plan.	BB
38-19.5(a)(1) 38-31.4(b)	A final inspection has been done after the completion of all improvements.	BB
38-19.5(a)(1) 38-31.4(c)	Letter of final acceptance from City Engineer notifying the applicant of the city's intended acceptance contingent on the approval of the final plat.	BB
38-19.5(b) 38-65.151	Record drawings (as-builts) of all installed or constructed improvements of a development.	BB
Administrative 38-19.9(a)(7) 38-19.10(a)(2)(c)	A digital copy of the as-builts	BB
38-19.5(c) 38-31.6	Maintenance bond as required by City Engineer (10% of improvement cost, 1 year for utilities, 2 years for drainage, 5 years for streets and drainage under streets)	BB
<b>38-19</b>	<b>Final Plat</b>	BB
Administrative 38-19.9(a)(7) 38-19.10(a)(2)(c)	A digital copy of the final plat	BB
Administrative 38-19.9(a)(7)	North arrow, scale, date, and site location map	BB



The City of  
**MIDWEST CITY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 ENGINEERING DIVISION

Administrative 38-19.9(a)(7)	The total number of lots	BB
Administrative 38-19.9(a)(7)	The total area of development	BB
Administrative 38-19.9(a)(7)	The location of proposed lots, areas in Acres and Square Feet, and dimensions.	BB
Administrative 38-19.9(a)(7)	The location of property lines, existing and proposed easements, and retaining wall easements	BB
Administrative 38-19.9(a)(7)	The location, width, and name of all existing or platted streets or other public ways (i.e. railroad and state-owned) within or immediately adjacent to the tract.	BB
Administrative 38-19.9(a)(7)	The legal metes and bounds of the property being developed.	BB
Administrative 38-19.9(a)(7)	The street layout and right of ways including bike trails, horse trails, or other supplementary movement systems.	BB
38-19.9(a)(7) 38-45.4(c)	All existing arterial streets and such collector and local streets as may be necessary for convenience of traffic circulation and emergency ingress and egress.	BB
	Street signs have been installed.	BB
	Street lights have been installed.	Proof that the process has been started by OG&E but not complete
<b>Engineering Comments and Recommendations:</b>		
<b>Associated Departments (Fire, Stormwater, and Utilities) Comments and Recommendations:</b>		



## Midwest City Fire Marshal's Office

8201 E Reno Avenue, Midwest City, OK 73110  
[dhelmlberger@midwestcityok.org](mailto:dhelmlberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC - 2097

Date: 20 September 2021

PC-2097 is a final plat for the Freedom Villas subdivision on E. Main St. The property is zoned R-HD. It is being platted for duplexes.

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.
- Fire protection systems shall be required for the duplexes

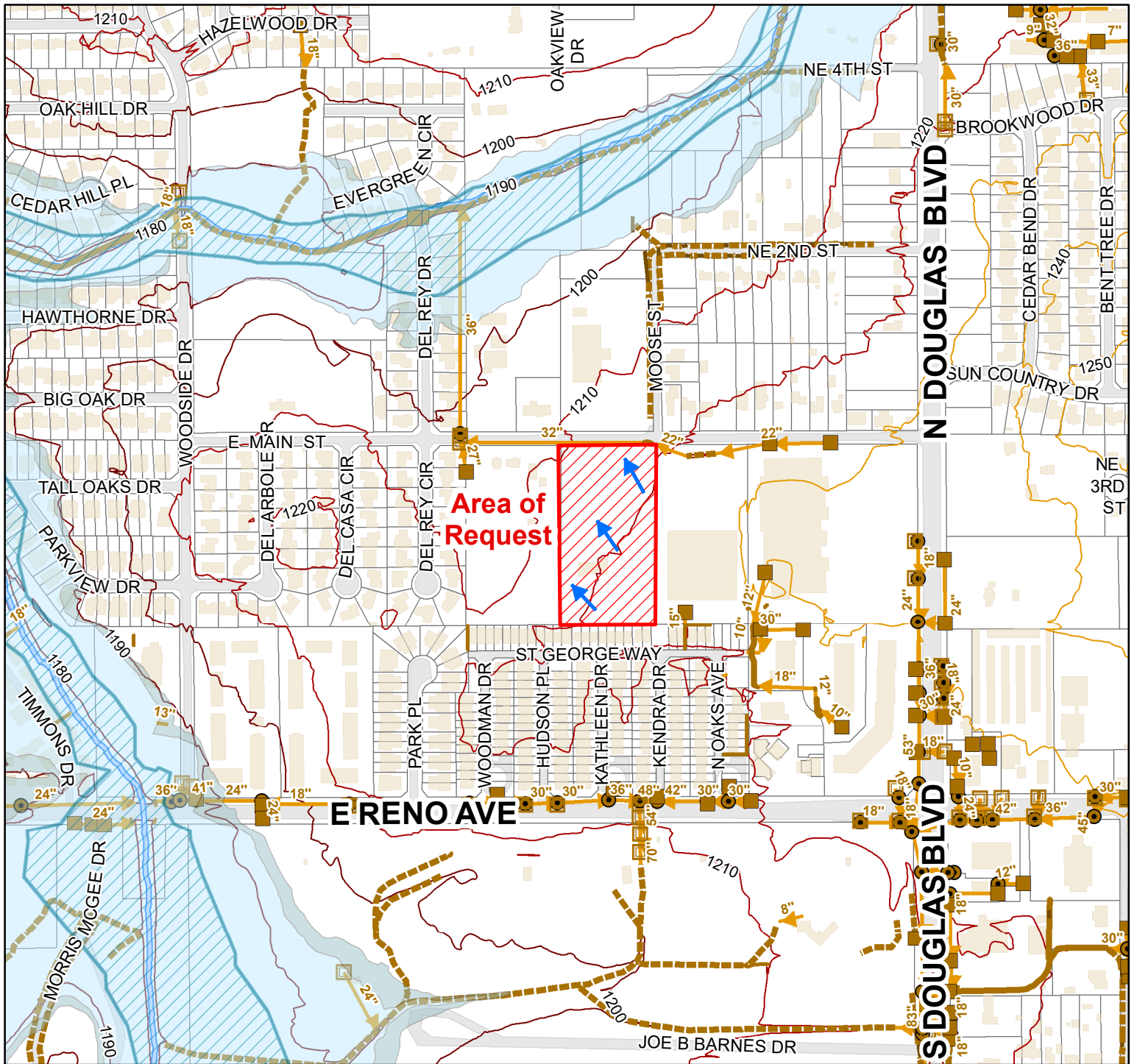
Respectfully,

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

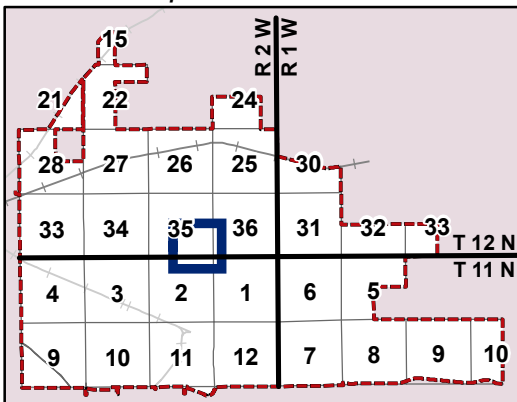
Duane Helmlberger  
Fire Marshal  
Midwest City Fire Department

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.





Locator Map

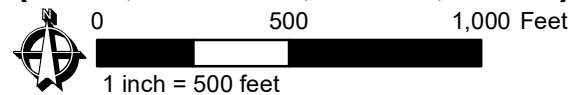


- Drainage Legend**
- Curb Inlets
  - Inlets
  - Junction Box
  - Culverts
  - Flumes
  - Developed Channels
  - Trickle Channels
  - Undeveloped Channels
  - Storm Lines
  - Creeks
- ELEVATION**
- 1166-1204 ft
  - 1204-1228 ft
  - 1228-1250 ft
  - 1250-1278 ft
  - 1278-1324 ft

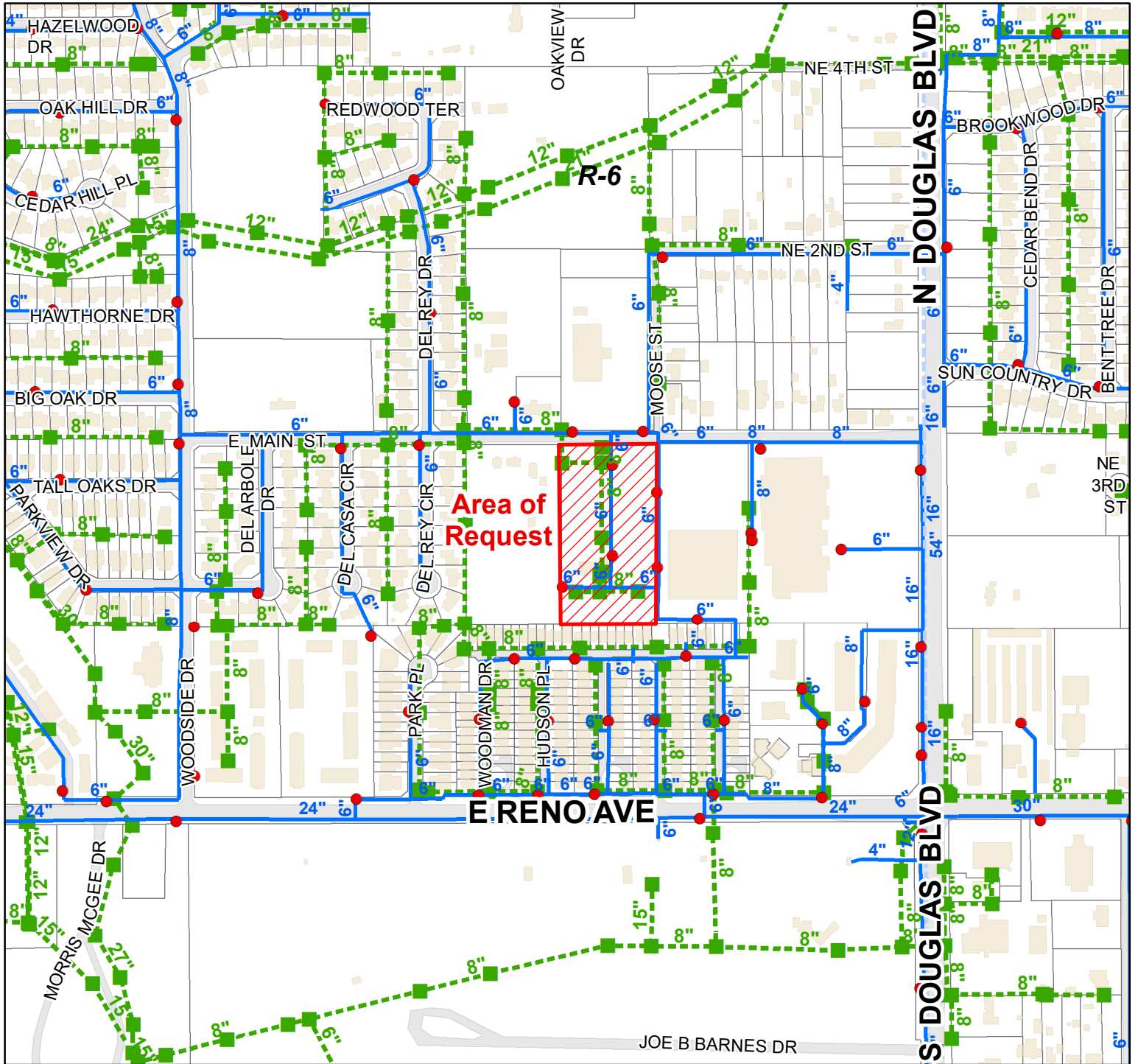
- 2009 FEMA Floodplains**
- 500-yr floodplain
  - 100-yr floodplain
- 2009 FEMA Floodway**
- FLOODWAY

## DRAINAGE LOCATION MAP FOR PC-2097

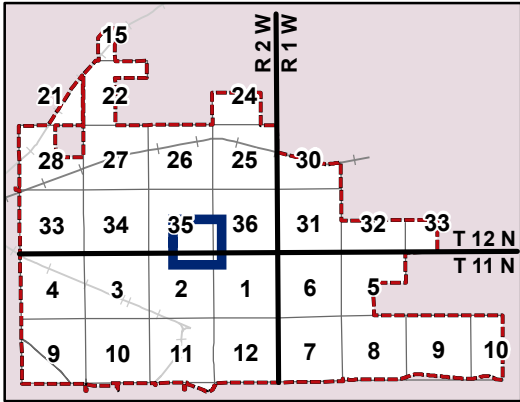
(SE/4, Sec. 35, T12N, R2W)



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Locator Map

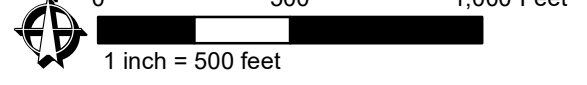


**Water/Sewer Legend**

- Fire Hydrants
- Water Lines
  - Distribution
  - Well
  - OKC Cross Country
  - Sooner Utilities
  - Thunderbird
  - Unknown
- Sewer Manholes
- Sewer Lines

**WATER/SEWER LINE  
LOCATION MAP FOR  
PC-2097**

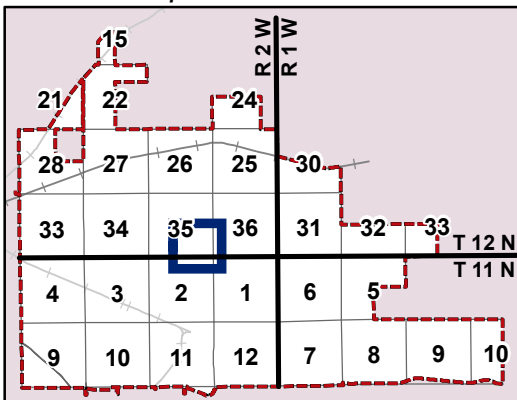
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Locator Map



**3/2020 NEARMAP AERIAL VIEW FOR  
PC-2097  
(SE/4, Sec. 35, T12N, R2W)**



0 500 1,000 Feet



1 inch = 500 feet

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# FINAL PLAT of FREEDOM VILLAS

BEING A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-FIVE  
(35), TOWNSHIP TWELVE (12) NORTH, RANGE TWO (2) WEST OF THE MOHAWK  
MERIDIAN, IN HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA

**OWNER'S CERTIFICATE AND DECLARATION:**

**KNOW ALL MEN BY THESE PRESENTS:**

THAT TRINER VILLAS, L.L.C. AS TO ALL OF THE LAND SHOWN HEREON, HEREBY CERTIFIES THAT IT IS THE OWNER OF, AND THE ONLY PERSON, FIRM OR CORPORATION HAVING TITLE OR INTEREST IN AND TO THE LAND SHOWN ON THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA. IT HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS, AS SHOWN ON SAID FINAL PLAT, WHICH SAID FINAL PLAT REPRESENTS A CAREFUL SURVEY OF ALL PROPERTY INCLUDED THEREIN UNDER THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA, BEING A PART OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION THIRTY-FIVE (35), TOWNSHIP TWELVE (12) NORTH, RANGE TWO (2) WEST OF THE MOHAWK MERIDIAN, CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA.

THEY FURTHER CERTIFY THAT THEY ARE THE OWNERS OF AND THE ONLY PERSONS, FIRMS OR CORPORATIONS WHO HAS ANY HEAT, TITLE OR INTEREST IN THE LAND INCLUDED IN THE ABOVE MENTIONED FINAL PLAT, AND THEY DO HEREBY DEDICATE ALL STREET AND UTILITY EASEMENTS AS SHOWN ON SAID FINAL PLAT TO THE USE OF THE PUBLIC FOR STREETS AND UTILITIES FOR THEIR HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS FOREVER AND HAVE CAUSED THE SAME TO BE RELEASED FROM ALL ENCUMBRANCES SO THAT THE TITLE IS CLEAR, EXCEPT AS SHOWN IN THE ABSTRACTOR'S CERTIFICATE.

SIGNED BY THE OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

TRINER VILLAS, L.L.C.

JOEL BRYANT, MANAGER

STATE OF OKLAHOMA }  
COUNTY OF \_\_\_\_\_ } SS:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, PERSONALLY APPEARED JOEL BRYANT, TO ME KNOWN TO BE THE INDIVIDUAL PERSON WHO SUBSCRIBED THE NAME OF THE MANOR THEREOF TO THE FOREGOING INSTRUMENT AS ITS MANAGER, AND DULY ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED AND AS THE FREE AND VOLUNTARY ACT AND DEED OF SUCH LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH. WHICH UNDER MY HAND AND SEAL, THE DAY YEAR LAST ABOVE WRITTEN.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

MY COMMISSION NO. \_\_\_\_\_

**CERTIFICATION OF PLANNING COMMISSION:**

I, \_\_\_\_\_ CHAIRMAN OF THE PLANNING COMMISSION OF THE CITY OF HINCHEST CITY, OKLAHOMA, HEREBY CERTIFY THAT THE SAID PLANNING COMMISSION DULY APPROVED THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA AT A MEETING HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

CHAIRMAN

**CERTIFICATE OF CITY CLERK:**

I, \_\_\_\_\_ CITY CLERK OF THE CITY OF HINCHEST CITY, OKLAHOMA, HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS OF SAID CITY AND FIND THAT ALL GOVERNED PAYMENTS ON UN-MATURED INSTALLMENTS UPON SPECIAL ASSESSMENT HAVE BEEN PAID IN FULL, AND THAT THERE ARE NO SPECIAL ASSESSMENT PROCEDURES NOW PENDING AGAINST THE LAND SHOWN ON THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA.

SIGNED BY THE CITY CLERK THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CITY CLERK

**ADOPTANCE OF DEDICATION BY CITY COUNCIL:**

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HINCHEST CITY THAT THE DEDICATION SHOWN ON THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA, IS HEREBY ACCEPTED.

ADOPTED BY THE COUNCIL OF THE CITY OF HINCHEST CITY THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

CITY CLERK

**COUNTY TREASURER'S CERTIFICATE:**

I, \_\_\_\_\_ DO HEREBY CERTIFY THAT I AM THE DULY QUALIFIED COUNTY TREASURER OF OKLAHOMA COUNTY AND THAT THE TAX RECORDS OF SAID COUNTY SHOW THAT ALL TAXES FOR THE YEAR 20\_\_\_\_ AND PRIOR YEARS ARE PAID ON THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA, THAT THE REQUIRED STATUTORY SECURITY HAS BEEN DEPOSITED IN THE OFFICES OF THE COUNTY TREASURER GUARANTEEING THE CURRENT YEAR'S TAXES.

IN WITNESS WHEREOF SAID COUNTY TREASURER HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

COUNTY TREASURER

**BONDED ABSTRACTOR'S CERTIFICATE:**

THE UNDERSIGNED, A DULY QUALIFIED AND LAWFULLY BONDED ABSTRACTOR OF TITLES IN AND FOR OKLAHOMA COUNTY AND STATE OF OKLAHOMA, HEREBY CERTIFY THAT THE RECORDS OF SAID COUNTY SHOW THAT THE TITLE TO THE LAND SHOWN ON THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA, IS KEPT IN TRINER VILLAS, L.L.C. AS TO ALL OF THE LAND SHOWN THEREIN, AND ACTIONS PENDING OR ADJUDICATED IN ANY COURT OF OR ON FILE WITH THE CLERK THEREOF, THAT THE LANDS ARE PAID FOR THE YEAR 20\_\_\_\_ AND PRIOR YEARS, THAT THERE ARE NO OUTSTANDING TAX SALES CERTIFICATES AGAINST SAID LAND AND NO TAX DEEDS ARE ISSUED TO ANY PERSON, THAT THERE ARE NO LIENS OR OTHER ENCUMBRANCES OF ANY KIND AGAINST THE LAND INCLUDED IN THE FINAL PLAT, EXCEPT MORTGAGES, RIGHTS OF WAY, EASEMENTS, WATER RIGHTS, AND SPECIAL CONVEYANCES OF RECORD.

IN WITNESS WHEREOF, SAID BONDED ABSTRACTOR HAS CAUSED THIS INSTRUMENT TO BE EXECUTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

STEWART TITLE OF OKLAHOMA, INC.

ABSTRACTOR

**PROFESSIONAL LAND SURVEYOR'S CERTIFICATE:**

I, TROY DEE, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE FINAL PLAT OF FREEDOM VILLAS, AN ADDITION TO THE CITY OF HINCHEST CITY, OKLAHOMA COUNTY, OKLAHOMA, CONSISTING OF 11 LOTS, REPRESENTS A CAREFUL SURVEY MADE UNDER MY SUPERVISION ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AND THAT THE PLAT OF SURVEY IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST.

I FURTHER CERTIFY THAT THIS PLAT OF SURVEY MEETS THE OKLAHOMA MERIDIAN STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, AND THAT SAID FINAL PLAT COMPLES WITH THE REQUIREMENTS OF TITLE 11 SECTION 41-108 OF THE OKLAHOMA STATE STATUTES.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

TROY DEE, P.L.S. NO. 1745

GOLDEN LAND SURVEYING

STATE OF OKLAHOMA }  
COUNTY OF CANADIAN } SS:

BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC WITHIN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED TROY DEE, TO ME KNOWN TO BE THE INDIVIDUAL PERSON WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_ NOTARY PUBLIC

MY COMMISSION NO. \_\_\_\_\_



7304 HWY 164th St., Suite #S, Edmond, Oklahoma 73013  
Call 781 / Fax 46309707  
Telephone: (405) 802-7883 Job No-20216 [www.goldenls.com](http://www.goldenls.com)



# FINAL PLAT OF FREEDOM VILLAS

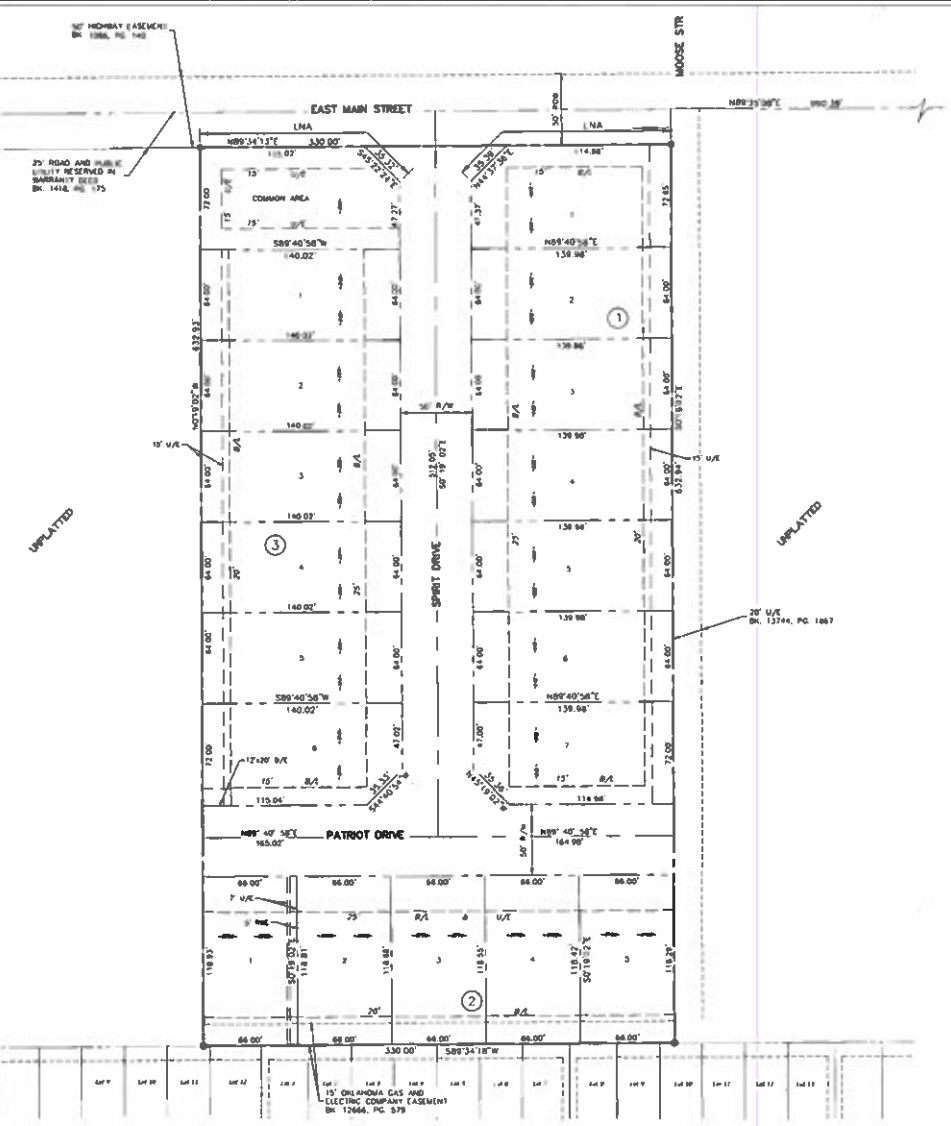
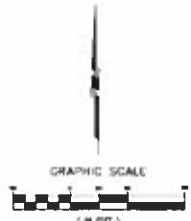
BEING THE WEST HALF (1/2) OF THE NORTHWEST QUARTER (1/4) OF THE  
SOUTHWEST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF THE  
SECTION THIRTY-TWO (32), TOWNSHIP TWELVE (12) NORTH, RANGE TWO (2)  
WEST OF THE MERIDIAN, IN OKLAHOMA COUNTY, OKLAHOMA.

DEVELOPER:  
FREEDOM VILLAS, LLC  
JESSICA M. BUCKENHORN SURVEY (100)  
TULSA, OK 74104  
(405) 841-5878

OWNER:  
GRUBBS CONSULTING, LLC  
1800 S. SARA ROAD  
TULSA, OKLAHOMA 74109  
(405) 283-0841

SUBDIVISION CONTAINS:  
GROSS SUBDIVISION AREA: 4.78 ACRES  
NUMBER OF LOTS: 18  
NUMBER OF DUPLEX UNITS: 36  
COMMON AREA: 0.22 ACRES  
CURRENT ZONING: R-4

- CA = COMMON AREA
- B/L = BUILDING LINE
- U/E = PUBLIC UTILITY EASEMENT
- R/W = RETAINING WALL EASEMENT
- PO = PRIVATE DRIVE/ACCESS EASEMENT
- PD = PUBLIC DRAINAGE EASEMENT
- SE = RIGHT OF WAY EASEMENT
- LMA = LIMITS OF HO ACCESS
- = FOUND 3/4 BAR W/ CAP UNLESS OTHERWISE NOTED
- = SET 3/4 BAR W/ CAP STAMPED "TULSA OK 5313" UNLESS OTHERWISE NOTED
- ◆ = SET 3/4 BAR W/ BANDS STAMPED "TULSA OK 5313" UNLESS OTHERWISE NOTED

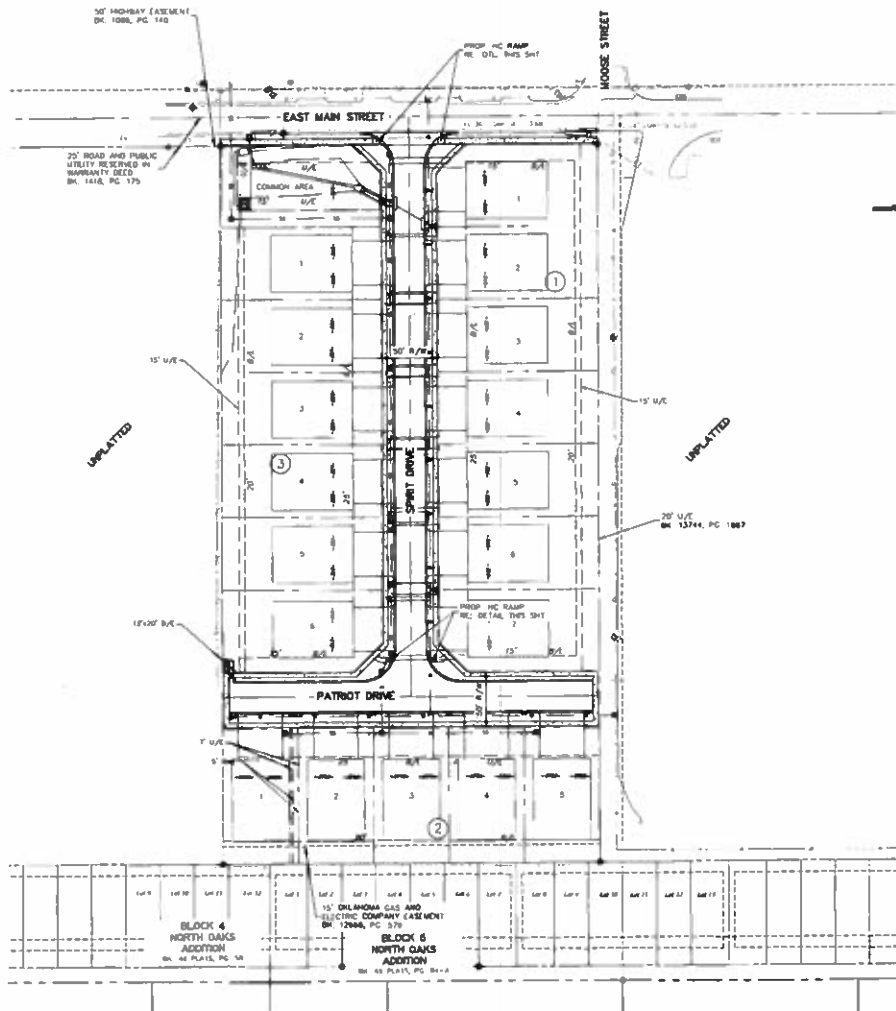


NOTE: BUILDER/OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK ALONG EACH INDIVIDUAL LOT FRONTAGE ADJACENT PUBLIC ROW PRIOR TO ISSUANCE OF C.D. LOT 1, BLOCK 2, LOT 3, BLOCK 2; LOT 7, BLOCK 1; AND LOT 8, BLOCK 3 SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF ASSOCIATED SIDEWALK TO THE CENTERLINE OF PATRIOT DRIVE AT END OF THE STREET STUMPS PRIOR TO THE ISSUANCE OF A C.D. FOR SAID LOTS. DEVELOPER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK ALONG ALL COMMON AREAS ADJACENT PUBLIC ROW PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS.

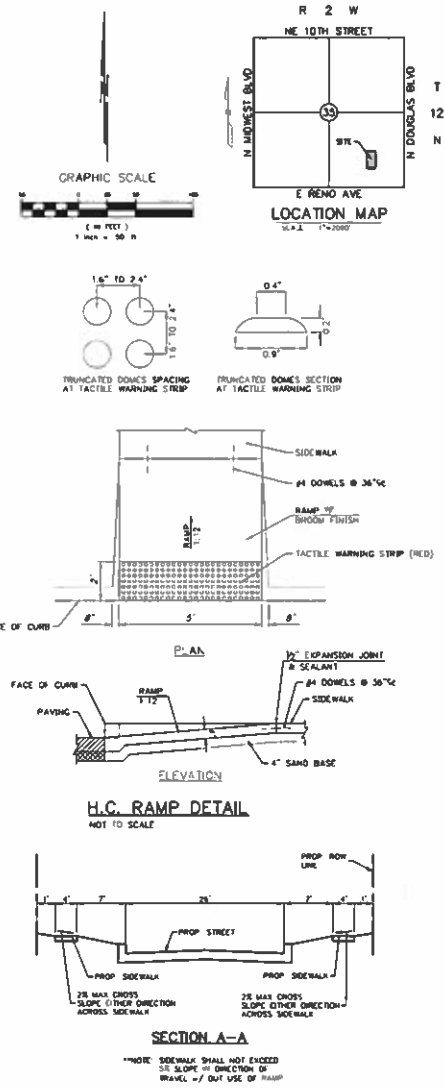
**GOLDEN**  
**LAND SURVEYING**

7304 NW 16th St., Suite #3, Edmond, Oklahoma 73013  
C.A.# 7263 / Exp. Date: 4/29/2023  
Telephone: (405) 802-7883 Job No: 20216 Troy@goldens.com

**GRUBBS CONSULTING, LLC**  
CIVIL ENGINEERING & LAND PLANNING  
1800 S. Sara Road  
Tulsa, OK 74109  
Phone: (405) 283-0841  
Fax: (405) 283-0840  
OKLAHOMA CONSULTING ENGINEERS CERTIFICATE OF AUTHORIZATION NO. 0114-01-00-0002



NOTE: BUILDER/LOT OWNER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK ALONG EACH INDIVIDUAL LOT FRONTAGE ABUTTING PUBLIC ROW PRIOR TO ISSUANCE OF C.O. LOT 1, BLOCK 2, LOT 3, BLOCK 2; LOT 7, BLOCK 1, AND LOT 8, BLOCK 3 SHALL BE RESPONSIBLE FOR THE CONSTRUCTION OF ASSOCIATED SIDEWALK TO THE CENTERLINE OF PATRIOT DRIVE AT END OF THE STREET STUBS PRIOR TO THE ISSUANCE OF A C.O. FOR SAID LOTS. DEVELOPER SHALL BE RESPONSIBLE FOR CONSTRUCTION OF SIDEWALK ALONG ALL COMMON AREAS ABUTTING PUBLIC ROW PRIOR TO ACCEPTANCE OF PUBLIC IMPROVEMENTS.



**RUBIS CONSULTING, LLC**  
 ENGINEERING & LAND PLANNING  
 1000 N. W. 10th St., Suite 100  
 Ft. Lauderdale, FL 33304  
 Phone: (954) 561-1111  
 Fax: (954) 561-1112



**FREEDOM VILLAS**  
 8312 EAST MAIN STREET  
 MOBILE CITY, OKLAHOMA CO., OKLAHOMA  
**ADA SIDEWALK PLAN**

NO.	DATE	REVISIONS DESCRIPTION

Drawn by: JK  
 Checked by: CS  
 Approved by: CS

SHEET NUMBER  
**P4**



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** (PC-2098) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from C-1, Restricted Commercial to PUD, Planned Unit Development, governed by the C-1, Restricted Commercial and R-6, Single Family Detached Residential districts, and a resolution to amend the Comprehensive Plan from PSP, Public/Semi-Public to COM, Commercial and LDR, Low Density Residential, subject to staff comments, for the property described as a part of the SW/4 of Section 36, T12N, R2W, addressed as 9035 E. Reno Ave.

**Executive Summary:** This request is to rezone the property from C-1, Restricted Commercial to a PUD governed by C-1, Restricted Commercial and R-6, Single Family Detached Residential. The property was rezoned from single family residential to restricted commercial in 1981. Following approval of that application, the structure was converted from residential to commercial. The applicant has met with staff and asked about using the structure for both single family residential and restricted commercial use. No base zoning districts in Midwest City allow for both residential and commercial use which is the purpose for this PUD application. If approved, the applicant will convert a portion of the interior of the existing structure into a residence. A remodel and trade permits will be required prior to occupancy as a residence. No special development regulations are being requested. Any commercial use of the property must be a use allowed by right in the C-1 district. As of this writing, staff has not received protest to the rezoning. Action is at the discretion of the City Council.

**Dates of Hearing:** Planning Commission – October 5, 2021  
City Council – October 26, 2021

**Council/Ward:** Ward 3 – Española Bowen

**Applicant:** Bonnie Patterson

**Owner:** Randy Patterson

**Proposed Use:** One (1) single family residence and commercial within an existing structure.



**Size:**

The area of request contains approximately 117.5' of frontage on E. Reno Ave. and contains an area of approximately 20,037 sq. ft.

**Zoning Districts:**

Area of Request – C-1, Restricted Commercial

North and West – C-3, R-6, Single Family Detached Residential with a Special Use Permit for a church

South – R-HD, High Density Residential and C-1, Restricted Commercial

East – R-6, Single Family Detached Residential and C-1, Restricted Commercial

**Land Use:**

Area of Request – Commercial structure

North and West – Church

East – Office

South – Medical clinic and duplexes



**Comprehensive Plan Citation:**

Commercial

Areas designated for commercial land use are intended for a variety of commercial uses and establishments with outside storage, display and sales. Examples of such uses include automobile-related services, manufactured home sales, self-storage units, welding shops, and pawnshops. Commercial uses often located along major thoroughfares not because they need the visibility, as retail uses generally do, but because they need the accessibility. The challenge lies in the face that commercial uses often have a greater need for outside storage areas and these areas tend to lessen the visual quality of major thoroughfares.

**Municipal Code Citation:**

2.25 PUD, Planned Unit Development

2.25.1 General Provisions

The planned unit development, herein referred to as PUD, is a special zoning district category that provides an alternate approach to conventional land use controls to produce unique, creative, progressive, or quality land developments.

The PUD may be used for particular tracts or parcels of land that are under common ownership and are to be developed as one unit according to a master development plan.

The PUD is subject to special review procedures within the PUD application and review and once approved by the City Council it becomes a special zoning classification for the property it represents.

2.25.2 Intent and Purpose

The intent and purpose of the PUD provisions are as follows:

(A) Innovative land development

Encourage innovative land development while maintaining appropriate limitations on the character and intensity of use, assuring compatibility with adjoining and proximate properties, and following the guidelines of the comprehensive plan.

(B) Flexibility within developments

Permit flexibility within the development to maximize the unique physical features of the particular site.

(C) Efficient use of land

Encourage efficient use of land, facilitate economic arrangements of buildings and circulation systems, and encourage diversified living environments and land uses.

(D) Function, design and diversity

Achieve a continuity of function and design within the development and encourage diversified living environments and land uses.

(E) Modifications to development requirements

Provide a vehicle for negotiating modifications in standard development requirements in order to both encourage innovative development and protect the health, safety and welfare of the community.

**History:**

1. (PC-545) – This property was rezoned from R-1, single family residential to C-1, Restricted Commercial in 1981.
2. The Planning Commission recommended approval of this item October 5, 2021.

**Staff Comments:**

**Engineer's report:**

Note: No engineering improvements are required with this application.

Water Supply and Distribution

There is a thirty (30) inch public water mains bordering the proposed parcel along the south side of Reno Avenue. Note that this main may be under Reno Avenue which will require additional patching to access the waterline for future improvements. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

Sanitary Sewerage Collection and Disposal

There is an eight (8) inch public sanitary sewer immediately adjacent to this parcel. Any new building permit will require tie into the public sewer system as outlined in Municipal Code 43-109.

Streets and Sidewalks

Access to the area of request exists off Reno Avenue. In the 2008 Comprehensive Plan Reno Avenue is listed as a Secondary Arterial. Existing drives will be allowed but any future modification will require to come into compliance with current City code.

Sidewalk across the frontage of Reno Avenue has already been designed and will be constructed as part of a future federal aid project; scheduled in 2022.

Drainage and Flood Control, Wetlands, and Sediment Control

The area of request is shown to be in an "Area of Minimal Flood Hazard" on Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009.

Detention will be required with a building permit and tie to the existing underground storm system at the greatest extent possible. Future development will need to take existing conditions under consideration.

Easements and Right-of-Way

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

**Fire Marshal's report:**

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

- Proper separation ratings will be required between the two different classifications of occupancy.

- Fire protection system requirements may be required depending on the use of the commercial space. The applicant was not sure on what the end use will be, thus potentially changing fire protection requirements.

**Plan Review Comments:**

This Planned Unit Development, PUD, is being requested so that the applicant may use the single existing structure as both a residence and for commercial use. None of the base zoning districts within the Midwest City Zoning Ordinance allow both residential and commercial use. A PUD, if approved by Council, may be governed by multiple underlying base zoning districts. This PUD is to be governed by the R-6, Single Family Detached Residential and C-1, Restricted Commercial districts.

The structure was originally built for and used as a single family dwelling unit. In 1981, the property owner applied to rezone the property to C-1. That request was approved and the structure was converted to a commercial space.

The applicant for this request does not propose any new structures or any additions to the existing structure. She would like to convert a portion of the interior of the existing structure to a residence and leave the remaining area for restricted commercial use.

All uses currently allowed in the C-1 district would continue to be allowed under this PUD.

If approved, a remodel and all necessary trade permits would be required to be pulled for the conversion of the residential portion of the structure. All required inspections must be approved prior to occupancy of the structure as a residence. As noted in the Fire Marshal's comments, separation may be required between the residential and commercial portions of the structure. The applicant will need to meet with the Fire Marshal to determine the appropriate course of action.

Action is at the discretion of the City Council.

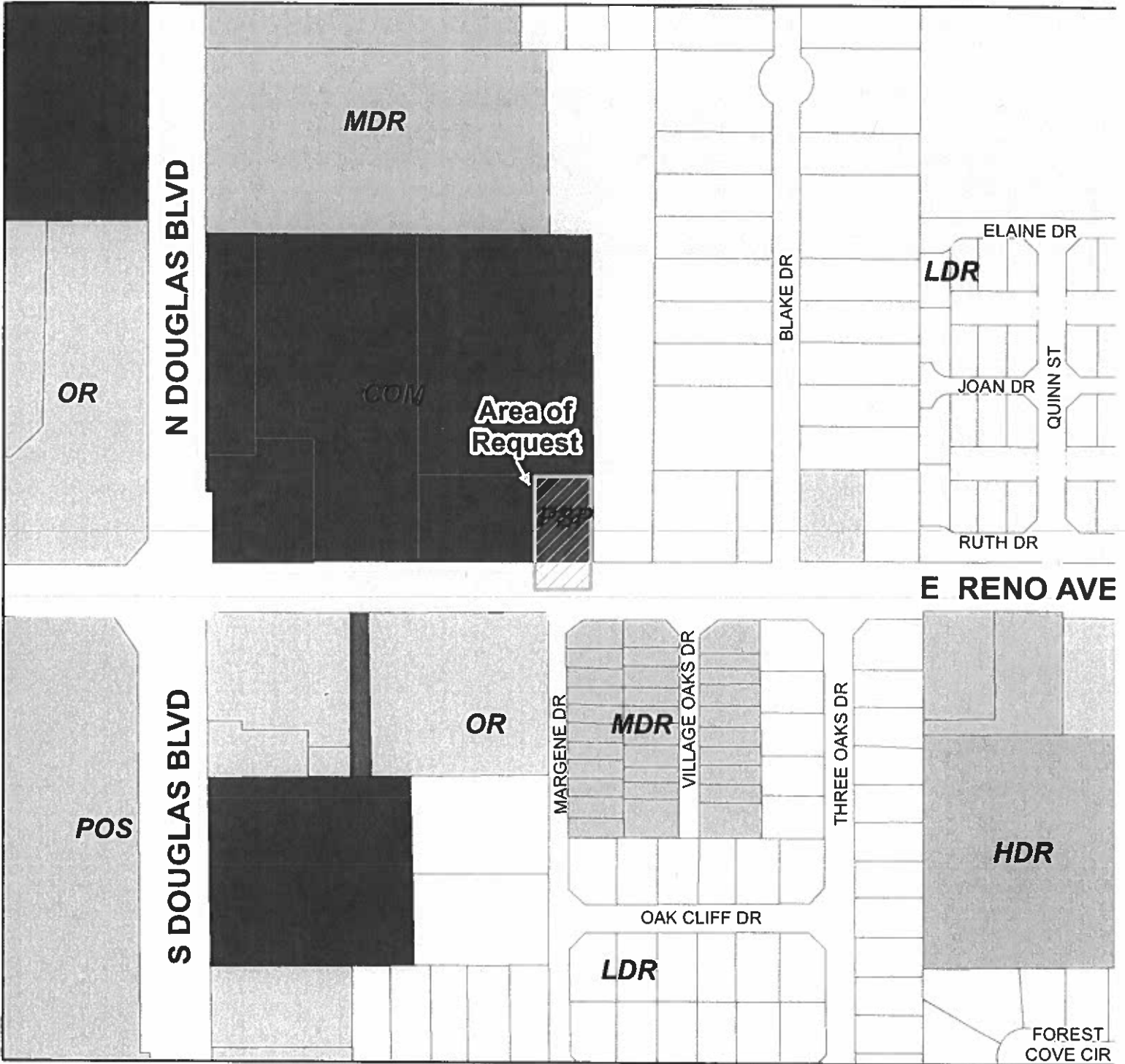
**Action Required:**

Approve or reject the ordinance to redistrict to PUD and the resolution to amend the Comprehensive Plan for the property as noted herein, subject to staff's comments as found in the October 26, 2021 agenda packet and made a part of PC-2098 file.

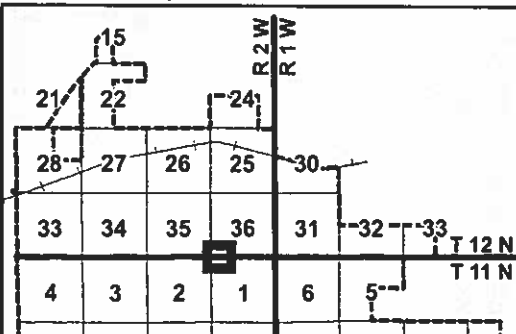


Billy Harless,  
Community Development Director

KG



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

**FUTURE LAND USE**

**MAP FOR  
PC-2098**

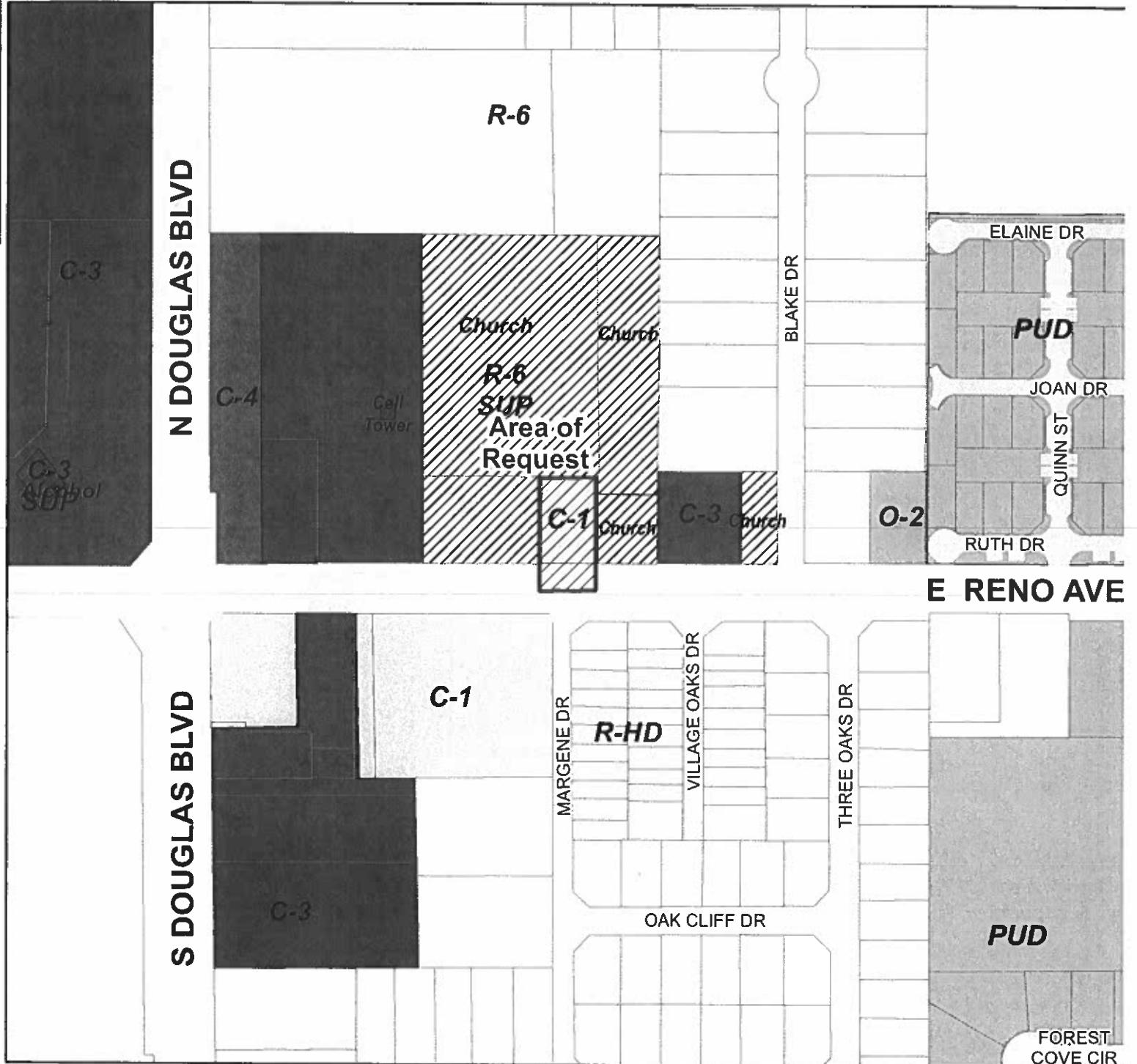
**(SW/4, Sec. 36, T12N, R2W)**



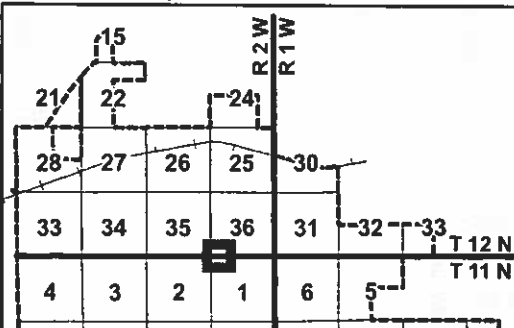
0 250 500 Feet

1 inch = 250 feet

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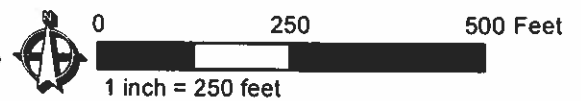
Locator Map



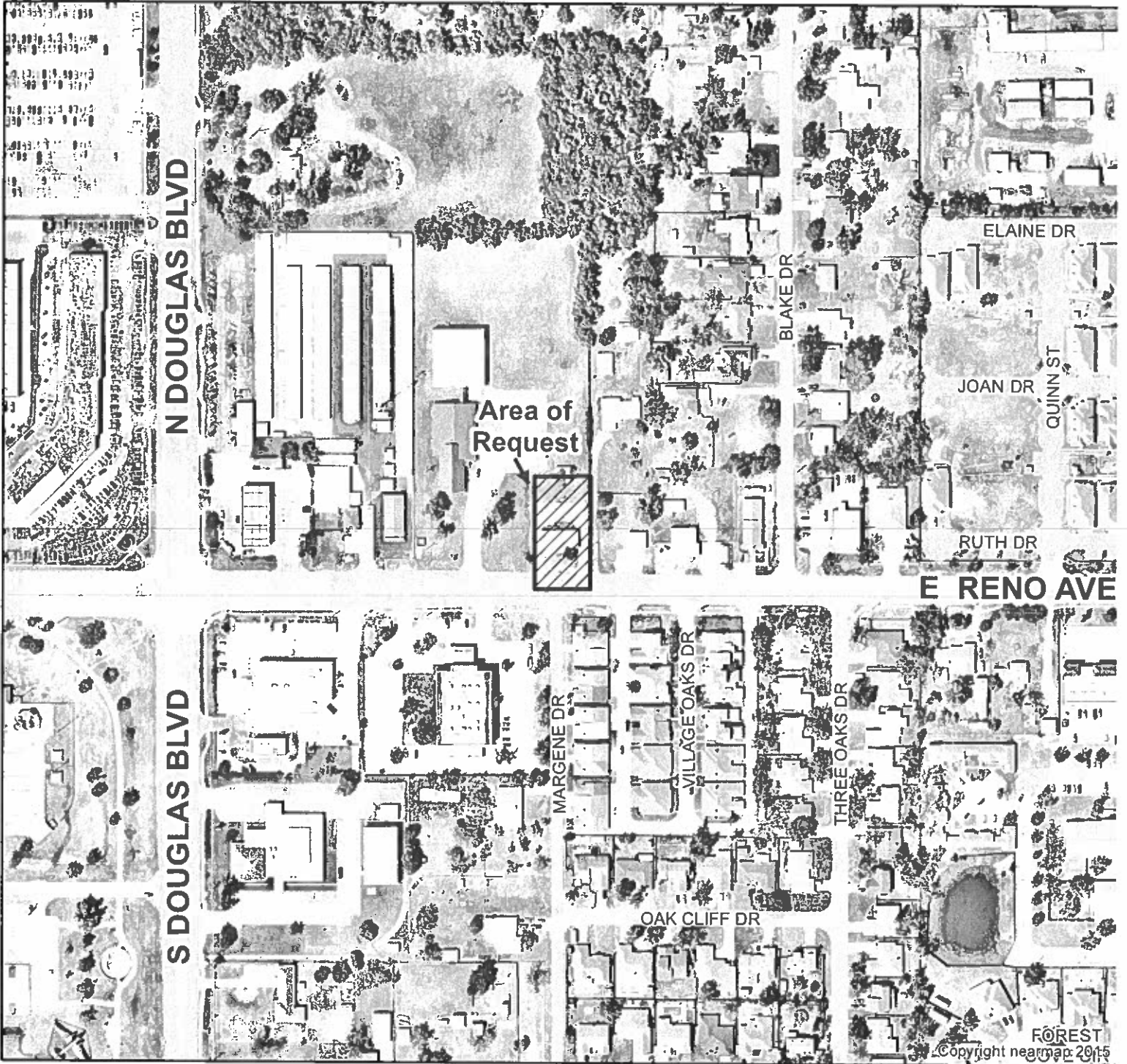
Current Zoning Legend


**ZONING MAP FOR  
PC-2098**

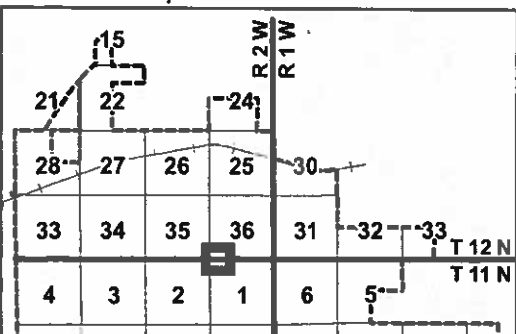
(SW/4, Sec. 36, T12N, R2W)



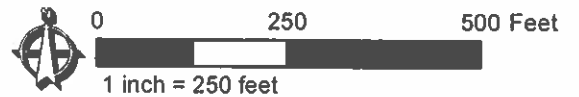
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Locator Map



**4/2021 NEARMAP AERIAL VIEW FOR  
PC-2098  
(SW/4, Sec. 36, T12N, R2W)**



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## Midwest City Fire Marshal's Office

8201 E Reno Avenue, Midwest City, OK 73110  
[dhelmberger@midwestcityok.org](mailto:dhelmberger@midwestcityok.org) Office: 405-739-1355  
[www.midwestcityok.org](http://www.midwestcityok.org)



Re: PC - 2098

Date: 20 September 2021

PC-2098 is a request to rezone the parcel at 9035 E Reno from C-1, restricted commercial, to a PUD governed by C-1 and R-6. The applicant would like to use the structure as both a residence and office.

- The property is required to meet and maintain the requirements of Midwest City Ordinances Section 15.
- Proper separation ratings will be required between the two different classifications of occupancy.
- Fire protection system requirements may be required depending on the use of the commercial space. The applicant was not sure on what the end use will be, thus potentially changing fire protection requirements.

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 20<sup>th</sup>, 2021

Subject: Engineering staff comments for pc-2098 application

### **ENGINEERING STAFF CODE CITATIONS AND COMMENTS - PC-2098:**

Note: No engineering improvements are required with this application.

#### **Water Supply and Distribution**

There is a thirty (30) inch public water mains bordering the proposed parcel along the south side of Reno Avenue. Note that this main may be under Reno Avenue which will require additional patching to access the waterline for future improvements. Any new building permit will require tie into the public water system as outlined in Municipal Code 43-32.

#### **Sanitary Sewerage Collection and Disposal**

There is an eight (8) inch public sanitary sewer immediately adjacent to this parcel. Any new building permit will require tie into the public sewer system as outlined in Municipal Code 43-109.

#### **Streets and Sidewalks**

Access to the area of request exists off Reno Avenue. In the 2008 Comprehensive Plan Reno Avenue is listed as a Secondary Arterial. Existing drives will be allowed but any future modification will require to come into compliance with current City code.

Sidewalk across the frontage of Reno Avenue has already been designed and will be constructed as part of a future federal aid project; scheduled in 2022.

#### **Drainage and Flood Control, Wetlands, and Sediment Control**

The area of request is shown to be in an "Area of Minimal Flood Hazard" on Flood Insurance Rate Map (FIRM) number 40109C0330H, dated December 18th, 2009.

Detention will be required with a building permit and tie to the existing underground storm system at the greatest extent possible. Future development will need to take existing conditions under consideration.

#### **Easements and Right-of-Way**

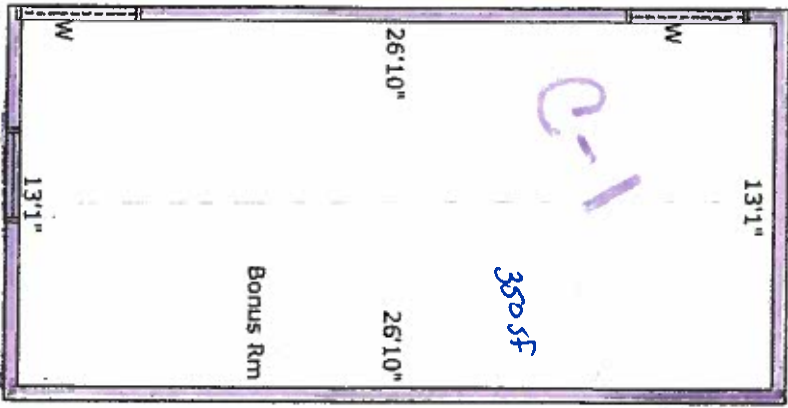
No further easements or right of way would be required with this application.



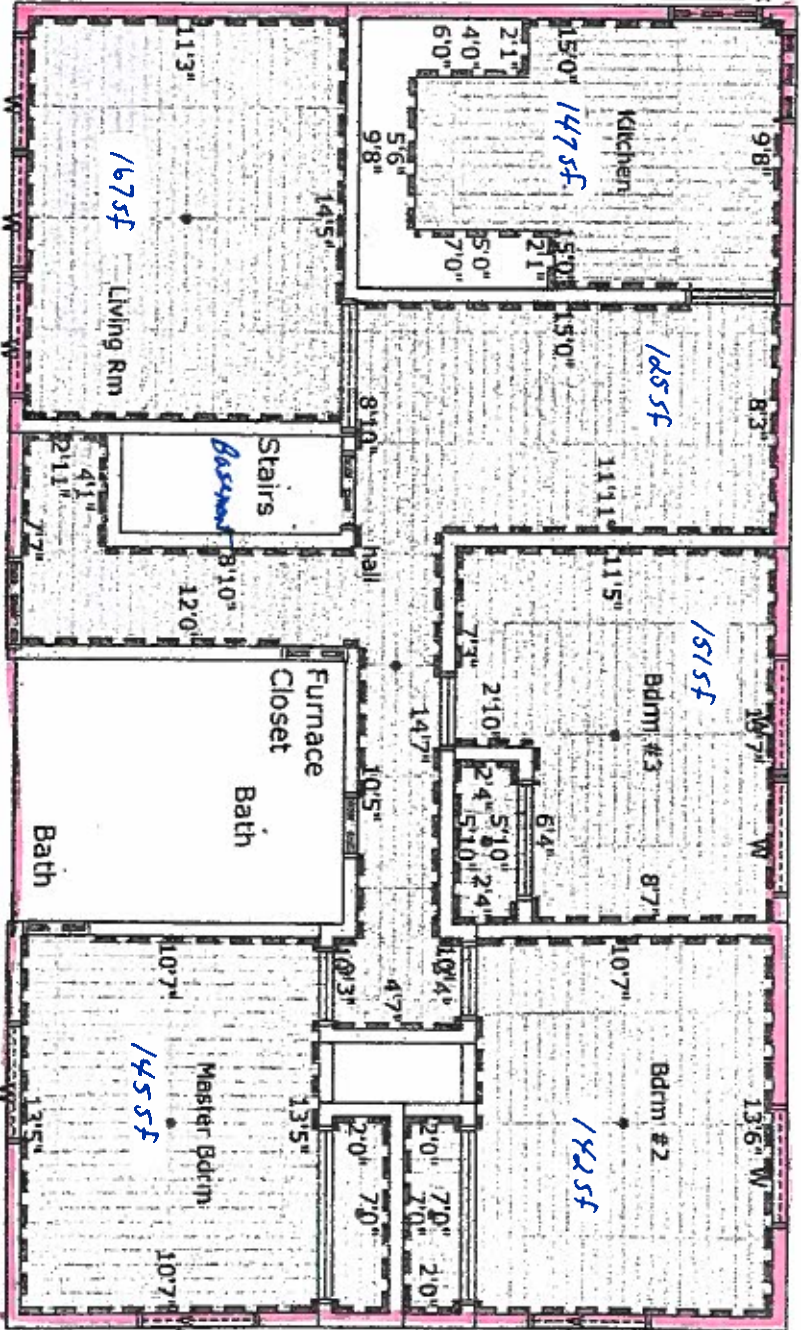
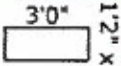
R-6

back door

Address 9035 e reno



front door



front door



Grassy Area

Stockade fence

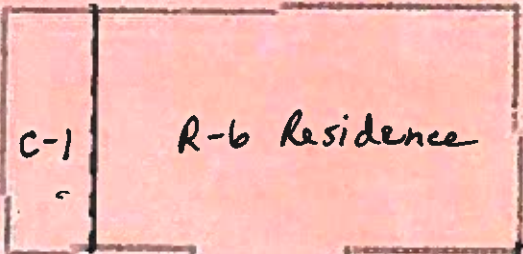
Paved Area **9035**

1 2 3 4 5 6 7 spots

(Parking)

Church

Paved Exit



Paved entrance

Handicap spot + ramp (paved)

Tree

(Grass) French Drain



E RENO AVE



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT  
CURRENT PLANNING DIVISION

### Planned Unit Development

The following is to be used if the request is for a Simplified Planned Unit Development. If this request is not for a Simplified Planned Unit Development, do not complete the next 2 pages.

This document serves as the DESIGN STATEMENT and fulfills the requirement for the SPUD. The Special Development Regulations section of the form must be completed in its entirety. If the applicant proposes additional, more restrictive, design criteria than established in the Special Development Regulations, please elaborate under Other Development Regulations.

#### A. Special Development Regulations

1. List of the owners and/or developers: Randy P. Patterson
2. Please list the adjoining land uses, both existing and proposed.  
North: Connect Church Property - mostly land  
South: Quick Med Clinic and Duplex Style houses  
East: Connect Church Property - mostly land  
West: Vacant business near Reno and a house to the rear of property
3. Please list the use or uses that would be permitted on the site.  
Mixed Use - Single Family Residential (R-6) and Restricted Commercial (C-1) in the same structure. (Existing Building)
4. This site will be developed in accordance with the Development Regulations of the \_\_\_\_\_  
Existing zoning district.
5. Please list all applicable special development regulations or modified regulations to the base zoning district: Existing
6. Please provide a statement of the existing and proposed streets, including right-of-way standards and street design concepts: Existing Street - Reno Ave.
7. Please describe the physical characteristics of the following:  
Sight-proof screening proposed: Existing Stockade fence where abutting residential  
  
Landscaping proposed: Replace dying tree in the front yard and add shrubs and flower pots.



The City of  
**MIDWEST CITY**  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 CURRENT PLANNING DIVISION

Signs proposed: Monument Sign - Location shown on Site Plan

Area of open space proposed: Existing

Proposed access points: Existing - Two access points from East Reno Ave.

Drainage information: French drain (existing) along with city sewer system

8. Existing or proposed building size: Existing 1708 sq ft.  
 Maximum building height: One Story  
 Number of existing or proposed buildings: \_\_\_\_\_  
 Building setbacks – Front: 25' building line  
 Sides: Existing  
 Rear: Existing

9. Please provide a description of the proposed sequence of development.  
Existing Structure No Future Developments Proposed  
See Attached Design Statement

- B. Other Development Regulations**  
 Please list any other amenities or controls included in the SPUD: \_\_\_\_\_  
See Attached Design Statement

- C. Master Plan Map (attached)**  
 Exhibit A: See Attached Design Statement

This site will be developed in accordance with the Master Development Plan Map as submitted to the City of Midwest City for approval in conjunction with this request.

*Bonnie L. Patterson*

Signature

*8/26/21*

Date

## INTRODUCTION

The Planned Unit development that I am seeking is for a unique property located at 9025 E. Reno in Midwest City. The property was originally built as a single family residence in 1962. The property was then purchased by my father-in-law, Bob Patterson, in 1994. At that time it was converted into an Accounting Office for David Clampitt, CPA. The zoning was changed to C-1 after necessary modifications were made to satisfy the requirements of that commercial use.

On the outside, a parking lot was paved behind the building with 7 striped parking spots, a handicap ramp was installed in front along with a designated handicap space, an entrance and exit curb cut were made to allow easy access into and out of the parking area, and a French drain was installed to comply with drainage requirements. On the inside other required modifications were made and all the bedrooms, the dining room and the converted garage area were used as separate offices spaces. The kitchen, living room and bathrooms were used as shared community spaces for the accounting office.

David occupied the building for 25 years and in October of 2020 he relocated to a bigger office in the Woodlands. We have been attempting to lease the property to another commercial tenant since that time with no success. Apparently, many commercial spaces/buildings are vacant due to the business failures experienced during the pandemic. And I fear that they will continue to remain vacant during this slow economic recovery period.

So, in order to find an acceptable use for the property and be able to provide revenue for our ongoing expenses, I am proposing a mixed zoning arrangement that would allow us to rent the property as a residence to a small business owner who will also use part of the structure for business purposes. Essentially, living and working in the same building but in designated areas. (Please see attached drawings Exhibit A) The living spaces (zoned R-6) would include the entire house with the exception of the converted garage. The garage space (zoned C-1) would be the commercial part of the building.

From the drawing, one can see that there is a separate entrance to the proposed commercial space (with the handicap ramp) and stairs and a door separating it from the proposed residential space. The commercial space would be approximately 350 square feet. A small administrative office or shop or something similar would be a perfect use of the space. I envision very limited traffic flow and no disturbances to the neighboring property owners. Since the previous tenant left, the interior of the building, (which still resembles a house), has been refreshed with new paint, flooring, ceiling fans, etc. It will be a perfect rental for a small business owner to occupy

In 2020, when many people were required to work from home, we have all been challenged to rethink our concept of work spaces and living spaces to accommodate this new "normal". Item 2.25.2 outlining the purpose of the PUD clearly "encourages innovative land developments and flexibility within developments as well as diversified living environments and land uses" I submit that this unique property offers the best of both worlds and satisfies the intent of the PUD in

Midwest City's ordinances to "maximize the unique physical features of this particular site". I hope to be granted a mixed use zoning to make this proposal a reality.

#### PROPOSED COMMERCIAL USES FOR THE PUD

As a starting point I want to be clear that what I envision for the future of this property, should the PUD be granted, is a very limited type of commercial use in conjunction with the residence. Upon looking through the uses that are allowed in a C-1 zoning, the following ones seemed most practical and workable given the size and nature of the commercial space. (which is basically the size of a garage -350 sq ft). Below is a list of uses that I wish to include in my PUD:

- 4.4.1 Administrative and Professional Office
- 4.4.6 Animals Grooming and Sales
- 4.4.15 Building Maintenance and Supplies
- 4.4.16 Business and Support Services
- 4.4.17 Childcare and Adult Care
- 4.4.21 Convenience Sales and Personal Services
- 4.4.45 Personal Services Restricted
- 4.4.47 Personal Storage
- 4.4.48 Repair Services : Consumer
- 4.4.50 Retail Sales and Services : General
- 
-

1 **PC-2098**

2 **ORDINANCE NO. \_\_\_\_\_**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**  
4 **DESCRIBED IN THIS ORDINANCE TO PUD, PLANNED UNIT DEVELOPMENT,**  
5 **AND DIRECTING AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP TO**  
6 **REFLECT THE RECLASSIFICATION OF THE PROPERTY’S ZONING DISTRICT;**  
7 **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 PUD, Planned Unit Development, subject to the conditions contained in the PC-2098 file, and  
12 that the official Zoning District Map shall be amended to reflect the reclassification of the prop-  
13 erty’s zoning district as specified in this ordinance:

14 The unplatted part of the SW/4 of Section 36, T12N, R2W, Beginning 632.02 FT E of the  
15 SW/C of the SW/4 Thence N200FT, S200FT, W100FT to the Point of Beginning.

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

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

21 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,  
22 on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

23 THE CITY OF MIDWEST CITY, OKLA-  
24 HOMA

25 \_\_\_\_\_  
26 MATTHEW D. DUKES II, Mayor

27 ATTEST:

28 \_\_\_\_\_  
29 SARA HANCOCK, City Clerk

30 APPROVED as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

31 \_\_\_\_\_  
32 DONALD MAISCH, City Attorney

PC-2098

RESOLUTION NO. 2021-\_\_\_\_\_

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN MAP CLASSIFICATION FROM PSP, PUBLIC/SEMI-PUBLIC TO COMM, COMMERCIAL AND LDR, LOW DENSITY RESIDENTIAL FOR THE PROPERTY DESCRIBED IN THIS RESOLUTION WITHIN THE CITY OF MIDWEST CITY, OKLAHOMA.

**WHEREAS**, the Comprehensive Plan Map of Midwest City, Oklahoma shows the following described property identified as PSP, Public/Semi-Public:

The unplatted part of the SW/4 of Section 36, T12N, R2W, Beginning 632.02 FT E of the SW/C of the SW/4 Thence N200FT, S200FT, W100FT to the Point of Beginning.

**WHEREAS**, it is the desire of the Midwest City Council to amend the classification of the referenced property to Commercial and Low 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 Commercial and Low Density Residential on the Comprehensive Plan Map.

**PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF MIDWEST CITY, OKLAHOMA

\_\_\_\_\_  
MATTHEW D. DUKES II, Mayor

ATTEST:

\_\_\_\_\_  
SARA HANCOCK, City Clerk

**APPROVED** as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD MAISCH, City Attorney





**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

**MEMORANDUM**

To: Honorable Mayor and Council

From: Don Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 2, Administration, Article VIII, Purchasing, Sections 2-116 Generally and 2-125 When bidding not required; and providing for a repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendment to Chapter 2 Administration, put into effect changed adopted by the Oklahoma Legislature during the 2021 legislative session. The Oklahoma Legislature increased the amount when a construction contract must be bid. The legislation changed the amount to \$100,000.00 in certain circumstances and \$50,000.00 in all circumstances. Additionally, Oklahoma State Law has established a process for issuing contracts to sole source vendors that are not required to be bid.

These proposed amendments:

- Change the amount a contract needs City Council approval from \$25,000.00 to \$50,000.00
- Change the amount a contract is required to go through the formal bidding process from \$25,000.00 to \$50,000.00
- Allows for the City to enter into Sole Source Contracts without going through the formal bidding process.

Approval is at the pleasure of the City Council.

The Ordinance Review Committee has reviewed the proposed amendments and recommends approval.

Respectfully submitted,

Donald D. Maisch  
City Attorney



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**Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

**Section 5.** EFFECTIVE DATE. The amendments to the city ordinances for the City of Midwest City shall become effective on December 1, 2021.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD D. MAISCH, City Attorney



1 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

7  
8 **Section 5.** EFFECTIVE DATE. These amendments to the city ordinances for the City of Midwest  
9 City shall become effective on December 1, 2021.

10  
11  
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14  
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

16  
17  
18 \_\_\_\_\_  
19 MATTHEW D. DUKES, II, Mayor

20  
21 ATTEST:

22  
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24 \_\_\_\_\_  
25 SARA HANCOCK, City Clerk

26  
27  
28 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

29  
30  
31 \_\_\_\_\_  
32 DONALD D. MAISCH, City Attorney



**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

## MEMORANDUM

To: Honorable Mayor and Council

From: Donald D. Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 5 Amusements, Article II, Alcoholic Beverages, Article IV, Occupation Tax, Various Sections; and providing for repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendments to Chapter 5 Alcoholic Beverages makes changes to this chapter of Midwest City Ordinances to bring the ordinances into compliance with the Oklahoma Alcoholic Beverage Control Act (Act) at Title 37A of the Oklahoma Statutes, Section 1-101 *et seq.* Major changes include:

- removal of all licensure of businesses, personnel and operations from the city ordinances as the Act now supersedes city action concerning licensure pursuant to Title 37A of the Oklahoma Statutes, Section 4-101; and
- adoption of the fees established by the Act as occupation taxes on said businesses and personnel as allowed.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed and approved these amendments.

Respectfully submitted,

Donald D. Maisch  
City Attorney



1 as that term is defined in section 5-81 of this chapter alcohol, spirits, beer and wine as those terms  
2 are defined herein and also includes every liquid or solid, patented or not, containing alcohol,  
3 spirits, wine or beer and capable of being consumed as a beverage by human beings.

4 (5) *Applicant* means any individual, legal or commercial business entity, or any individual  
5 involved in any legal or commercial business entity allowed to hold any license issued in  
6 accordance with the Oklahoma Alcoholic Beverage Control Act.

7 (6) *Bar* means an establishment that is licensed to sell alcoholic beverages or mixed  
8 beverages by the individual drink for on-premises consumption which is not a restaurant or other  
9 business, which derives less than fifty (50) percent of its annual revenue from the sale of food.

10 (7) *Beer* means any beverage of alcohol by volume and obtained by the alcoholic  
11 fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer"  
12 may or may not contain hops or other vegetable products. "Beer" includes, among other things,  
13 beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake,  
14 known as Japanese rice wine.

15 (8) *Beer keg* means any brewer-sealed, single container that contains not less than four (4)  
16 gallons of beer.

17 (9) *Beer distributor* means and includes any person licensed to distribute beer for retail  
18 sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub  
19 self-distribution license. The term "distributor", as used in the Oklahoma Alcoholic Beverage  
20 Control Act, shall be construed to refer to a beer distributor.

21 (10) *Bottle club* means any establishment in a county which has not authorized the retail  
22 sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix  
23 and serve alcoholic beverages belonging to club members on club premises.

24 (11) *Bottle service* means the sale and provision of spirits in their original packages by a  
25 mixed beverage licensee to be consumed in that mixed beverage licensee's club suite.

26 (12) *Brand* means any word, name, group of letters, symbol or combination thereof, that  
27 is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish  
28 that product from another beer, wine or spirit.

29 (13) *Brand extension* means:

30 (a) after October 1, 2018, any brand of beer or cider introduced by a manufacturer  
31 in this state which either:

32 (i) incorporates all or a substantial part of the unique features of a  
33 preexisting brand of the same licensed brewer, or

34 (ii) relies to a significant extent on the goodwill associated with the  
35 preexisting brand, or

36 (b) any brand of beer that a brewer, the majority of whose total volume of all brands  
37 of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-  
38 point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to  
39 continue selling a strong beer in this state which either:

40 (i) incorporates or incorporated all or a substantial part of the unique  
41 features of a preexisting low-point beer brand of the same licensed brewer, or

42 (ii) relies or relied to a significant extent on the goodwill associated with a  
43 preexisting low-point beer brand.

44 (14) *Brewer* means and includes any person who manufactures for human consumption  
45 by the use of raw materials or other ingredients any beer or cider upon which a license fee and a  
46 tax are imposed by any law of this state.



1           (15) *Brewpub* means a licensed establishment operated on the premises of, or on premises  
2 located contiguous to, a small brewer, that prepares and serves food and beverages, including  
3 alcoholic beverages, for on-premises consumption.

4           (16) *Cider* means any alcoholic beverage obtained by the alcoholic fermentation of fruit  
5 juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the  
6 manufacture of this product, cider may be manufactured by either manufacturers or brewers. For  
7 the purposes of the distribution of this product, cider may be distributed by either wine and spirits  
8 wholesalers or beer distributors.

9           (17) *Club suite* means a designated area within the premises of a mixed beverage licensee  
10 designed to provide an exclusive space which is limited to a patron or patrons specifically granted  
11 access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage  
12 licensee or the public. A club suite must have a clearly designated point of access for a patron or  
13 patrons specifically granted access by the mixed beverage licensee to ensure that persons present  
14 in the suite are limited to patrons specifically granted access by the mixed beverage licensee and  
15 employees providing services to the club suite.

16           (18) *Convenience store* means any person primarily engaged in retailing a limited range  
17 of general household items and groceries, with extended hours of operation, whether or not  
18 engaged in retail sales of automotive fuels in combination with such sales.

19           (19) *Convicted and conviction* mean and include a finding of guilt resulting from a plea of  
20 guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective  
21 of the pronouncement of judgment or the suspension thereof.

22           (20) *Designated products* means the brands of wine or spirits offered for sale by a  
23 manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive  
24 distribution.

25           (21) *Designated wholesaler* means a wine and spirits wholesaler who has been selected by  
26 a manufacturer as a wholesaler appointed to distribute designated products.

27           (22) *Distiller* means any person who produces spirits from any source or substance, or any  
28 person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits  
29 (except a person making or using such material in the authorized production of wine or beer, or  
30 the production of vinegar by fermentation), or any person who by any process separates alcoholic  
31 spirits from any fermented substance, or any person who, making or keeping mash, wort or wash,  
32 has also in his or her possession or use a still.

33           (23) *Distributor agreement* means the written agreement between the distributor and  
34 brewer.

35           (24) *Drug store* means a person primarily engaged in retailing prescription and  
36 nonprescription drugs and medicines.

37           (25) *Dual-strength beer* means a brand of beer that, immediately prior to April 15, 2017,  
38 was being sold and distributed in this state:

39                   (a) as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect  
40 immediately prior to October 1, 2018, and

41                   (b) as strong beer pursuant to the Alcoholic Beverage Control Act in effect  
42 immediately prior to October 1, 2018,

43 and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not  
44 include a brand of beer that arose as a result of a brand extension as defined in this section.

45           (26) *Fair market value* means the value in the subject territory covered by the written  
46 agreement with the distributor or wholesaler that would be determined in an arm's length

1 transaction entered into without duress or threat of termination of the distributor's or wholesaler's  
2 rights and shall include all elements of value, including goodwill and going-concern value.

3 (27) Good cause means:

4 (a) failure by the distributor to comply with the material and reasonable provisions  
5 of a written agreement or understanding with the brewer, or

6 (b) failure by the distributor to comply with the duty of good faith.

7 (28) Good faith means the duty of each party to any distributor agreement and all officers,  
8 employees or agents thereof to act with honesty in fact and within reasonable standards of fair  
9 dealing in the trade.

10 (29) Grocery store means a person primarily engaged in retailing a general line of food,  
11 such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and  
12 poultry.

13 (30) Hotel or motel means an establishment which is licensed to sell alcoholic beverages  
14 by the individual drink and which contains guestroom accommodations with respect to which  
15 the predominant relationship existing between the occupants thereof and the owner or operator  
16 of the establishment is that of innkeeper and guest. For purposes of this section, the existence of  
17 other legal relationships as between some occupants and the owner or operator thereof shall be  
18 immaterial.

19 (7)(31) Intoxicating beverage: See means and has the same definition as alcoholic  
20 beverage, above.

21 (32) Legal newspaper means a newspaper meeting the requisites of a newspaper for  
22 publication of legal notices as prescribed in Oklahoma Statutes or City of Midwest City  
23 Ordinances.

24 (8)(33) Licensee means an any person holding a license under the Oklahoma Alcoholic  
25 Beverage Control Act and/or City of Midwest City, and any agent, servant, or employee of such  
26 licensee while in the performance of any act or duty in connection with the licensed business of  
27 on the licensed premises.

28 (9)(34) Manufacturer means a brewer, distiller, winemaker, rectifier or bottler of any  
29 alcoholic beverage, other than beer, and its subsidiaries, affiliates and parent companies.

30 (35) Manufacturer's agent means a salaried or commissioned salesperson who is the agent  
31 authorized to act on behalf of the manufacturer or nonresident seller in the state.

32 (36) Meals means foods commonly ordered at lunch or dinner and at least part of which is  
33 cooked on the licensed premises and requires the use of dining implements for  
34 consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or  
35 desserts shall not be considered "meals".

36 (37) Mini-bar means a closed container, either refrigerated in whole or in part, or non-  
37 refrigerated, and access to the interior of which is:

38 (a) restricted by means of a locking device which requires the use of a key,  
39 magnetic card or similar device, or

40 (b) controlled at all times by the licensee.

41 (40)(38) Mixed beverage cooler means any beverage, by whatever name designated,  
42 consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings,  
43 dairy products or carbonated water containing more than one-half percent (1/2 of 1%) of alcohol  
44 measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60)  
45 degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-

1 five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly  
2 known as a "wine cooler".

3 ~~(41)~~(39) *Mixed beverage* means one or more servings of a beverage composed in whole  
4 or in part of an alcoholic beverage in a sealed or unsealed container of any legal size for  
5 consumption on the premises where served or sold by the holder of a mixed beverage, beer and  
6 wine, caterer, public event, charitable event or special event license.

7 ~~(12) Oklahoma winemaker~~ means ~~a business premises in Oklahoma license pursuant to~~  
8 ~~the Oklahoma Alcoholic Beverage Control Act wherein wine is produced by the licensee who~~  
9 ~~must be a resident of the state, without regard as to where the grapes, berries or other fruits and~~  
10 ~~vegetables are grown.~~

11 (40) Motion picture theater means an establishment which is licensed by the State of  
12 Oklahoma to sell alcoholic beverages by the individual drink and where motion pictures are  
13 exhibited, and to which the general public is admitted.

14 (41) Nondesignated products means the brands of wine or spirits offered for sale by a  
15 manufacturer that have not been assigned to a designated wholesaler.

16 (42) Nonresident seller means any person licensed under the requirements of the State of  
17 Oklahoma.

18 (43) Retail salesperson means a salesperson soliciting orders from and calling upon retail  
19 alcoholic beverage stores with regard to his or her product.

20 (44) Occupation as used in connection with "occupation tax" means the sites occupied as  
21 the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers,  
22 mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event  
23 and special event licensees.

24 ~~(13)~~(45) *Original package* means any container of alcoholic beverage filled and stamped  
25 or sealed by the manufacturer or brewer.

26 (46) Package store means any sole proprietor or partnership that qualifies to sell wine,  
27 beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store  
28 or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises  
29 consumption.

30 (47) Patron means any person, customer or visitor who is not employed by a licensee or  
31 who is not a licensee.

32 (48) Person means an individual, any type of partnership, corporation, association, limited  
33 liability company or any individual involved in the legal structure of any such business entity.

34 ~~(14)~~(49) *Premises* means the grounds and all buildings and appurtenances pertaining to  
35 the grounds including any adjacent premises if under the direct or indirect control of the licensee  
36 and the rooms and equipment under the control of the licensee and used in connection with or in  
37 furtherance of the business covered by the license. Provided that the ABLE Commission shall  
38 have the authority to designate areas to be excluded from the licensed premises solely for the  
39 purpose of:

40 (a) allowing the presence and consumption of alcoholic beverages by private parties which  
41 are closed to the general public, or

42 (b) allowing the services of a caterer serving alcoholic beverages provided by a private  
43 party.

44 This exception shall in no way limit the licensee's concurrent responsibility for any violations of  
45 the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.

1           (49) Private event means a social gathering or event attended by invited guests who share  
2 a common cause, membership, business or task and have a prior established relationship. For  
3 purposes of this definition, advertisement for general public attendance or sales of tickets to the  
4 general public shall not constitute a private event.

5           (50) Public event means any event that can be attended by the general public.

6           (51) Rectifier means any person who rectifies, purifies or refines spirits or wines by any  
7 process (other than by original and continuous distillation, or original and continuous processing,  
8 from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the  
9 production thereof is complete), and any person who, without rectifying, purifying or refining  
10 spirits, shall by mixing (except for immediate consumption on the premises where mixed) such  
11 spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound  
12 liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other  
13 name.

14           (52) Regulation or Rule means a formal rule of general application promulgated by the  
15 ABLE Commission as required.

16           ~~(45)~~(53) Restaurant means an establishment that is licensed to sell alcoholic beverages  
17 by the individual drink for on-premises consumption and where food is prepared and sold for  
18 immediate consumption on the premises.

19           ~~(16) Retail alcoholic beverage store means a package store where consumption of~~  
20 ~~alcohol is prohibited by statute or ordinance.~~

21           ~~(17)~~(54) Retail container for spirits and wines means an original package of a capacity  
22 of not less than one twentieth (1/20) gallon specified by the ABLE Commission in its regulations  
23 for the alcoholic beverage concerned, or an original package with a capacity of less than one-  
24 twentieth (1/20) gallon, referred to as miniatures approved by the United States Bureau of  
25 Alcohol, Tobacco and Firearms.

26           ~~(18) Retail dealer means any and all persons who sell, distribute, furnish, provide or~~  
27 ~~dispose within the city any alcoholic beverage to the public for consumption or use on the~~  
28 ~~premises or upon property owned, managed, operated or available for use by the dealer, whether~~  
29 ~~at retail or other remuneration whatsoever, whether actually consumed on the premises or not~~

30           (55) Retailer means a package store, grocery store, convenience store or drug store licensed to  
31 sell alcoholic beverages for off-premises consumption pursuant to a Retail Spirits License, Retail  
32 Wine License or Retail Beer License.

33           ~~(19)~~(56) Sale means any transfer, exchange or barter in any manner or by any means  
34 whatsoever, and includes and means all sales made by any person, whether as principal,  
35 proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include  
36 the use or consumption in this state of any alcoholic beverage obtained within or imported from  
37 without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control  
38 Act has not been paid or exempted.

39           (57) Satellite tasting room means a licensed establishment operated off the licensed  
40 premises of the holder of a small farm winery or winemaker license, which serves wine for on-  
41 premises or off-premises consumption.

42           (58) Short-order food means food other than full meals including but not limited to  
43 sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not  
44 be considered "short-order food".

45           (59) Small brewer means a brewer who manufactures less than sixty-five thousand barrels  
46 of beer annually pursuant to a validly issued Small Brewer License hereunder.

1           (60) *Small farm wine* means a wine that is produced by a small farm winery with seventy-  
2 five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

3           (61) *Small farm winery* means a wine-making establishment that does not annually  
4 produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United  
5 States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine  
6 Premises Operations (TTB Form 5120.17).

7           (62) *Sparkling wine* means champagne or any artificially carbonated wine.

8           (63) *Special event* means an entertainment, recreation or marketing event that occurs at a  
9 single location on an irregular basis and at which alcoholic beverages are sold.

10           ~~(20)(64)~~ *Spirits* means any beverage other than wine or beer, which contains more than  
11 three and two tenths (3.2) one-half of one percent (1/2 of 1%) alcohol measured by weight  
12 volume and obtained by distillation, whether or not mixed with other substances in solution, and  
13 includes those products known as whiskey, brandy, rum, gin vodka, liqueurs, cordials, fortified  
14 wines and similar compounds, but does not include any alcohol liquid completely denatured in  
15 accordance with the acts of Congress and regulations pursuant thereof.

16           (65) *Strong beer* means beer which, prior to October 1, 2018, was distributed pursuant to  
17 the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma  
18 Statutes.

19           (66) *Successor brewer* means a primary source of supply, a brewer, a cider manufacturer  
20 or an importer that acquires rights to a beer or cider brand from a predecessor brewer.

21           (67) *Tax Commission* means the Oklahoma Tax Commission.

22           (68) *Territory* means a geographic region with a specified boundary.

23           ~~(21) *Wholesale alcoholic beverage store* means a store operated under the authority of a~~  
24 ~~state wholesaler's license.~~

25           ~~(22) *Wholesaler* means any person doing any such acts or carrying on any such business~~  
26 ~~or businesses as would require such person to obtain a wholesaler's license hereunder.~~

27           (69) *Wine and spirits wholesaler or wine and spirits distributor* means and includes any  
28 sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term  
29 "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer  
30 to a wine and spirits wholesaler.

31           ~~(23)(70)~~ *Wine* means and includes any beverage containing more than one-half of one  
32 (0.5) percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%)  
33 alcohol by volume at sixty (60) degrees Fahrenheit obtained ~~b~~ by the fermentation of the natural  
34 contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not  
35 other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

36           (71) *Winemaker* means and includes any person or establishment who manufactures for  
37 human consumption any wine upon which a license fee and a tax are imposed by any law of this  
38 state.

39           ~~(24)(72)~~ *Winery* means a manufacturing establishment operated under the authority of a  
40 state winemaker's license.

41  
42 (b) The terms defined above shall be interpreted in a manner consistent with the Oklahoma  
43 Alcoholic Beverage Control Act. Terms not defined above or in other subsections shall have the  
44 definitions assigned to them under this section or assigned to them by the Oklahoma Alcoholic  
45 Beverage Control Act.

1 **Section 3.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
2 Alcoholic Beverages, Division 1, Generally, Section 5-18, What brewer’s license authorizes; is  
3 hereby amended to read as follows:  
4

5 **Sec. 5-18. – ~~What Brewer’s license authorizes~~ Compliance with State Requirements**  
6

7 ~~A brewer’s license authorizes the holder thereof to manufacture, bottle, package and store beer~~  
8 ~~on licensed premises; to sell beer in this state to holders of class B wholesale licenses and retail~~  
9 ~~licenses, and to sell beer out of this state to qualified persons.~~

10 A. Pursuant to Title 37A of the Oklahoma Statutes any business, company or individual  
11 doing business within the City of Midwest City shall comply with all applicable requirements of  
12 the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section  
13 1-101 et seq.  
14

15 B. Any business, company or individual doing any form of business as defined in the  
16 Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section 1-  
17 101 et seq. within the corporate city limits of the City of Midwest City shall comply with the  
18 requirements as set forth in Chapter 5 of the City of Midwest City municipal code.  
19

20 **Section 4.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
21 Alcoholic Beverages, Division 1, Generally, Section 5-20, What package store license authorizes;  
22 is hereby amended to read as follows:  
23

24 **Sec. 5-20. – What package store license authorizes.**  
25

26 A package store license shall authorize the holder thereof to purchase alcoholic beverages in  
27 retail containers from the holder of a brewer, wholesaler or ~~Class B~~ wholesaler license and to  
28 sell same on the licensed premises in retail containers to consumers for off-premises  
29 consumption only and not for resale; ~~provided, all alcoholic beverages are to be sold at ordinary~~  
30 ~~room temperature.~~  
31

32 **Section 5.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
33 Alcoholic Beverages, Division 1, Generally, Section 5-25, Manner of sale; is hereby amended to  
34 read as follows:  
35

36 **Sec. 5-25. – Manner of Sale.**  
37

38 ~~Package stores licensed under the Oklahoma Alcoholic Beverage Control Act may sell only~~  
39 ~~alcoholic beverages in retail containers as defined in Section 506 of this title 5-17 of this Chapter,~~  
40 ~~in the original package for consumption off the premises. Provided, all alcoholic beverages are~~  
41 ~~to be sold at ordinary room temperature. All retail sales shall be made on the licensed premises~~  
42 ~~and all deliveries off the premises, at retail, of intoxicating liquor or beer are hereby prohibited.~~  
43

44 **Section 6.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
45 Alcoholic Beverages, Division 1, Generally, Section 5-51, Prohibited activities, penalties; is  
46 hereby amended to read as follows:

1           **Sec. 5-51. – Prohibited activities; penalties.**

2  
3 (a) No person shall:

4  
5           (1) Knowingly sell, deliver, or furnish intoxicating beverages to any person under  
6 twenty-one (21) years of age;

7           (2) Sell, deliver or knowingly furnish intoxicating beverages to an intoxicated person  
8 or to any person who has been adjudged insane or mentally deficient;

9           (3) Drink an intoxicating beverage in public except on the premises of the licensee  
10 of the city and the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell  
11 or serve intoxicating beverages by the individual drink or be intoxicated in a public place. This  
12 provision shall be cumulative and in addition to existing law;

13           (4) Forcibly resist lawful arrest, or by physical contact interfere with an investigation  
14 of any infringement of the Oklahoma Alcoholic Beverage Control Act or city ordinance, when  
15 such person knows or should know that such acts are being performed by a state, county or  
16 municipal officer or agent having lawful authority;

17           (5) Manufacture, duplicate, counterfeit or in any way imitate any bottle club  
18 membership card or fraternal membership card approved by the ABLE commission without the  
19 permission of the commission;

20           (6) Consume or possess intoxicating beverages on the license premises of a bottle  
21 club or an establishment operated or occupied by a fraternal organization unless such person is  
22 a member or registered guest of the bottle club or fraternal organization;

23           (7) Knowingly possess any form of identification card or document which is false,  
24 has been produced with inaccurate or altered information with regard to the identity or the person  
25 in possession of the identification, or contains information of a person not the holder of the  
26 identification;

27           (8) Deliver more than two (2) intoxicating beverages to a person at one (1) time;

28           (9) Sell or offer to sell to any person an unlimited number of intoxicating beverages  
29 during any set period of time for a fixed price, except at private functions not open to the general  
30 public;

31           (10) Sell or offer to sell intoxicating beverages to any person or group of persons on  
32 any one (1) day at prices less than those charged the general public on that day, except at private  
33 function not open to the general public;

34           (11) Increase the volume of the alcohol in an intoxicating beverage contained in a drink  
35 without increasing proportionally the price regularly charged for such drink during the same  
36 calendar week;

37           (12) Encourage or permit, on the license premises, any game or contest which involves  
38 intoxicating beverages or the awarding of alcoholic beverages as prizes;

39           (13) Serve, produce, manufacture or sell ~~intoxicating~~ alcoholic beverages without:

40           A. the appropriate and current state and if applicable, local license, and

41           B. payment of all appropriate City of Midwest City occupation taxes;

42           (14) Permit or allow any patron or person to exit the license premises with an open  
43 container containing an intoxicating beverage; or

44           (15) No person operating a restaurant, cafe, club or place of recreation having a state  
45 or local license may allow any person who is drunk or intoxicated to remain on the premises or  
46 person's place of business.

1 (b) Any person found in violation of the section may be fined an amount not to exceed the  
2 amount prescribed in section 1-15 of this Code, plus court costs, imprisonment not to exceed  
3 ninety (90) days, or both such fine and imprisonment.

4 (c) Any establishment upon which premises any of the violations of this subsection occurs  
5 will also be in violation for allowing such offense to occur upon the premises and shall be fined  
6 an amount not to exceed the amount prescribed in section 1-15 of this Code and may have its  
7 municipal licensed or permit revoked or suspended for a period of time up to one (1) year. Any  
8 subsequent violation by an establishment of this subsection within one (1) year of any prior  
9 offense may result in the above fine, plus a permanent revocation of its municipal license or  
10 permit.

11  
12 **Section 7.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
13 Occupation Tax, Section 5-121, Levied; is hereby amended to read as follows:

14  
15 **Sec. 5-121. – Levied.**

16  
17 (a) There is hereby levied and assessed an annual occupation tax on every business or  
18 occupation relating to alcoholic beverages as specifically enumerated herein and in the amount  
19 herein stated:

20 *Mixed beverages:*

21 (Initial) .....\$1,005.00

22 (Renewal) .....905.00

23 *Caterer:*

24 (Initial) .....1,005.00

25 (Renewal) .....905.00

26	1. Brewer License.....	\$1,250.00
27	2. Small Brewer License.....	\$125.00
28	3. Distiller License.....	\$3,125.00
29	4. Winemaker License.....	\$625.00
30	5. Small Farm Winery License.....	\$75.00
31	6. Rectifier License.....	\$3,125.00
32	7. Wine and Spirits Wholesaler License.....	\$3,000.00
33	8. Beer Distributor License.....	\$750.00
34	9. Retail Spirits License.....	\$905.00
35	10. Retail Wine License.....	\$1,000.00
36	11. Retail Beer License.....	\$500.00
37	12. Mixed Beverage License.....	\$1,005.00
38		(initial license)
39		\$905.00
40		(renewal)
41	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
42	14. On-Premises Beer and Wine License.....	\$500.00
43		(initial license)
44		\$450.00
45		(renewal)
46	15. Bottle Club License.....	\$1,000.00



1		(initial license)
2		\$900.00
3		(renewal)
4	<u>16. Caterer License.....</u>	<u>\$1,005.00</u>
5		(initial license)
6		\$905.00
7		(renewal)
8	<u>17. Annual Special Event License.....</u>	<u>\$55.00</u>
9	<u>18. Quarterly Special Event License.....</u>	<u>\$55.00</u>
10	<u>19. Hotel Beverage License.....</u>	<u>\$1,005.00</u>
11		(initial license)
12		\$905.00
13		(renewal)
14	<u>20. Airline/Railroad/Commercial Passenger Vessel Beverage License</u>	<u>\$1,005.00</u>
15		(initial license)
16		\$905.00
17		(renewal)
18	<u>21. Agent License.....</u>	<u>\$55.00</u>
19	<u>22. Employee License.....</u>	<u>\$30.00</u>
20	<u>23. Industrial License.....</u>	<u>\$23.00</u>
21	<u>24. Carrier License.....</u>	<u>\$23.00</u>
22	<u>25. Private Carrier License.....</u>	<u>\$23.00</u>
23	<u>26. Bonded Warehouse License.....</u>	<u>\$190.00</u>
24	<u>27. Storage License.....</u>	<u>\$23.00</u>
25	<u>28. Nonresident Seller License .....</u>	<u>\$750.00</u>
26	<u>29. Manufacturer License:</u>	
27	<u>A. 50 cases or less sold in Oklahoma in last calendar year.....</u>	<u>\$50.00</u>
28	<u>B. 51 to 500 cases sold in Oklahoma in last calendar year.....</u>	<u>\$75.00</u>
29	<u>C. 501 cases or more sold in Oklahoma in last calendar year.....</u>	<u>\$150.00</u>
30	<u>30. Manufacturer's Agent License.....</u>	<u>\$55.00</u>
31	<u>31. Sacramental Wine Supplier License.....</u>	<u>\$100.00</u>
32	<u>32. Charitable Auction License.....</u>	<u>\$1.00</u>
33	<u>33. Charitable Alcoholic Beverage License.....</u>	<u>\$55.00</u>
34	<u>34. Winemaker Self-Distribution License.....</u>	<u>\$750.00</u>
35	<u>35. Annual Public Event License.....</u>	<u>\$1,005.00</u>
36	<u>36. One-Time Public Event License.....</u>	<u>\$255.00</u>
37	<u>37. Small Brewer Self-Distribution License.....</u>	<u>\$750.00</u>
38	<u>38. Brewpub License.....</u>	<u>\$1,005.00</u>
39	<u>39. Brewpub Self-Distribution License.....</u>	<u>\$750.00</u>
40	<u>40. Complimentary Beverage License.....</u>	<u>\$75.00</u>
41	<u>41. Satellite Tasting Room License.....</u>	<u>\$100.00</u>
42	<u>42. <del>Special event</del>, Special Event, per day .....</u>	<u>\$50.00</u>
43	<i>Beer and wine:</i>	
44	(Initial) .....	500.00
45	(Renewal) .....	450.00
46	<u>43. Interim Retail Spirits License .....</u>	<u>\$ 905.00</u>

1	44. Interim Retail Wine License .....	\$1,000.00
2	45. Interim Retail Beer License .....	\$500.00
3	46. Service Organizations Exempt under Section 501 (c)(19) of the Internal Revenue	
4	Code.....	\$200.00.
5	47. Package Store.....	\$1,005.00
6		(initial license)
7		\$905.00
8		(renewal)

9  
10 (b) ~~The occupation tax for those service organizations which are exempt under Section~~  
11 ~~501(c)(19) of the Internal Revenue Code for mixed beverage license shall be two hundred~~  
12 ~~dollars (\$200.00) per year. Notwithstanding the provisions of subsection (a) of this section:~~

13 1. The occupational tax for a mixed beverage or bottle club license for those service  
14 organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or  
15 (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

16 2. The occupational tax for an airline/railroad/commercial passenger vessel beverage  
17 license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars  
18 (\$100.00).

19  
20 **Section 8.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
21 Occupation Tax, Section 5-122, Payment required; penalty; is hereby amended to read as follows:  
22

23 **Sec. 5-122. – Payment required; penalty.**  
24

25 (a) For any restaurants, bar and/or service organization, Any the state licensee originally  
26 entering upon any business or occupation herein listed shall pay the tax thereof at the office of  
27 the city clerk on or before the date upon which he enters upon such occupation. Said licensee  
28 shall provide a copy of his current state license before payment of an occupation tax will be  
29 accepted.

30  
31 (b) ~~Reserved.~~ (1) For all other businesses and occupations not listed in paragraph (a) above,  
32 any state licensee originally entering upon any occupation herein listed shall pay the tax therefor  
33 at the office of the city clerk on or before the date upon which he enters into such occupation.  
34 Thereafter, such licensee shall pay the tax annually on or before the 1st day of October of each  
35 year, and all occupation taxes levied hereunder shall expire on September 30 of each year.

36  
37 (2) The amount of any occupation tax levied shall be computed pro rata upon the  
38 months remaining in the year ending September 30. Such taxes paid on or before the fifteenth  
39 day of any month shall be on the basis of the first day of said month and such taxes paid after  
40 the fifteenth day of any such month shall be on the basis of the first day of the next succeeding  
41 month.

42  
43 (c) Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state  
44 licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries  
45 on his occupation.

1  
2 (d) Any person or business who engages in any of the occupations or businesses taxed by  
3 this chapter without paying said occupation tax imposed therefor in advance of such operation,  
4 is guilty of an offense against the City of Midwest City and upon conviction thereof shall be  
5 fined the sum of not more than one hundred dollars (\$100.00), excluding costs. Each day of such  
6 violation shall constitute a separate offense.

7  
8 (e) If the occupation tax due from any person or business under the provisions of this Chapter  
9 remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an  
10 additional penalty of ten dollars (\$10.00) per day for each day after the ten (10) days.

11  
12 (f) Any state licensee carrying on his occupation in more than one location in the corporate  
13 limits of this city shall be subject to the occupation tax for each such location.

14  
15 (g) Upon payment of the occupation tax, the City Clerk shall issue a receipt to the state  
16 licensee. The state licensee shall post the tax receipt in a conspicuous place on the premises  
17 wherein the business is operating or wherein the person carries on their occupation.

18  
19 **Section 9.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
20 Occupation Tax, Section 5-66, Collection by Suit is hereby renumbered as follows:

21  
22 **Sec. ~~5-66.~~ 5-127. – Collection by Suit.**

23  
24 All sums due from any person by reason of occupation taxes imposed by this division  
25 and all penalties accruing from such person by reason of failure to pay such tax shall be  
26 recoverable at the suit of the city brought against such person in any court of competent  
27 jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover  
28 interest at the rate of ten percent (10%) per annum upon all sums due by way of tax and penalty  
29 from the date of accrual thereof, and all costs of collection, judicial or otherwise, including  
30 reasonable attorneys' fees which shall be paid to the attorney representing the plaintiff in the suit,  
31 all to be determined by the court. Prosecution for an offense against the city arising out of the  
32 failure to pay a tax levied by this division, regardless of the outcome thereof or of its continued  
33 pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and  
34 penalties, if any are due, as herein provided.

35  
36 **Section 10. REPEALER.** The following specific Ordinances are hereby repealed:

37 Midwest City Ordinance, Section 5-19;

38 Midwest City Ordinance, Section 5-21;

39 Midwest City Ordinance, Section 5-28;

40 Midwest City Ordinance, Section 5-43;

41 Midwest City Ordinance, Chapter 5, Article II, Division 2, Sections 5-56 through 5-66

42 Midwest City Ordinance, Chapter 5, Article III, Division 1, Division 2, Sections 5-81 through 5-  
43 109

44 Any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

1 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
2 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
3 of the ordinance.  
4

5 **Section 12.** EFFECTIVE DATE. The effective date for the changes made herein shall be  
6 December 1, 2021.  
7

8 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
9 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
10

11 **THE CITY OF MIDWEST CITY, OKLAHOMA**  
12

13  
14 \_\_\_\_\_  
15 MATTHEW D. DUKES, II, Mayor  
16

17 ATTEST:  
18

19  
20 \_\_\_\_\_  
21 SARA HANCOCK, City Clerk  
22

23  
24 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.  
25

26  
27 \_\_\_\_\_  
28 DONALD D. MAISCH, City Attorney

1 **ORDINANCE NO. \_\_\_\_\_**  
2

3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 5  
4 ALCOHOLIC BEVERAGES, ARTICLE II, ALCOHOLIC BEVERAGES, ARTICLE IV,  
5 OCCUPATION TAX, VARIOUS SECTIONS; AND PROVIDING FOR REPEALER,  
6 SEVERABILITY AND AN EFFECTIVE DATE.  
7

8 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:  
9

10 **ORDINANCE**  
11

12 **Section 1.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
13 Alcoholic Beverages, Division 1, Generally, Section 5-16, Purpose; is hereby amended to read as  
14 follows:  
15

16 **Sec. 5-16 – Purpose.**  
17

18 This article is enacted as an exercise of the police power of the city to preserve the public peace,  
19 safety, health and good order thereof, and to aid in enforcement of the policy of the state as  
20 established by the Oklahoma Alcoholic Beverage Control Act, as codified in Title 37A of the  
21 Oklahoma Statutes, as amended.  
22

23 **Section 2.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
24 Alcoholic Beverages, Division 1, Generally, Section 5-17, Definitions; is hereby amended to read  
25 as follows:  
26

27 **Sec. 5-17. – Definitions.**  
28

29 (a) The following words, terms and phrases, when used in this article, shall have the meanings  
30 ascribed to them in this chapter, except where the context clearly indicates a different meaning:

31 (1) *Advertising of alcoholic beverages* means such forms and types of advertising other  
32 than advertising the sale of alcoholic beverages.

33 (2) *To advertise the sale of alcoholic beverages* means the advertising of any kind which  
34 includes the name or location of any retail alcoholic store, which makes any reference to a retail  
35 alcoholic liquor store, or which quotes prices or otherwise directly offers such alcoholic  
36 beverages for sale.

37 (3) *Alcohol* means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits  
38 of wine, from whatever source or by whatever process produced. It does not include wood  
39 alcohol or alcohol which has been denatured or produced as denatured in accordance with the  
40 acts of Congress and regulations promulgated thereunder.

41 (4) *Alcoholic beverage*, also referred to as *intoxicating beverage* means any alcohol,  
42 spirits, beer and wine as those terms are defined herein and also includes every liquid or solid,  
43 patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a  
44 beverage by human beings.

1 (5) *Applicant* means any individual, legal or commercial business entity, or any individual  
2 involved in any legal or commercial business entity allowed to hold any license issued in  
3 accordance with the Oklahoma Alcoholic Beverage Control Act.

4 (6) *Bar* means an establishment that is licensed to sell alcoholic beverages or mixed  
5 beverages by the individual drink for on-premises consumption which is not a restaurant or other  
6 business, which derives less than fifty (50) percent of its annual revenue from the sale of food.

7 (7) *Beer* means any beverage of alcohol by volume and obtained by the alcoholic  
8 fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer"  
9 may or may not contain hops or other vegetable products. "Beer" includes, among other things,  
10 beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake,  
11 known as Japanese rice wine.

12 (8) *Beer keg* means any brewer-sealed, single container that contains not less than four (4)  
13 gallons of beer.

14 (9) *Beer distributor* means and includes any person licensed to distribute beer for retail  
15 sale in the state, but does not include a holder of a small brewer self-distribution license or brewpub  
16 self-distribution license. The term "distributor", as used in the Oklahoma Alcoholic Beverage  
17 Control Act, shall be construed to refer to a beer distributor.

18 (10) *Bottle club* means any establishment in a county which has not authorized the retail  
19 sale of alcoholic beverages by the individual drink, which is required to be licensed to keep, mix  
20 and serve alcoholic beverages belonging to club members on club premises.

21 (11) *Bottle service* means the sale and provision of spirits in their original packages by a  
22 mixed beverage licensee to be consumed in that mixed beverage licensee's club suite.

23 (12) *Brand* means any word, name, group of letters, symbol or combination thereof, that  
24 is adopted and used by a licensed brewer to identify a specific beer, wine or spirit and to distinguish  
25 that product from another beer, wine or spirit.

26 (13) *Brand extension* means:

27 (a) after October 1, 2018, any brand of beer or cider introduced by a manufacturer  
28 in this state which either:

29 (i) incorporates all or a substantial part of the unique features of a  
30 preexisting brand of the same licensed brewer, or

31 (ii) relies to a significant extent on the goodwill associated with the  
32 preexisting brand, or

33 (b) any brand of beer that a brewer, the majority of whose total volume of all brands  
34 of beer distributed in this state by such brewer on January 1, 2016, was distributed as low-  
35 point beer, desires to sell, introduces, begins selling or theretofore has sold and desires to  
36 continue selling a strong beer in this state which either:

37 (i) incorporates or incorporated all or a substantial part of the unique  
38 features of a preexisting low-point beer brand of the same licensed brewer, or

39 (ii) relies or relied to a significant extent on the goodwill associated with a  
40 preexisting low-point beer brand.

41 (14) *Brewer* means and includes any person who manufactures for human consumption  
42 by the use of raw materials or other ingredients any beer or cider upon which a license fee and a  
43 tax are imposed by any law of this state.

44 (15) *Brewpub* means a licensed establishment operated on the premises of, or on premises  
45 located contiguous to, a small brewer, that prepares and serves food and beverages, including  
46 alcoholic beverages, for on-premises consumption.

1 (16) *Cider* means any alcoholic beverage obtained by the alcoholic fermentation of fruit  
2 juice, including but not limited to flavored, sparkling or carbonated cider. For the purposes of the  
3 manufacture of this product, cider may be manufactured by either manufacturers or brewers. For  
4 the purposes of the distribution of this product, cider may be distributed by either wine and spirits  
5 wholesalers or beer distributors.

6 (17) *Club suite* means a designated area within the premises of a mixed beverage licensee  
7 designed to provide an exclusive space which is limited to a patron or patrons specifically granted  
8 access by a mixed beverage licensee and is not accessible to other patrons of the mixed beverage  
9 licensee or the public. A club suite must have a clearly designated point of access for a patron or  
10 patrons specifically granted access by the mixed beverage licensee to ensure that persons present  
11 in the suite are limited to patrons specifically granted access by the mixed beverage licensee and  
12 employees providing services to the club suite.

13 (18) *Convenience store* means any person primarily engaged in retailing a limited range  
14 of general household items and groceries, with extended hours of operation, whether or not  
15 engaged in retail sales of automotive fuels in combination with such sales.

16 (19) *Convicted and conviction* mean and include a finding of guilt resulting from a plea of  
17 guilty or nolo contendere, the decision of a court or magistrate or the verdict of a jury, irrespective  
18 of the pronouncement of judgment or the suspension thereof.

19 (20) *Designated products* means the brands of wine or spirits offered for sale by a  
20 manufacturer that the manufacturer has assigned to a designated wholesaler for exclusive  
21 distribution.

22 (21) *Designated wholesaler* means a wine and spirits wholesaler who has been selected by  
23 a manufacturer as a wholesaler appointed to distribute designated products.

24 (22) *Distiller* means any person who produces spirits from any source or substance, or any  
25 person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits  
26 (except a person making or using such material in the authorized production of wine or beer, or  
27 the production of vinegar by fermentation), or any person who by any process separates alcoholic  
28 spirits from any fermented substance, or any person who, making or keeping mash, wort or wash,  
29 has also in his or her possession or use a still.

30 (23) *Distributor agreement* means the written agreement between the distributor and  
31 brewer.

32 (24) *Drug store* means a person primarily engaged in retailing prescription and  
33 nonprescription drugs and medicines.

34 (25) *Dual-strength beer* means a brand of beer that, immediately prior to April 15, 2017,  
35 was being sold and distributed in this state:

36 (a) as a low-point beer pursuant to the Low-Point Beer Distribution Act in effect  
37 immediately prior to October 1, 2018, and

38 (b) as strong beer pursuant to the Alcoholic Beverage Control Act in effect  
39 immediately prior to October 1, 2018,

40 and continues to be sold and distributed as such on October 1, 2018. Dual-strength beer does not  
41 include a brand of beer that arose as a result of a brand extension as defined in this section.

42 (26) *Fair market value* means the value in the subject territory covered by the written  
43 agreement with the distributor or wholesaler that would be determined in an arm's length  
44 transaction entered into without duress or threat of termination of the distributor's or wholesaler's  
45 rights and shall include all elements of value, including goodwill and going-concern value.

46 (27) *Good cause* means:

1 (a) failure by the distributor to comply with the material and reasonable provisions  
2 of a written agreement or understanding with the brewer, or

3 (b) failure by the distributor to comply with the duty of good faith.

4 (28) *Good faith* means the duty of each party to any distributor agreement and all officers,  
5 employees or agents thereof to act with honesty in fact and within reasonable standards of fair  
6 dealing in the trade.

7 (29) *Grocery store* means a person primarily engaged in retailing a general line of food,  
8 such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and  
9 poultry.

10 (30) *Hotel or motel* means an establishment which is licensed to sell alcoholic beverages  
11 by the individual drink and which contains guestroom accommodations with respect to which  
12 the predominant relationship existing between the occupants thereof and the owner or operator  
13 of the establishment is that of innkeeper and guest. For purposes of this section, the existence of  
14 other legal relationships as between some occupants and the owner or operator thereof shall be  
15 immaterial.

16 (31) *Intoxicating beverage: See* means and has the same definition as *alcoholic*  
17 *beverage*, above.

18 (32) *Legal newspaper* means a newspaper meeting the requisites of a newspaper for  
19 publication of legal notices as prescribed in Oklahoma Statutes or City of Midwest City  
20 Ordinances.

21 (33) *Licensee* means any person holding a license under the Oklahoma Alcoholic  
22 Beverage Control Act and/or City of Midwest City, and any agent, servant, or employee of such  
23 licensee while in the performance of any act or duty in connection with the licensed business of  
24 on the licensed premises.

25 (34) *Manufacturer* means a ~~brewer~~, distiller, winemaker, rectifier or bottler of any  
26 alcoholic beverage, other than beer, and its subsidiaries, affiliates and parent companies.

27 (35) *Manufacturer's agent* means a salaried or commissioned salesperson who is the agent  
28 authorized to act on behalf of the manufacturer or nonresident seller in the state.

29 (36) *Meals* means foods commonly ordered at lunch or dinner and at least part of which is  
30 cooked on the licensed premises and requires the use of dining implements for  
31 consumption. Provided, that the service of only food such as appetizers, sandwiches, salads or  
32 desserts shall not be considered "meals".

33 (37) *Mini-bar* means a closed container, either refrigerated in whole or in part, or non-  
34 refrigerated, and access to the interior of which is:

35 (a) restricted by means of a locking device which requires the use of a key,  
36 magnetic card or similar device, or

37 (b) controlled at all times by the licensee.

38 (38) *Mixed beverage cooler* means any beverage, by whatever name designated,  
39 consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings,  
40 dairy products or carbonated water containing more than one-half percent (½ of 1%) of alcohol  
41 measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60)  
42 degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-  
43 five (375) milliliters. Such term shall include, but not be limited to, the beverage popularly  
44 known as a "wine cooler".

45 (39) *Mixed beverage* means one or more servings of a beverage composed in whole or  
46 in part of an alcoholic beverage in a sealed or unsealed container of any legal size for



1 consumption on the premises where served or sold by the holder of a mixed beverage, beer and  
2 wine, caterer, public event, charitable event\_or special event license.

3 (40) *Motion picture theater* means an establishment which is licensed by the State of  
4 Oklahoma to sell alcoholic beverages by the individual drink and where motion pictures are  
5 exhibited, and to which the general public is admitted.

6 (41) *Nondesignated products* means the brands of wine or spirits offered for sale by a  
7 manufacturer that have not been assigned to a designated wholesaler.

8 (42) *Nonresident seller* means any person licensed under the requirements of the State of  
9 Oklahoma.

10 (43) *Retail salesperson* means a salesperson soliciting orders from and calling upon retail  
11 alcoholic beverage stores with regard to his or her product.

12 (44) *Occupation* as used in connection with "occupation tax" means the sites occupied as  
13 the places of business of the manufacturers, brewers, wholesalers, beer distributors, retailers,  
14 mixed beverage licensees, on-premises beer and wine licensees, bottle clubs, caterers, public event  
15 and special event licensees.

16 (45) *Original package* means any container of alcoholic beverage filled and stamped or  
17 sealed by the manufacturer or brewer.

18 (46) *Package store* means any sole proprietor or partnership that qualifies to sell wine,  
19 beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store  
20 or drug store, or other retail outlet that is not permitted to sell wine or beer for off-premises  
21 consumption.

22 (47) *Patron* means any person, customer or visitor who is not employed by a licensee or  
23 who is not a licensee.

24 (48) *Person* means an individual, any type of partnership, corporation, association, limited  
25 liability company or any individual involved in the legal structure of any such business entity.

26 (49) *Premises* means the grounds and all buildings and appurtenances pertaining to the  
27 grounds including any adjacent premises if under the direct or indirect control of the licensee  
28 and the rooms and equipment under the control of the licensee and used in connection with or in  
29 furtherance of the business covered by the license. Provided that the ABLE Commission shall  
30 have the authority to designate areas to be excluded from the licensed premises solely for the  
31 purpose of:

32 (a) allowing the presence and consumption of alcoholic beverages by private parties which  
33 are closed to the general public, or

34 (b) allowing the services of a caterer serving alcoholic beverages provided by a private  
35 party.

36 This exception shall in no way limit the licensee's concurrent responsibility for any violations of  
37 the Oklahoma Alcoholic Beverage Control Act occurring on the licensed premises.

38 (49) *Private event* means a social gathering or event attended by invited guests who share  
39 a common cause, membership, business or task and have a prior established relationship. For  
40 purposes of this definition, advertisement for general public attendance or sales of tickets to the  
41 general public shall not constitute a private event.

42 (50) *Public event* means any event that can be attended by the general public.

43 (51) *Rectifier* means any person who rectifies, purifies or refines spirits or wines by any  
44 process (other than by original and continuous distillation, or original and continuous processing,  
45 from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the  
46 production thereof is complete), and any person who, without rectifying, purifying or refining

1 spirits, shall by mixing (except for immediate consumption on the premises where mixed) such  
2 spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound  
3 liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other  
4 name.

5 (52) *Regulation or Rule* means a formal rule of general application promulgated by the  
6 ABLE Commission as required.

7 (53) *Restaurant* means an establishment that is licensed to sell alcoholic beverages by  
8 the individual drink for on-premises consumption and where food is prepared and sold for  
9 immediate consumption on the premises.

10 (54) *Retail container for spirits and wines* means an original package of a capacity  
11 approved by the United States Bureau of Alcohol, Tobacco and Firearms.

12 (55) *Retailer* means a package store, grocery store, convenience store or drug store  
13 licensed to sell alcoholic beverages for off-premises consumption pursuant to a Retail Spirits  
14 License, Retail Wine License or Retail Beer License.

15 (56) *Sale* means any transfer, exchange or barter in any manner or by any means  
16 whatsoever, and includes and means all sales made by any person, whether as principal,  
17 proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include  
18 the use or consumption in this state of any alcoholic beverage obtained within or imported from  
19 without this state, upon which the excise tax levied by the Oklahoma Alcoholic Beverage Control  
20 Act has not been paid or exempted.

21 (57) *Satellite tasting room* means a licensed establishment operated off the licensed  
22 premises of the holder of a small farm winery or winemaker license, which serves wine for on-  
23 premises or off-premises consumption.

24 (58) *Short-order food* means food other than full meals including but not limited to  
25 sandwiches, soups and salads. Provided that popcorn, chips and other similar snack food shall not  
26 be considered "short-order food".

27 (59) *Small brewer* means a brewer who manufactures less than sixty-five thousand barrels  
28 of beer annually pursuant to a validly issued Small Brewer License hereunder.

29 (60) *Small farm wine* means a wine that is produced by a small farm winery with seventy-  
30 five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.

31 (61) *Small farm winery* means a wine-making establishment that does not annually  
32 produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United  
33 States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine  
34 Premises Operations (TTB Form 5120.17).

35 (62) *Sparkling wine* means champagne or any artificially carbonated wine.

36 (63) *Special event* means an entertainment, recreation or marketing event that occurs at a  
37 single location on an irregular basis and at which alcoholic beverages are sold.

38 (64) *Spirits* means any beverage other than wine or beer, which contains more than one-  
39 half of one percent (1/2 of 1%) alcohol measured by volume and obtained by distillation, whether  
40 or not mixed with other substances in solution, and includes those products known as whiskey,  
41 brandy, rum, gin vodka, liqueurs, cordials, fortified wines and similar compounds, but does not  
42 include any alcohol liquid completely denatured in accordance with the acts of Congress and  
43 regulations pursuant thereof.

44 (65) *Strong beer* means beer which, prior to October 1, 2018, was distributed pursuant to  
45 the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma  
46 Statutes.

1 (66) *Successor brewer* means a primary source of supply, a brewer, a cider manufacturer  
2 or an importer that acquires rights to a beer or cider brand from a predecessor brewer.

3 (67) *Tax Commission* means the Oklahoma Tax Commission.

4 (68) *Territory* means a geographic region with a specified boundary.

5 (69) *Wine and spirits wholesaler or wine and spirits distributor* means and includes any  
6 sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term  
7 "wholesaler", as used in the Oklahoma Alcoholic Beverage Control Act, shall be construed to refer  
8 to a wine and spirits wholesaler.

9 (70) *Wine* means and includes any beverage containing more than one-half of one  
10 percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by  
11 volume at sixty (60) degrees Fahrenheit obtained ~~h~~ by the fermentation of the natural contents  
12 of fruits, vegetables, honey, milk or other products containing sugar, whether or not other  
13 ingredients are added, and includes vermouth and sake, known as Japanese rice wine.

14 (71) *Winemaker* means and includes any person or establishment who manufactures for  
15 human consumption any wine upon which a license fee and a tax are imposed by any law of this  
16 state.

17 (72) *Winery* means a manufacturing establishment operated under the authority of a state  
18 winemaker's license.

19  
20 (b) The terms defined above shall be interpreted in a manner consistent with the Oklahoma  
21 Alcoholic Beverage Control Act. Terms not defined above or in other subsections shall have the  
22 definitions assigned to them under this section or assigned to them by the Oklahoma Alcoholic  
23 Beverage Control Act.

24  
25 **Section 3.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
26 Alcoholic Beverages, Division 1, Generally, Section 5-18, What brewer's license authorizes; is  
27 hereby amended to read as follows:

28  
29 **Sec. 5-18. – Compliance with State Requirements.**

30  
31 (a) Pursuant to Title 37A of the Oklahoma Statutes any business, company or individual  
32 doing business within the City of Midwest City shall comply with all applicable requirements of  
33 the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section  
34 1-101 *et seq.*

35  
36 (b) Any business, company or individual doing any form of business as defined in the  
37 Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes, Section 1-  
38 101 *et seq.* within the corporate city limits of the City of Midwest City shall comply with the  
39 requirements as set forth in Chapter 5 of the City of Midwest City municipal code.

40  
41 **Section 4.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
42 Alcoholic Beverages, Division 1, Generally, Section 5-20, What package store license authorizes;  
43 is hereby amended to read as follows:

44  
45 **Sec. 5-20. – What package store license authorizes.**

1 A package store license shall authorize the holder thereof to purchase alcoholic beverages in  
2 retail containers from the holder of a brewer, or wholesaler license and to sell same on the  
3 licensed premises in retail containers to consumers for off-premises consumption only and not  
4 for resale.

5  
6 **Section 5.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
7 Alcoholic Beverages, Division 1, Generally, Section 5-25, Manner of sale; is hereby amended to  
8 read as follows:

9  
10 **Sec. 5-25. – Manner of Sale.**

11  
12 Package stores may sell only alcoholic beverages in retail containers as defined in Section 5-17  
13 of this Chapter, in the original package for consumption off the premises.

14  
15 **Section 6.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article II,  
16 Alcoholic Beverages, Division 1, Generally, Section 5-51, Prohibited activities, penalties; is  
17 hereby amended to read as follows:

18  
19 **Sec. 5-51. – Prohibited activities; penalties.**

20  
21 (a) No person shall:

22  
23 (1) Knowingly sell, deliver, or furnish intoxicating beverages to any person under  
24 twenty-one (21) years of age;

25 (2) Sell, deliver or knowingly furnish intoxicating beverages to an intoxicated person  
26 or to any person who has been adjudged insane or mentally deficient;

27 (3) Drink an intoxicating beverage in public except on the premises of the licensee  
28 of the city and the Alcoholic Beverage Laws Enforcement Commission who is authorized to sell  
29 or serve intoxicating beverages by the individual drink or be intoxicated in a public place. This  
30 provision shall be cumulative and in addition to existing law;

31 (4) Forcibly resist lawful arrest, or by physical contact interfere with an investigation  
32 of any infringement of the Oklahoma Alcoholic Beverage Control Act or city ordinance, when  
33 such person knows or should know that such acts are being performed by a state, county or  
34 municipal officer or agent having lawful authority;

35 (5) Manufacture, duplicate, counterfeit or in any way imitate any bottle club  
36 membership card or fraternal membership card approved by the ABLE commission without the  
37 permission of the commission;

38 (6) Consume or possess intoxicating beverages on the license premises of a bottle  
39 club or an establishment operated or occupied by a fraternal organization unless such person is  
40 a member or registered guest of the bottle club or fraternal organization;

41 (7) Knowingly possess any form of identification card or document which is false,  
42 has been produced with inaccurate or altered information with regard to the identity or the person  
43 in possession of the identification, or contains information of a person not the holder of the  
44 identification;

45 (8) Deliver more than two (2) intoxicating beverages to a person at one (1) time;

1 (9) Sell or offer to sell to any person an unlimited number of intoxicating beverages  
2 during any set period of time for a fixed price, except at private functions not open to the general  
3 public;

4 (10) Sell or offer to sell intoxicating beverages to any person or group of persons on  
5 any one (1) day at prices less than those charged the general public on that day, except at private  
6 function not open to the general public;

7 (11) Increase the volume of the alcohol in an intoxicating beverage contained in a drink  
8 without increasing proportionally the price regularly charged for such drink during the same  
9 calendar week;

10 (12) Encourage or permit, on the license premises, any game or contest which involves  
11 intoxicating beverages or the awarding of alcoholic beverages as prizes;

12 (13) Serve, produce, manufacture or sell alcoholic beverages without:

13 A. the appropriate and current state and if applicable, local license, and

14 B. payment of all appropriate City of Midwest City occupation taxes;

15 (14) Permit or allow any patron or person to exit the license premises with an open  
16 container containing an intoxicating beverage; or

17 (15) No person operating a restaurant, cafe, club or place of recreation having a state  
18 or local license may allow any person who is drunk or intoxicated to remain on the premises or  
19 person's place of business.

20 (b) Any person found in violation of the section may be fined an amount not to exceed the  
21 amount prescribed in section 1-15 of this Code, plus court costs, imprisonment not to exceed  
22 ninety (90) days, or both such fine and imprisonment.

23 (c) Any establishment upon which premises any of the violations of this subsection occurs  
24 will also be in violation for allowing such offense to occur upon the premises and shall be fined  
25 an amount not to exceed the amount prescribed in section 1-15 of this Code and may have its  
26 municipal licensed or permit revoked or suspended for a period of time up to one (1) year. Any  
27 subsequent violation by an establishment of this subsection within one (1) year of any prior  
28 offense may result in the above fine, plus a permanent revocation of its municipal license or  
29 permit.

30  
31 **Section 7.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
32 Occupation Tax, Section 5-121, Levied; is hereby amended to read as follows:

33  
34 **Sec. 5-121. – Levied.**

35  
36 (a) There is hereby levied and assessed an annual occupation tax on every business or  
37 occupation relating to alcoholic beverages as specifically enumerated herein and in the amount  
38 herein stated:

39	1. Brewer License.....	\$1,250.00
40	2. Small Brewer License.....	\$125.00
41	3. Distiller License.....	\$3,125.00
42	4. Winemaker License.....	\$625.00
43	5. Small Farm Winery License.....	\$75.00
44	6. Rectifier License.....	\$3,125.00
45	7. Wine and Spirits Wholesaler License.....	\$3,000.00
46	8. Beer Distributor License.....	\$750.00

1	9. Retail Spirits License.....	\$905.00
2	10. Retail Wine License.....	\$1,000.00
3	11. Retail Beer License.....	\$500.00
4	12. Mixed Beverage License.....	\$1,005.00
5		(initial license)
6		\$905.00
7		(renewal)
8	13. Mixed Beverage/Caterer Combination License.....	\$1,250.00
9	14. On-Premises Beer and Wine License.....	\$500.00
10		(initial license)
11		\$450.00
12		(renewal)
13	15. Bottle Club License.....	\$1,000.00
14		(initial license)
15		\$900.00
16		(renewal)
17	16. Caterer License.....	\$1,005.00
18		(initial license)
19		\$905.00
20		(renewal)
21	17. Annual Special Event License.....	\$55.00
22	18. Quarterly Special Event License.....	\$55.00
23	19. Hotel Beverage License.....	\$1,005.00
24		(initial license)
25		\$905.00
26		(renewal)
27	20. Airline/Railroad/Commercial Passenger Vessel Beverage License	\$1,005.00
28		(initial license)
29		\$905.00
30		(renewal)
31	21. Agent License.....	\$55.00
32	22. Employee License.....	\$30.00
33	23. Industrial License.....	\$23.00
34	24. Carrier License.....	\$23.00
35	25. Private Carrier License.....	\$23.00
36	26. Bonded Warehouse License.....	\$190.00
37	27. Storage License.....	\$23.00
38	28. Nonresident Seller License .....	\$750.00
39	29. Manufacturer License:	
40	A. 50 cases or less sold in Oklahoma in last calendar year.....	\$50.00
41	B. 51 to 500 cases sold in Oklahoma in last calendar year.....	\$75.00
42	C. 501 cases or more sold in Oklahoma in last calendar year.....	\$150.00
43	30. Manufacturer's Agent License.....	\$55.00
44	31. Sacramental Wine Supplier License.....	\$100.00
45	32. Charitable Auction License.....	\$1.00
46	33. Charitable Alcoholic Beverage License.....	\$55.00

1	34. Winemaker Self-Distribution License.....	\$750.00
2	35. Annual Public Event License.....	\$1,005.00
3	36. One-Time Public Event License.....	\$255.00
4	37. Small Brewer Self-Distribution License.....	\$750.00
5	38. Brewpub License.....	\$1,005.00
6	39. Brewpub Self-Distribution License.....	\$750.00
7	40. Complimentary Beverage License.....	\$75.00
8	41. Satellite Tasting Room License.....	\$100.00
9	42. Special Event, per day .....	\$50.00
10	43. Interim Retail Spirits License .....	\$ 905.00
11	44. Interim Retail Wine License .....	\$1,000.00
12	45. Interim Retail Beer License .....	\$500.00
13	46. Service Organizations Exempt under Section 501 (c)(19) of the Internal Revenue	
14	Code.....	\$200.00.
15	47. Package Store.....	\$1,005.00
16		(initial license)
17		\$905.00
18		(renewal)

19  
20 (b) Notwithstanding the provisions of subsection (a) of this section:

21 1. The occupational tax for a mixed beverage or bottle club license for those service  
22 organizations or fraternal beneficiary societies which are exempt under Section 501(c)(19), (8) or  
23 (10) of the Internal Revenue Code shall be Five Hundred Dollars (\$500.00) per year; and

24 2. The occupational tax for an airline/railroad/commercial passenger vessel beverage  
25 license held by a railroad described in 49 U.S.C., Section 24301, shall be One Hundred Dollars  
26 (\$100.00).

27  
28 **Section 8.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
29 Occupation Tax, Section 5-122, Payment required; penalty; is hereby amended to read as follows:  
30

31 **Sec. 5-122. – Payment required; penalty.**

32  
33 (a) For any restaurants, bar and/or service organization, the state licensee originally entering  
34 upon any business or occupation herein listed shall pay the tax thereof at the office of the city  
35 clerk on or before the date upon which he enters upon such occupation. Said licensee shall  
36 provide a copy of his current state license before payment of an occupation tax will be accepted.  
37

38 (b) - (1) For all other businesses and occupations not listed in paragraph (a) above, any  
39 state licensee originally entering upon any occupation herein listed shall pay the tax therefor at  
40 the office of the city clerk on or before the date upon which he enters into such occupation.  
41 Thereafter, such licensee shall pay the tax annually on or before the 1st day of October of each  
42 year, and all occupation taxes levied hereunder shall expire on September 30 of each year.  
43

44 (2) The amount of any occupation tax levied shall be computed pro rata upon the  
45 months remaining in the year ending September 30. Such taxes paid on or before the fifteenth

1 day of any month shall be on the basis of the first day of said month and such taxes paid after  
2 the fifteenth day of any such month shall be on the basis of the first day of the next succeeding  
3 month.

4  
5 (c) Upon payment of the said occupation tax, the city clerk shall issue a receipt to said state  
6 licensee, which said licensee shall post in a conspicuous place on the premises wherein he carries  
7 on his occupation.

8  
9 (d) Any person or business\_who engages in any of the occupations or businesses taxed by  
10 this chapter without paying said occupation tax imposed therefor in advance of such operation,  
11 is guilty of an offense against the City of Midwest City and upon conviction thereof shall be  
12 fined the sum of not more than one hundred dollars (\$100.00), excluding costs. Each day of such  
13 violation shall constitute a separate offense.

14  
15 (e) If the occupation tax due from any person or business under the provisions of this Chapter  
16 remains due and unpaid for a period of ten (10) days, there shall be imposed upon him an  
17 additional penalty of ten dollars (\$10.00) per day for each day after the ten (10) days.

18  
19 (f) Any state licensee carrying on his occupation in more than one location in the corporate  
20 limits of this city shall be subject to the occupation tax for each such location.

21  
22 (g) Upon payment of the occupation tax, the City Clerk shall issue a receipt to the state  
23 licensee. The state licensee shall post the tax receipt in a conspicuous place on the premises  
24 wherein the business is operating or wherein the person carries on their occupation.

25  
26 **Section 9.** That the Midwest City Municipal Code, Chapter 5 Alcoholic Beverages, Article IV,  
27 Occupation Tax, Section 5-66, Collection by Suit is hereby renumbered as follows:

28  
29 **Sec. ~~5-66.~~ 5-127. – Collection by Suit.**

30  
31 All sums due from any person by reason of occupation taxes imposed by this division  
32 and all penalties accruing from such person by reason of failure to pay such tax shall be  
33 recoverable at the suit of the city brought against such person in any court of competent  
34 jurisdiction. In any such suit, in addition to the tax and penalties, the plaintiff shall recover  
35 interest at the rate of ten percent (10%) per annum upon all sums due by way of tax and penalty  
36 from the date of accrual thereof, and all costs of collection, judicial or otherwise, including  
37 reasonable attorneys' fees which shall be paid to the attorney representing the plaintiff in the suit,  
38 all to be determined by the court. Prosecution for an offense against the city arising out of the  
39 failure to pay a tax levied by this division, regardless of the outcome thereof or of its continued  
40 pendency, shall not constitute a defense or a bar in any manner to the collection of the tax and  
41 penalties, if any are due, as herein provided.

42  
43 **Section 10.** REPEALER. The following specific Ordinances are hereby repealed:  
44 Midwest City Ordinance, Section 5-19;  
45 Midwest City Ordinance, Section 5-21;  
46 Midwest City Ordinance, Section 5-28;



1 Midwest City Ordinance, Section 5-43;  
2 Midwest City Ordinance, Chapter 5, Article II, Division 2, Sections 5-56 through 5-66  
3 Midwest City Ordinance, Chapter 5, Article III, Division 1, Division 2, Sections 5-81 through 5-  
4 109

5 Any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

6  
7 **Section 11.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
8 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
9 of the ordinance.

10  
11 **Section 12.** EFFECTIVE DATE. The effective date for the changes made herein shall be  
12 December 1, 2021.

13  
14 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
15 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

16  
17 **THE CITY OF MIDWEST CITY, OKLAHOMA**

18  
19  
20  
21 \_\_\_\_\_  
22 MATTHEW D. DUKES, II, Mayor

23 ATTEST:  
24  
25  
26 \_\_\_\_\_  
27 SARA HANCOCK, City Clerk

28  
29  
30 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

31  
32  
33 \_\_\_\_\_  
34 DONALD D. MAISCH, City Attorney



**City Attorney, Donald D. Maisch**

100 N. Midwest Boulevard  
Midwest City, OK 73110  
DMaisch@midwestcityok.org  
Office: 405.739.1203  
[www.midwestcityok.org](http://www.midwestcityok.org)

## MEMORANDUM

To: Honorable Mayor and Council

From: Don Maisch  
City Attorney

RE: Discussion and consideration for adoption, including any amendments, of an ordinance amending the Midwest City Municipal Code, Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License; and 7-52 Insurance; providing for repealer, severability and an effective date.

Date: October 26, 2021

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The proposed amendment to Chapter 7 Amusements, Article IV, Circuses and Carnivals, Sections 7-50, License and 7-52 Insurance is needed to:

1. Increases the licensure fee from \$20.00 to \$40.00;
2. Require a circus or carnival that also meets the definition of a “special event” as defined in City Ordinance, to meet all City special event requirements (as promulgated in City Ordinance and as required in City policy).
3. Increase the liability insurance amounts to the current amounts generally requested by the City.

Action is at the discretion of the Mayor and Council.

The Ordinance Review Committee has reviewed the proposed amendments and recommends approval.

Respectfully submitted,

Donald D. Maisch  
City Attorney



1 **Section 3.** REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby  
2 repealed.

3  
4 **Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for  
5 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions  
6 of the ordinance.

7  
8 **Section 5.** EFFECTIVE DATE. The amendments to Sections 7-50 and 7-52 of the city ordinances  
9 for the City of Midwest City shall become effective on December 1, 2021.

10  
11  
12 PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City,  
13 Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

14  
15 **THE CITY OF MIDWEST CITY, OKLAHOMA**

16  
17  
18 \_\_\_\_\_  
19 MATTHEW D. DUKES, II, Mayor

20  
21 ATTEST:

22  
23  
24 \_\_\_\_\_  
25 SARA HANCOCK, City Clerk

26  
27  
28 Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

29  
30  
31 \_\_\_\_\_  
32 DONALD D. MAISCH, City Attorney



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**Section 4.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of the ordinance.

**Section 5.** EFFECTIVE DATE. The amendments to Sections 7-50 and 7-52 of the city ordinances for the City of Midwest City shall become effective on December 1, 2021.

PASSED AND APPROVED by the Mayor and the Council of the City of Midwest City, Oklahoma, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**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 \_\_\_\_\_, 2021.

\_\_\_\_\_  
DONALD D. MAISCH, City Attorney



NEW BUSINESS/  
PUBLIC DISCUSSION





EXECUTIVE SESSION







**City Manager**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
[tlyon@midwestcityok.org](mailto:tlyon@midwestcityok.org)  
Office: 405.739.1201  
[www.midwestcityok.org](http://www.midwestcityok.org)

MEMORANDUM

TO: Honorable Mayor and City Council

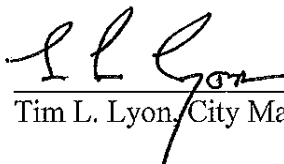
FROM: Tim Lyon, City Manager

DATE: October 26, 2021

SUBJECT: Discussion and consideration of 1) entering into executive session, as allowed under Title 25 Section 307 (B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; and 2) in open session, authorizing the City Manager to take action as appropriate based on the discussion in executive session.

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Appropriate information will be dispersed during executive session.

  
\_\_\_\_\_  
Tim L. Lyon, City Manager



FURTHER INFORMATION



## MINUTES OF MIDWEST CITY PLANNING COMMISSION MEETING

September 7, 2021 - 6:00 p.m.

This regular meeting of the Midwest City Planning Commission was held in the Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on September 7, 2021 at 6:00 p.m., with the following members present:

Commissioners present:        Russell Smith  
  Jess Huskey  
  Rick Dawkins  
  Dean Hinton  
  Jim Campbell

Commissioners absent:        Jim Smith  
  Dee Collins

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Staff present:                        Billy Harless, Community Development  
Director

  Kellie Gilles, Current Planning Manager  
  Sarah Steward, Associate Current Planner  
  Brandon Bundy, City Engineer

### A. CALL TO ORDER

The meeting was called to order by Chairperson R. Smith at 6:00 p.m.

### B. MINUTES

1. A motion was made by Huskey, seconded by Dawkins, to approve the minutes of the August 3, 2021 Planning Commission meeting as presented. Voting aye: Huskey, R. Smith, Dawkins, Hinton and Campbell. Nay: none. Motion carried.

### C. NEW MATTERS

1. (PC-2088) Public hearing with discussion and consideration of adoption, including any possible amendment of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages Permitted in the C-3, Community Commercial district, for the properties described as lots 4 and 9 of the Frank Smith Addition, addressed as 2113 S. Air Depot Boulevard.

Staff presented a brief overview of the request. The applicant, Dwayne Johnson of 2113 S. Air Depot Blvd., was present. There was general discussion. A motion was made by Huskey, seconded by Dawkins to recommend approval of this item subject to staff comments. Voting aye: Huskey, Dawkins, Hinton, R. Smith, and Campbell. Voting nay: none. Motion carried.

\* Jim Campbell stepped down from the Planning Commission.

2. (PC-2089) Discussion and consideration of adoption, including any possible amendment of the proposed Madison Addition Preliminary Plat, described as a part of the NW/4 of Section 1, T11N, R2W, located at 500 and 600 Davidson Road and

527 and 531 Saint Paul Avenue.

The applicant, Jim Campbell of 9228 Cassidy Ct., was present. There was general discussion. A motion was made by Huskey, seconded by Hinton to recommend approval of this item subject to staff comments including the waiver to the tree canopy management plan. Voting aye: R. Smith, Huskey, Hinton and Dawkins. Voting nay: none. Motion carried.

\* Jim Campbell rejoined the Planning Commission.

3. (PC-2090) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from C-3, Community Commercial and to R-HD, High Density Residential, for the property described as a part of the SW/4 of Section 12, T-11-N, R-2-W, located at 2500 S. Douglas Blvd.

No action was taken on this item.

4. (PC-2091) Public hearing with discussion and consideration for adoption, including any possible amendment of an ordinance to redistrict from A-1, Agriculture to I-3, Heavy Industrial and a resolution for a Special Use Permit to allow the use of Animal Waste Processing, for the property described as a part of the SW/4 of Section 15, T12N, R2W, and addressed as 7221 NE 36<sup>th</sup> St.

No action was taken on this item.

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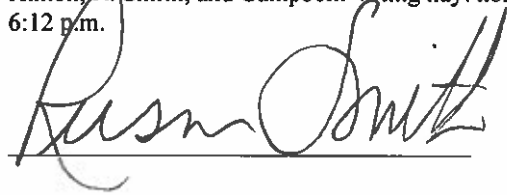
**D. COMMISSION DISCUSSION:** None.

**E. PUBLIC DISCUSSION:** Clifton Smith of 2104 S. Air Depot, Midwest City, addressed the Commission.

**F. FURTHER INFORMATION:** None.

**G. ADJOURNMENT**

A motion to adjourn was made by Dawkins, Seconded by Huskey. Voting aye: Huskey, Dawkins, Hinton, R. Smith, and Campbell. Voting nay: none. Motion carried. The meeting adjourned at 6:12 p.m.

A handwritten signature in black ink, appearing to read "Rasmussen Smith", is written over a horizontal line.

(KG)



The City of  
**MIDWEST CITY**  
COMMUNITY DEVELOPMENT DEPARTMENT

ENGINEERING DIVISION  
Brandon Bundy, City Engineer  
CURRENT PLANNING DIVISION  
Kellie Gilles, Manager  
COMPREHENSIVE PLANNING  
Petya Stefanoff, Comprehensive Planner  
BUILDING INSPECTION DIVISION  
Building Official

Billy Harless, Community Development Director  
Kellie Gilles, Current Planning Manager

---

**To:** Honorable Mayor and City Council

**From:** Billy Harless, Community Development Director

**Date:** October 26, 2021

**Subject:** Review of the signed minutes from the July 6, 2021 Board of Adjustment meeting.

The Board of Adjustment approved the minutes of their July 6, 2021 meeting at the October 5, 2021 meeting. In reviewing the minutes, the City Attorney found that the last name of a Board member was spelled incorrectly one time in the minutes.

The scrivener's error has been corrected on the approved minutes.

No action is necessary.

Kellie Gilles, AICP  
Current Planning Manager

**MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT SPECIAL MEETING  
July 6, 2021 – 5:30 P.M.**

This special meeting of the Midwest City Board of Adjustment was held in the City Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on July 6, 2021, with the following members present:

Present:                                Jess Huskey  
    Frank Young  
    Charles McDade  
    Cy Valanejad

Absent:                                    Tammy Cook

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

The meeting was called to order by Huskey at 5:30 P.M.

---

**A.     MINUTES:**

Huskey stated that it was Valenjad who corrected the error on Item A of the February 2, 2021 minutes.

A motion was made by Young, seconded by McDade, to approve the minutes of the meeting of May 4, 2021 as presented. Voting aye: Young, McDade, Valanejad, and Huskey. Nay: none. Motion carried.

**B.     NEW MATTERS:**

1. **(BA-407) Discussion and consideration of adoption, including any possible amendments of an application for an exception to the residential fencing and screening requirements for the property described as Lot 17, Block 7 of the Rhapsody Heights Addition to Midwest City, addressed as 1813 Melody Drive.**

Staff gave a brief overview of this item. The applicant, Adam Dorety of 1813 Melody Dr., Midwest City, was present and addressed the Board members. There was general discussion about the application.

The Board members addressed the following criteria for the variance:

1. The application of the ordinance to the particular piece of property would create an unnecessary hardship. Is there a motion to make a finding of such an unnecessary hardship? No such motion was made.
2. Such conditions are peculiar to the particular piece of property. Is there a motion to make a finding of such peculiar condition? No such motion was made.

3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan. Is there a motion to make such a finding? No such motion was made.
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. Is there a motion to make such a finding? No such motion was made.

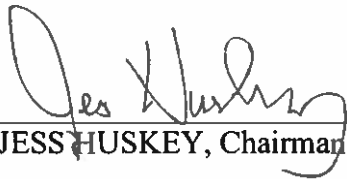
A motion was made by McDade, seconded by Young, to reject the variance application. Voting aye: Young, McDade, Valanejad, and Huskey. Voting nay: None. Motion carried.

C. **BOARD DISCUSSION**: None

D. **PUBLIC DISCUSSION**: None.

There being no further business, a motion was made by Young, seconded by McDade, to adjourn the meeting. Voting aye: Young, McDade, Valanejad and Huskey. Nay: none. Motion carried.

The meeting adjourned at 5:49 P.M.



---

JESS HUSKEY, Chairman

KG

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**

**August 19, 2021 - 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 August 19, 2021 at 4:00 p.m., with the following members present:

Present: Carolyn Burkes  
Suzi Byrne  
Jess Huskey

Absent: Casey Hurt  
Charlie Hartley

---

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

### **A. CALL TO ORDER:**

The meeting was called to order by Chairperson Burkes at 4:02 p.m.

### **B. MINUTES:**

1. A motion was made by Huskey, seconded by Byrne to approve the minutes of the December 9, 2021 meeting. Voting Aye: Huskey, Burkes, and Byrne. Nay: None. Motion carried.

### **C. NEW MATTERS:**

1. (PC –2089) 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 Madison Addition Preliminary Plat located in the NW/4 of Section 1, T11N, R2W, located at 500 and 600 Davidson Road and 527 and 531 Saint Paul Avenue.

Staff presented a brief overview of this request. The applicant, Jim Campbell, was present. There was general discussion about the item. A motion was made by Byrne, seconded by Huskey, to approve the proposed park land/ open space dedication as proposed to satisfy the requirement for



park land in conjunction with the Madison Addition Preliminary Plat as referenced in PC-2089. Voting aye: Burkes, Huskey, and Byrne. Nay: None. Motion passed.

**C. COMMITTEE DISCUSSION:**

1. There was general discussion about HOA covenants and how they are enforced. Staff advised committee as to the general process.

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

The meeting adjourned at 4:13 p.m.



Carley D. Burkes

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SS:kg



*The City of*

*MIDWEST CITY*

*COMMUNITY DEVELOPMENT DEPARTMENT*

To: Honorable Mayor and Council

From: Billy Harless, Community Development Director

Date: Tuesday, October 26th, 2021

Subject: Monthly Residential and Commercial Building report for September 2021

We still had quite a few Commercial remodels and saw an increase in new Residential Construction.

Billy Harless, AICP

Community Development Director

BH:ad



# The City of Midwest City Community Development Department

100 N Midwest Boulevard - Midwest City, OK 73110

## Building Permits Summary - Issued 9/1/2021 to 9/30/2021

### Building - Commercial & Industrial

<u>Count</u>	<u>Permit Type</u>	<u>Value</u>
1	Com Demolition Permit	\$37,050.00
1	Com Driveway Permit	
15	Com General Electrical Permit	
6	Com General Mechanical Permit	
9	Com General Plumbing Permit	
3	Com New Const Electrical Permit	
2	Com New Const Mechanical Permit	
3	Com New Const Plumbing Permit	
6	Com Remodel Bldg Permit	\$517,500.00
17	Com Sign Permit	\$21,565.00
<b>Total Value of Building - Commercial &amp; Industrial:</b>		<b>576,115.00</b>

### Building - Public & Semi-Public

<u>Count</u>	<u>Permit Type</u>	<u>Value</u>
1	School Remodel Bldg Permit	\$1,200,000.00
<b>Total Value of Building - Public &amp; Semi-Public:</b>		<b>1,200,000.00</b>

### Building - Residential

<u>Count</u>	<u>Permit Type</u>	<u>Value</u>
5	Res Accessory Bldg Permit	\$40,825.00
1	Res Carport Permit	\$1,000.00
4	Res Driveway Permit	
2	Res Fence Permit	\$4,700.00
51	Res General Electrical Permit	
32	Res General Mechanical Permit	
55	Res General Plumbing Permit	\$152,000.00
23	Res Multi-Fam Remodel Bldg Permit	\$114,000.00
9	Res New Const Electrical Permit	
7	Res New Const Mechanical Permit	
16	Res New Const Plumbing Permit	
1	Res Patio Cover Permit	\$5,800.00
11	Res Roofing Permit	\$100,741.00
18	Res Single-Fam New Const Bldg Permit	\$3,067,289.00
5	Res Single-Fam Remodel Building Permit	\$250,000.00
2	Res Storm Shelter Permit	\$11,995.00
2	Res Swimming Pool / Hot Tub Permit	\$110,744.00
<b>Total Value of Building - Residential:</b>		<b>3,859,094.00</b>

**Grand Total:** \$5,635,209.00



# The City of Midwest City Community Development Department

100 N Midwest Boulevard - Midwest City, OK 73110

Building Permits by Type - Issued 9/1/2021 to 9/30/2021

## Building - Commercial & Industrial

### Com Demolition Permit

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/8/21	2817 PARKLAWN DR, 73110	MIDWEST WRECKING	B-21-1782	\$37,050.00
				<b>\$37,050.00</b>

### Com Driveway Permit

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/14/21	9401 E RENO AVE, 73130	TERRY RALLS CONCRETE	B-21-1977	

### Com Remodel Bldg Permit

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/1/21	300 N AIR DEPOT BLVD, 73110	USCOC OF GREATER OKLAHOMA	B-21-0292	\$18,000.00
9/3/21	2201 S AIR DEPOT BLVD, 73110	SAHLI RENTAL PROPERTIES LLC	B-21-0166	\$9,500.00
9/7/21	1622 S POST RD, 73130	WHERRELL, JANA	B-21-1632	
9/7/21	1105 N SOONER RD, 73121	STEWART, JUSTIN	B-21-1062	\$15,000.00
9/14/21	7181 SE 29TH ST, MWC, OK, 73110	Jessica Wineinger	B-21-1487	\$400,000.00
9/15/21	1621 S DOUGLAS BLVD, C, 73130	COPP, CALE	B-21-0962	\$75,000.00
				<b>\$517,500.00</b>

### Com Sign Permit

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/3/21	2600 S DOUGLAS BLVD, 73130	David McNabb	B-21-1776	\$0.00
9/7/21	7001 SE 29TH ST, 73110	CLOVER SIGNS	B-21-1638	
9/7/21	7001 SE 29TH ST, 73110	CLOVER SIGNS	B-21-1639	
9/7/21	9001 SE 29TH ST, 73130	CLOVER SIGNS	B-21-1641	
9/7/21	9001 SE 29TH ST, 73130	CLOVER SIGNS	B-21-1640	
9/7/21	5601 TINKER DIAGONAL, 73110	CLOVER SIGNS	B-21-1629	\$1,065.00
9/7/21	5601 TINKER DIAGONAL, 73110	CLOVER SIGNS	B-21-1631	
9/8/21	1433 N KEY BLVD, 73110	SB GRAPHICS & SIGNS	B-21-1729	
9/10/21	205 S AIR DEPOT BLVD, MIDWEST CITY, OK, 0	Robel Arreaga	B-21-1881	\$12,000.00
9/14/21	5904 SE 15TH ST, 73110	SUPERIOR NEON SIGNS	B-21-1831	\$2,500.00
9/16/21	6600 E RENO AVE, MIDWEST CITY, OK, 0	Bruce Edwards	B-21-1861	\$600.00
9/16/21	6600 E RENO AVE, MIDWEST CITY, OK, 0	Bruce Edwards	B-21-1858	\$1,600.00
9/16/21	6600 E RENO AVE, MIDWEST CITY, OK, 0	Bruce Edwards	B-21-1859	\$600.00
9/22/21	1036 N DOUGLAS BLVD, 73130	Jeffery Burchell	B-21-2059	\$0.00
9/22/21	2590 S AIR DEPOT BLVD, 73110	Daniel Motush	B-21-1807	\$3,200.00
9/22/21	2590 S AIR DEPOT BLVD, 73110	Daniel Motush	B-21-1808	\$0.00
9/28/21	1152 S DOUGLAS BLVD, 73130	Keith Hutton	B-21-1934	\$0.00
				<b>\$21,565.00</b>

**Building - Public & Semi-Public****School Remodel Bldg Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/30/21	1621 MAPLE DR, 73110	CMS WILLOWBROOK	B-21-0044	\$1,200,000.00
				<b>\$1,200,000.00</b>

**Building - Residential****Res Accessory Bldg Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/1/21	2520 MURRAY DR, MWC, OK, 73110	James Harding	B-21-1838	\$2,750.00
9/8/21	2928 FINLEY DR, MWC, OK, 73130	Mari-Ann Stumblingsbear	B-21-1418	
9/22/21	3606 WOODVALE DR, 73110	JONNIE CLEMONS	B-21-1686	\$6,575.00
9/27/21	515 FRIENDLY RD, 73130	Warren Drennen	B-21-1823	\$30,000.00
9/27/21	9813 WILLOW WIND DR, 73130	Preston Franks	B-21-2008	\$1,500.00
				<b>\$40,825.00</b>

**Res Carport Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/14/21	112 W MICHAEL DR, 73110	ANDERSON, FLOYD	B-21-1976	\$1,000.00
				<b>\$1,000.00</b>

**Res Driveway Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/8/21	6617 SE 15TH ST, 73110	JVM CONTRACTORS	B-21-1927	
9/13/21	815 HELM DR, 73130	WAGNER, MITCH	B-21-1972	
9/16/21	113 GILL DR	RAFAEL RIOS CONSTRUCTION	B-21-1996	
9/29/21	500 ATKINSON DR, 73110	FITZS WELDING & CONSTRUCTION	B-21-2126	

**Res Fence Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/14/21	1001 JASMINE LN, 73110	SKAGGS, DALE	B-21-1895	\$200.00
9/22/21	1716 THOMPSON DR, 73110	Kristi Stemper	B-21-2037	\$4,500.00
				<b>\$4,700.00</b>

**Res General Plumbing Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/29/21	2929 BELLA VISTA, 73110	HULL, RICHARD	B-21-0376	

**Res Multi-Fam Remodel Bldg Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/9/21	2517 W GLENHAVEN DR	JER REMODELING	B-21-1440	
9/9/21	2509 W GLENHAVEN DR	JER REMODELING	B-21-1413	\$3,600.00
9/27/21	8505 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1542	\$4,800.00
9/27/21	8503 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1541	\$4,800.00
9/27/21	8507 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1543	\$4,800.00
9/27/21	8501 E RENO AVE	BEAN, WILLIAM	B-21-1540	\$4,800.00
9/27/21	8509 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1544	\$4,800.00
9/27/21	8511 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1545	\$4,800.00
9/27/21	8513 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1546	\$7,200.00
9/27/21	8515 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1547	\$7,200.00
9/27/21	8519 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1548	\$4,800.00
9/27/21	8523 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1554	\$4,800.00
9/27/21	8601 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1552	\$7,200.00

9/27/21	8521 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1550	\$4,800.00
9/27/21	8603 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1556	\$7,200.00
9/27/21	8607 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1558	\$4,800.00
9/27/21	8609 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1560	\$4,800.00
9/27/21	8613 E RENO AVE 73110	BEAN, WILLIAM	B-21-1549	\$4,800.00
9/27/21	8615 E RENO AVE, , 73110	BEAN, WILLIAM	B-21-1551	\$4,800.00
9/27/21	8619 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1555	\$4,800.00
9/27/21	8621 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1557	\$4,800.00
9/27/21	8623 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1559	\$4,800.00
9/27/21	8611 E RENO AVE, 73110	BEAN, WILLIAM	B-21-1561	\$4,800.00

**\$114,000.00**

**Res New Const Electrical Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/17/21	2929 BELLA VISTA, 73110	ROBERTS, JOHN C	B-21-0189	

**Res Patio Cover Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/23/21	407 W DOUGLAS DR	CHOATE, TERESA	B-21-2021	\$5,800.00

**\$5,800.00**

**Res Roofing Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/7/21	9401 E RENO AVE, 73130	OKLAHOMA ROOFING & CONSTR	B-21-1907	\$15,000.00
9/7/21	527 BABB DR, 73110	OKLAHOMA ROOFING & CONSTR	B-21-1908	\$10,000.00
9/7/21	7218 SE 15TH ST, 73110	Charles Tartaglione	B-21-1905	
9/7/21	412 BELL DR, 73110	Charles Tartaglione	B-21-1906	
9/8/21	400 HELM DR, 73130	CANTRELL EXTERIOR FINISHES	B-21-1920	\$8,700.00
9/8/21	120 W LILAC LN, 73110	Bryan Funderburgh	B-21-1930	
9/13/21	9800 RAIL RD, 73130	WATCHDOG ROOFING	B-21-1974	\$21,000.00
9/14/21	1025 W PEEBLY DR, 73110	MAUPIN ROOFING & CONSTRUCTION	B-21-1975	\$12,000.00
9/16/21	6501 SE 15TH ST, 73110	PARKER BROTHERS ROOFING	B-21-1999	\$4,700.00
9/20/21	3637 GARDEN VIEW DR, 73110	ELLIOTT ROOFING	B-21-2003	\$17,341.00
9/21/21	3100 DEL REY DR, 73110	PARKER BROTHERS ROOFING	B-21-2046	\$12,000.00

**\$100,741.00**

**Res Single-Fam New Const Bldg Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/2/21	1006 RYAN RIDGE CT, 73130	Monarch Homes, LLC	B-21-1792	\$255,000.00
9/2/21	1010 RYAN RIDGE CT, 73130	Monarch Homes, LLC	B-21-1794	\$265,000.00
9/7/21	12507 FOREST TERR, 73020	BOB JONES HOMES INC	B-21-1614	\$3,195.00
9/8/21	10333 SE 12TH ST	MONARCH HOMES	B-21-0255	\$249,000.00
9/13/21	10339 SE 12TH ST, 73130	MONARCH HOMES	B-21-0256	\$241,000.00
9/13/21	2406 CATTAIL CIR, 73130	Home Creations, Inc.	B-21-1825	\$160,042.00
9/13/21	2410 CATTAIL CIR, 73130	Home Creations, Inc.	B-21-1801	\$0.00
9/13/21	2411 CATTAIL CIR, 73130	Home Creations, Inc.	B-21-1752	\$195,552.00
9/13/21	10508 CATTAIL TER, 73130	Home Creations, Inc.	B-21-1719	\$153,500.00
9/16/21	1002 RYAN RIDGE CT, 73130	Monarch Homes, LLC	B-21-1791	\$290,000.00
9/17/21	8700 NE 16TH ST, MIDWEST CITY, OK, 0	Tim Morton	B-21-1503	\$300,000.00
9/20/21	13263 SAWTOOTH OAK RD, 73020	Melissa Mallory	B-21-0096	\$148,000.00
9/20/21	10512 BELLVIEW DR, 73130	ALPHA CONSTRUCTION & DESIGN LLC	B-21-0184	\$130,000.00

9/20/21	10518 BELLVIEW DR, 73130	ALPHA CONSTRUCTION & DESIGN LLC	B-21-0183	\$130,000.00
9/22/21	10107 ST PATRICK DR, 73130	BARRON CONSTRUCTION	B-21-0294	\$85,000.00
9/24/21	13235 SAWTOOTH OAK RD, 73020	IDEAL HOMES	B-20-5078	\$142,000.00
9/24/21	13231 SAWTOOTH OAK RD, 73020	Mallory, Melissa	B-21-0089	\$168,000.00
9/24/21	13227 SAWTOOTH OAK RD, 73020	Melissa Mallory	B-21-0009	\$152,000.00

**\$3,067,289.00**

**Res Single-Fam Remodel Building Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/17/21	1705 THOMPSON DR, 73110	STEMPER BROTHERS INC	B-21-0751	\$15,000.00
9/22/21	849 E STEED DR, 73110	PHOENIX CONSTRUCTION	B-21-0638	\$10,000.00
9/24/21	113 W LILAC CT, 73110	TYRA FAMILY INVESTMENTS	B-21-1625	
9/28/21	9708 NE 2ND PL, 73130	Blackmon Mooring	B-21-1949	\$75,000.00
9/29/21	209 WINDOVER CV, MWC, OK, 73130	Laura Willhite	B-21-1508	\$150,000.00

**\$250,000.00**

**Res Storm Shelter Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/9/21	10707 NE 5TH ST, 73130	OZ SAFEROOMS TECHNOLOGIES	B-21-1889	\$11,995.00
9/14/21	9023 N TIMBERVIEW DR, 73130	GROUND ZERO	B-21-1760	

**\$11,995.00**

**Res Swimming Pool / Hot Tub Permit**

<u>Issued</u>	<u>Location</u>	<u>Applicant</u>	<u>Case #</u>	<u>Value</u>
9/23/21	12827 GLEN EAGLE DR, 73020	Chris Mills	B-21-2014	\$70,850.00
9/27/21	2023 RIDGEVIEW RD, 73130	tamara douglas	B-21-2065	\$39,894.00

**\$110,744.00**

**Grand Total:                                           **\$5,483,209.00****



# The City of Midwest City

## Community Development Department

100 N Midwest Boulevard - Midwest City, OK 73110

### Inspections Summary - Inspected 9/1/2021 to 9/30/2021

<u>Inspection Description</u>	<u>Count</u>
Accessory Bldg Inspection	2
Buildings - CO Inspection & Sign Off	8
Buildings - CO Reinspection & Sign Off	2
Com Building Final Reinspection	2
Com Driveway Inspection	1
Com Duct Smoke Detector Retest/Reinspection	1
Com Duct Smoke Detector Test/Inspection	3
Com Electrical Ceiling Inspection	3
Com Electrical Final Inspection	3
Com Electrical Final Reinspection	2
Com Electrical Ground Inspection	4
Com Electrical Rough-in Inspection	4
Com Electrical Service Inspection	5
Com Electrical Wall Inspection	1
Com Fire Alarm Rough Inspection	1
Com Footing & Building Setback Inspection	4
Com Framing Inspection	4
Com Framing Reinspection	2
Com Gas Piping Inspection	2
Com Grease Trap Final Inspection	1
Com Mechanical Final Inspection	2
Com Mechanical Rough-in Inspection	2
Com Mechanical Rough-in Reinspection	1
Com Plumbing Final Inspection	3
Com Plumbing Ground Inspection	7
Com Plumbing Rough-in Inspection	6
Com Sewer Service Inspection	2
Com Sewer Service Reinspection	1
Com Water Service Line Inspection	1
Commercial Meter Tap Inspection	2
County Health - CO Inspection & Sign Off	4
Electrical Generator Inspection	2
Electrical Generator Reinspection	2
Fire - CO Inspection & Sign Off	18
Fire - CO Reinspection & Sign Off	4
General Inspection	8
Hot Water Tank Inspection	12
Hot Water Tank Reinspection	3
Irrigation System Inspection	2
Mechanical Change Out Inspection	10
OMMA CC Inspection - Buildings	4
OMMA CC Inspection - Fire	4
OMMA CC Inspection - Planning	4
OMMA CC Inspection - Stormwater	1
OMMA CC Reinspection	2
OMMA CC Reinspection - Fire	1



Planning - CO Inspection & Sign Off	19
Pre-Con Site Inspection/Meeting	8
Res Building Final Inspection	4
Res Building Final Reinspection	3
Res Carport Inspection	3
Res Drainage1 Inspection	3
Res Drainage2 Inspection	3
Res Drainage3 Inspection	5
Res Drainage4 Inspection	5
Res Drainage5 Inspection	2
Res Drainage5 Reinspection	2
Res Driveway Inspection	5
Res Electrical Final Inspection	8
Res Electrical Final Reinspection	2
Res Electrical Ground Inspection	1
Res Electrical Pool Bonding Reinspection	1
Res Electrical Rough-in Inspection	12
Res Electrical Rough-in Reinspection	8
Res Electrical Service Inspection	27
Res Electrical Service Reinspection	6
Res Footing & Building Setback Inspection	11
Res Footing & Building Setback Reinspection	3
Res Framing Inspection	9
Res Framing Reinspection	2
Res Gas Meter Inspection	5
Res Gas Meter Reinspection	2
Res Gas Piping Inspection	11
Res Gas Piping Reinspection	2
Res Insulation Inspection	4
Res Mechanical Final Inspection	1
Res Mechanical Final Reinspection	1
Res Mechanical Rough-in Inspection	5
Res Mechanical Rough-in Reinspection	5
Res Patio Cover Inspection	1
Res Plumbing Final Inspection	8
Res Plumbing Final Reinspection	2
Res Plumbing Ground Inspection	17
Res Plumbing Ground Reinspection	1
Res Plumbing Rough-in Inspection	11
Res Plumbing Rough-in Reinspection	6
Res Retaining Wall Final Inspection	2
Res Retaining Wall Inspection	2
Res Roofing Inspection	2
Res Sewer Service Inspection	20
Res Sewer Service Reinspection	3
Res Storm Shelter Inspection	3
Res Temporary Electrical Pole Inspection	8
Res Temporary Electrical Pole Reinspection	1
Res Water Service Line Inspection	21
Res Water Service Line Reinspection	1
Sewer Cap Reinspection	1
Sign Inspection	1
Utilities - CO Inspection & Sign Off	5
<hr/>	
Total Number of Inspections:	467



## MUNICIPAL AUTHORITY AGENDA

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

October 26, 2021 – 6:01 PM

Presiding members: Chairman Matt Dukes

Trustee Susan Eads

Trustee Sean Reed

City Manager Tim Lyon

Trustee Pat Byrne

Trustee Christine Allen

City Clerk Sara Hancock

Trustee Española Bowen

Trustee Rick Favors

City Attorney Don Maisch

A. CALL TO ORDER.

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

1. Discussion and consideration for adoption, including any possible amendment of, the October 12, 2021 meeting minutes. (Secretary - S. Hancock)

2. Discussion and consideration for adoption, including any possible amendment of, the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending September 30, 2021. (City Manager – T. Lyon)

C. NEW BUSINESS/PUBLIC DISCUSSION. In accordance with State Statute Title 25 Section 311. Public bodies - Notice. A-9, the purpose of the "New Business" section is for action to be taken at any Council/Authority/Commission meeting for any matter not known about or which could not have been reasonably foreseen 24 hours prior to the public meeting. 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 Trustees 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 Trustees will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE TRUSTEES ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE TRUSTEES.**

D. ADJOURNMENT.



CONSENT AGENDA



Notice for the Midwest City Municipal Authority meetings was filed for the calendar year with the City Clerk of Midwest City. 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 Municipal Authority Minutes

October 12, 2021

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 6:21 PM with the following members present:

Trustee Susan Eads	Trustee Sean Reed	City Manager Tim Lyon
Trustee Pat Byrne	Trustee Christine Allen	Secretary Sara Hancock
Trustee Española Bowen		City Attorney Don Maisch

Absent: Trustee Rick Favors

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

1. Discussion and consideration for adoption, including any possible amendment of, the September 28, 2021 meeting minutes.
2. Discussion and consideration for adoption, including any possible amendment of supplemental budget adjustments to the following funds for FY 2021-2022, increase: Capital Drainage Imp Fund, expenditures/Drainage Improvements (72) \$13,580. Storm Water Quality Fund, expenditures /Storm Water (61) \$15,694. Utility Services Fund, expenditures/Utility Services (50) \$32,112. Sanitation Fund, expenditures/Sanitation (41) \$56,687. Water Fund, expenditures/Water (42) \$115,458. Wastewater Fund, expenditures/Wastewater (43) \$139,709. Hotel/Conf. Center Ops Fund, expenditures/Hotel/Conf Center (40) \$2,729. Golf Fund, expenditures/JC Regional Golf (47) \$2,652; expenditures/Hidden Creek (48) \$12,287. Golf Fund, expenditures/JC Regional Golf (47) \$8,661; expenditures/Hidden Creek (48) \$44,802.

NEW BUSINESS/PUBLIC DISCUSSION. There was no new business or public discussion.

### ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 6:22 PM.

ATTEST:

\_\_\_\_\_  
MATTHEW D. DUKES II, Chairman

\_\_\_\_\_  
SARA HANCOCK, Secretary



THE CITY OF  
**MIDWEST CITY**

**MEMORANDUM**

TO: Honorable Chairman and Trustees  
Midwest City Municipal Authority

FROM: Tim Lyon, City Manager

DATE: October 26, 2021

RE: Discussion and consideration for adoption, including any possible amendment of, the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending September 30, 2021.

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This item is on the agenda at the request of the Authority. Attached to this memorandum is information concerning the status of the Sheraton Midwest City Hotel at the Reed Center.

Any time you have a question concerning the conference center and hotel, please feel free to contact me at 739-1201.

*Tim L. Lyon*

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Tim Lyon  
City Manager

Attachment (1)

**SHERATON MIDWEST CITY HOTEL AT THE REED CENTER**

<b>Fiscal Year 2021-2022</b>	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22
<b>Revenue</b>												
Budgeted (MTD)	218,175	269,249	<b>277,204</b>									
Actual (MTD)	165,309	267,937	<b>203,272</b>									
Budgeted (YTD)	218,175	487,424	<b>764,628</b>									
Actual (YTD)	165,309	433,247	<b>636,518</b>									
<b>Expenses</b>												
Budgeted (MTD)	276,863	304,951	<b>298,180</b>									
Actual (MTD)	217,027	271,844	<b>249,791</b>									
Budgeted (YTD)	276,863	581,814	<b>879,994</b>									
Actual (YTD)	217,027	488,872	<b>738,663</b>									
<b>Revenue vs. Expenses</b>												
Budgeted (MTD)	(56,688)	(35,702)	<b>(20,976)</b>									
Actual (MTD)	(51,718)	(3,907)	<b>(46,520)</b>									
Budgeted (YTD)	(56,688)	(94,390)	<b>(115,366)</b>									
Actual (YTD)	(51,718)	(55,625)	<b>(102,145)</b>									
<b>Key Indicators</b>												
Hotel Room Revenue	140,152	138,336	<b>115,422</b>									
Food and Banquet Revenue	21,229	120,339	<b>76,791</b>									

<b>Fiscal Year 2020-2021</b>	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
<b>Revenue</b>												
Budgeted (MTD)	343,261	453,583	525,877	507,546	455,087	297,747	227,478	357,427	514,440	483,447	447,593	415,608
Actual (MTD)	209,220	96,171	166,050	141,030	196,284	98,762	110,610	119,566	178,607	183,566	128,960	228,854
Budgeted (YTD)	343,261	796,844	1,322,721	1,830,267	2,285,354	2,583,101	2,810,579	3,168,006	3,682,446	4,165,893	4,613,486	5,029,094
Actual (YTD)	209,220	305,391	471,441	612,471	808,756	907,517	1,018,127	1,137,693	1,316,301	1,499,867	1,628,827	1,857,681
<b>Expenses</b>												
Budgeted (MTD)	402,630	455,299	469,746	481,160	435,035	370,311	312,141	359,557	443,494	451,607	419,406	410,317
Actual (MTD)	206,494	166,450	189,154	173,890	187,703	140,339	168,038	152,009	184,421	208,906	174,967	241,097
Budgeted (YTD)	402,630	857,929	1,327,675	1,808,835	2,243,910	2,614,221	2,926,362	3,285,919	3,729,413	4,181,020	4,600,426	5,010,743
Actual (YTD)	206,494	372,944	562,098	735,987	923,690	1,064,029	1,232,066	1,384,076	1,568,497	1,777,403	1,952,369	2,193,466
<b>Revenue vs. Expenses</b>												
Budgeted (MTD)	(59,369)	(1,716)	56,131	26,386	20,912	(72,564)	(84,663)	(2,130)	70,946	31,840	28,187	5,291
Actual (MTD)	2,726	(68,563)	(23,104)	(32,859)	8,582	(41,577)	(57,428)	(32,443)	(5,814)	(25,340)	(46,006)	(12,242)
Budgeted (YTD)	(59,369)	(61,085)	(4,954)	21,432	41,444	(31,120)	(115,783)	(117,913)	(46,967)	(15,127)	13,060	18,351
Actual (YTD)	2,726	(67,553)	(90,657)	(123,516)	(114,935)	(156,511)	(213,939)	(246,383)	(252,196)	(277,536)	(323,543)	(335,785)



NEW BUSINESS/  
PUBLIC DISCUSSION





## MEMORIAL HOSPITAL AUTHORITY AGENDA

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

October 26, 2021 – 6:02 PM

Presiding members: Chairman Matt Dukes

Trustee Susan Eads

Trustee Sean Reed

City Manager Tim Lyon

Trustee Pat Byrne

Trustee Christine Allen

City Clerk Sara Hancock

Trustee Española Bowen

Trustee Rick Favors

City Attorney Don Maisch

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion and consideration for adoption, including any possible amendment of, the October 12, 2021 meeting minutes. (Secretary - S. Hancock)
2. Discussion and consideration of adoption, including any possible amendment, of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives. (Finance - T. Cromar)

C. NEW BUSINESS/PUBLIC DISCUSSION. In accordance with State Statute Title 25 Section 311. Public bodies - Notice. A-9, the purpose of the "New Business" section is for action to be taken at any Council/Authority/Commission meeting for any matter not known about or which could not have been reasonably foreseen 24 hours prior to the public meeting. 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 Trustees 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 Trustees will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE TRUSTEES ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE TRUSTEES.**

D. EXECUTIVE SESSION.

1. Discussion and consideration of 1) entering into executive session, as allowed under Title 25 Section 307 (B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; and 2) authorizing the City Manager to take action as appropriate based on discussion. (City Manager - T. Lyon)

E. ADJOURNMENT.





DISCUSSION ITEMS



Notice for the Midwest City Memorial Hospital Authority meetings was filed for the calendar year with the City Clerk of Midwest City. 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 Memorial Hospital Authority Minutes

October 12, 2021

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 6:22 PM with the following members present:

Trustee Susan Eads	Trustee Sean Reed	City Manager Tim Lyon
Trustee Pat Byrne	Trustee Christine Allen	Secretary Sara Hancock
Trustee Española Bowen		City Attorney Don Maisch

Absent: Trustee Rick Favors

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

1. Discussion and consideration for adoption, including any possible amendment of, the September 28, 2021 meeting minutes.
2. Discussion and consideration for adoption, including any possible amendment of supplemental budget adjustments to the following fund for FY 2021-2022, increase: Hospital Authority Fund, expenditures/Hospital Authority (90) \$8,262.

### DISCUSSION ITEM.

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

NEW BUSINESS/PUBLIC DISCUSSION. There was no new business or public discussion.

### ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 6:23 PM.

ATTEST:

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MATTHEW D. DUKES II, Chairman

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SARA HANCOCK, Secretary



**Memorial Hospital Authority**

General Manager/Administrator, Tim Lyon  
100 North Midwest Boulevard  
Midwest City, Oklahoma 73110  
Office (405) 739-1201  
tlyon@midwestcityok.org  
[www.midwestcityok.org](http://www.midwestcityok.org)

MEMORANDUM

To: Honorable Chairman and Trustees

From: Tiatia Cromar, Finance Director

Date: October 26, 2021

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

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Jim Garrels, President of Fiduciary Capital Advisors, asked staff to put this item on each agenda in the event that 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.

Tiatia Cromar  
Finance Director



NEW BUSINESS/  
PUBLIC DISCUSSION





EXECUTIVE SESSION





**City Manager**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
[tlyon@midwestcityok.org](mailto:tlyon@midwestcityok.org)  
Office: 405.739.1201  
[www.midwestcityok.org](http://www.midwestcityok.org)

MEMORANDUM

TO: Honorable Chairman and Trustees

FROM: Tim Lyon, City Manager

DATE: October 26, 2021

SUBJECT: Discussion and consideration of 1) entering into executive session, as allowed under Title 25 Section 307 (B)(4) to discuss confidential communications between a public body and its attorney concerning a pending investigation, claim, or action if the public body with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest; and 2) in open session, authorizing the City Manager to take action as appropriate based on the discussion in executive session.

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Appropriate information will be dispersed during executive session.

\_\_\_\_\_  
Tim L. Lyon, City Manager



## ECONOMIC DEVELOPMENT COMMISSION AGENDA

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

October 26, 2021 – 6:03 PM

Presiding members: Chairman Matt Dukes

Commissioner Susan Eads

Commissioner Sean Reed

City Manager Tim Lyon

Commissioner Pat Byrne

Commissioner Christine Allen

City Clerk Sara Hancock

Commissioner Española Bowen

Commissioner Rick Favors

City Attorney Don Maisch

A. CALL TO ORDER.

B. CONSENT AGENDA.

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

1. Discussion and consideration for adoption, including any possible amendment of, the July 27, 2021 meeting minutes. (Secretary - S. Hancock)

2. Review of the CVB 3rd Quarterly Activity Report for the period ending September 30, 2021. No action is necessary; this item is presented for informational and discussion purposes only. (Communications, Marketing and CVB - J. Ryan)

C. DISCUSSION ITEM.

1. Review of the Midwest City Chamber of Commerce's Quarterly Activity Report for the period ending September 30, 2021. No action is necessary; this item is presented for informational and discussion purposes only. (City Manager - T. Lyon)

D. NEW BUSINESS/PUBLIC DISCUSSION.

The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the Commission on any Subject not scheduled on the Regular Agenda. The Commission 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 Commission will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE COMMISSION ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE COMMISSION.**

E. ADJOURNMENT.



CONSENT AGENDA





Notice for the Midwest City Economic Development Commission meetings was filed for the calendar year with the City Clerk of Midwest City. 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 Economic Development Commission Minutes**

**July 27, 2021**

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

Vice Chairman Pat Byrne called the meeting to order at 7:31 PM with the following members present:

Commissioner Susan Eads	Commissioner Sean Reed	City Manager Tim Lyon
Commissioner Española Bowen	Commissioner Christine Allen	Secretary Sara Hancock
Commissioner Rick Favors		City Attorney Don Maisch

Absent: Chairman Matt Dukes

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

1. Discussion and consideration for adoption, including any possible amendment of, the June 22, 2021 meeting minutes.
2. Review of the Communications, Marketing, and CVB Quarterly Activity Report for the period ending June 30, 2021. No action is necessary; this item is presented for informational and discussion purposes only.
3. Review of the Midwest City Chamber of Commerce's Quarterly Activity Report for the period ending June 30, 2021. No action is necessary; this item is presented for informational and discussion purposes only.

NEW BUSINESS/PUBLIC DISCUSSION. There was no new business or public discussion.

ADJOURNMENT.

There being no further business, Acting Chairman Byrne adjourned the meeting at 7:32 PM.

ATTEST:

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PAT BYRNE, Acting Chairman

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SARA HANCOCK, Secretary



**Communications & Marketing**

100 N. Midwest Boulevard

Midwest City, OK 73110

[jryan@midwestcityok.org](mailto:jryan@midwestcityok.org)

Office: 405.739.1206

[www.midwestcityok.org](http://www.midwestcityok.org)

MEMORANDUM

TO: Honorable Chairman and Commissioners

FROM: Josh Ryan, Communications & Marketing Director

DATE: October 14, 2021

SUBJECT: Review of the CVB 3<sup>rd</sup> Quarter Activity Report for the period ending September 30, 2021. No action is necessary; this item is presented for informational and discussion purposes only.

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The Quarterly CVB Activity Report is developed by Susan MacQuarrie, Convention & Visitors Bureau Manager. The 2021 3<sup>rd</sup> Quarter Activity Report is attached for your review.

Josh Ryan, Communications & Marketing Director



## **Convention & Visitors Bureau Activities: Q3 July, August, September 2021**

The mission of the Convention & Visitors Bureau is to stimulate Midwest City's economic vitality through tourism by positioning and selling the community in partnership with public and private sectors as a premier destination for conventions, tradeshow, corporate meetings, group tours, and individual leisure travel. The CVB offers assistance with site tours and acquiring bids at our hospitality venues and information on special events, dining, catering, entertainment and local attractions.

In pursuit of its mission, the CVB generates increased visitor spending for the overall business community through creative marketing programs, attractive incentive packages, and special events.

- The boost in visitors guide requests experienced a few months ago has started to level out with summer travel ending, 422 visitors guide requests were fulfilled through TravelOK this quarter.
- The CVB provided over 410 welcome bags to visiting groups this quarter. A decrease of about 31% year over year.
- The social markets didn't experience the strong summer rebound with family reunions, class reunions and weddings as anticipated. However, leisure travel and sports markets performed better than expected this summer.
- The CVB is waiting on updated booking numbers from the conference center. Although we do not have exact dates for all groups that have rebooked; the trend is still looking positive for 2022 and into 2023.
- The CVB continues to participate in virtual and in-person travel & tourism industry events hosted by OTIA, OSAE and TravelOK. This assembly of travel and tourism experts provide an understanding of the challenges and prospects that destination marketing organizations will encounter as the industry moves to a full recovery.
- Hotel / Conference Center operators, event planners and destination marketers continue to be optimistic and encouraged as positive news regarding COVID emerges.
- As anticipated, employing staff in hospitality, food & beverage and hotel services is identified as a major limitation in keeping up with the recovery.
- The CVB, the Communications & Marketing Department, Human Resources and the Midwest City Chamber of Commerce hosted a joint effort all industry hiring event (job fair) on Thursday, August 26 at the Midwest City Nick Harroz Community Center. The event featured vendor booths, application completion area and on-the-spot interview opportunities.

*Please note: The CVB does not work with every group booked at the center. The CVB works with groups who seek the CVB's support in a convention services capacity that exceeds reasonable expectations of the conference center staff. This includes; but not limited to, conference planning, welcome bags, exhibitor participation, conference sponsorship, assistance with registration, name tags, welcome speeches, proclamations, transportation to off property events. The CVB welcomes opportunities to groom accounts, secure repeat bookings, and to offer groups special attention they do not get in other cities. Current bookings, status and value amounts (to the best of CVB knowledge) as of January 2021:*

Definite- 7	366,700
Tentative – 2	110,000
Prospect – 4	<u>172,100</u>
Total: 13	648,800

**Midwest City Hotel / Motel Assembly Quarterly Meeting** – We are excited to consider the following dates to for our quarterly Midwest City Hotel / Motel Assembly meetings:

~~Tuesday, September 28, 2021~~ \*Home 2 Suites hosted meeting

Tuesday, December 14, 2021

Tuesday, March 15, 2022

Tuesday, June 14, 2022

#### **CVB Marketing Campaigns-**

- **Digital**

- **Website** – [www.visitmidwestcity.com](http://www.visitmidwestcity.com) Online request form for visitors guide directly to CVB. Tourism video is budgeted to be updated FY 21/22.
- **Social Media – Facebook & Twitter-** posts are made on a regular basis on all social media resources. Some weeks with heavy events or activities, multiple posts are made on a daily basis.
- **Cross promote** – Rose State College activities, Hudiburg Chevrolet Center shows & events, Parks & Recreation Activities & Special Events, Shopping, dining and Hotels.

- **Print**

- The new Midwest City visitors guide is in the process of being designed. Targeted print in December and available to the public the first week in January.
- **OTRD – Oklahoma Tourism & Recreation Department** – Advertisements in the State Travel Guide and the Outdoor Guide for 2022 have been submitted. The Outdoor Guide will feature a full page promoting the SCIP Trails.
- OTRD distributes the visitors guide at all state Welcome Centers and online request fulfillment program.
- **OSAE – Oklahoma Society of Association Executives** – Member and Sponsor, ad in quarterly meeting planner magazine. OSAE is the state's premier organization for meeting planner networking and showcasing meeting facilities and hotels.

- **OTIA- Oklahoma Travel Industry Association-** Member & Sponsor. OTIA continues to offer complimentary continued education training webinars and Travel & Tourism road shows.
- **Cross Promotion & Marketing-** The Communication & Marketing Department continues to work closely with the Parks & Recreation Dept., Rose State College/ Hudiburg Chevrolet Center, Town Center Plaza and the Chamber of Commerce to ensure the overall brand message & public impression that Midwest City is the ideal place to work, shop, live, educate and visit. Although the CVB promotes all the aspects of Midwest City; the focus of the CVB is to market, promote, position and sell the tourism amenities featured in Midwest City.
- **Special Events** – With the move, the CVB, Public Information Office and Special Events have now effectively merged into the Communication & Marketing Team. The team encompasses the programing, sponsorships, marketing, execution and follow-up for Midwest City special events.
- The **Cruise in for Coffee** Event has experienced significant growth this season. The July event hosted approximately 156 participants. Many attendees patronize Town Center Plaza businesses and dining establishments on car show Saturdays.
- As some events had to be cancelled or reimagined due to the pandemic; realizing success and identifying growth potential, several new events have been added to the regular event line-up this year. The 2<sup>nd</sup> annual **Rockin’ Regional** concert in mid-September was a success.
- Due to the overwhelming community response last year, the **Trick or Trail** drive-thru event will be modified to serve the interests of demand and safety concerns. It is being moved from the Sears building parking lot to the driving path used for Holiday Lights in Regional Park.
- We are promoting **Holiday Lights Spectacular** sponsorship packages. The event will be 25 days long, December 1 – 25.
- Seasonal events the CVB will assist & support include: Creepin’ It Reel movie event, Veterans Day Parade, Vietnam Veterans/ Welcome Home Reception, Light the City, Walk the Lights and Calls with Kringle.
- All available resources are utilized to promote all Midwest City special events including Websites, Newsletters, Social Media, Digital and Print.

Submitted By: **Susan MacQuarrie, October 12, 2021**



DISCUSSION ITEMS





**City Manager**  
100 N. Midwest Boulevard  
Midwest City, OK 73110  
[tlyon@midwestcityok.org](mailto:tlyon@midwestcityok.org)  
Office: 405.739.1201  
[www.midwestcityok.org](http://www.midwestcityok.org)

MEMORANDUM

TO: Honorable Chairman and Commissioners  
Midwest City Economic Development Commission

FROM: Tim Lyon, City Manager

DATE: October 26, 2021

SUBJECT: Review of the Midwest City Chamber of Commerce's Quarterly Activity Report for the period ending September 30, 2021. No action is necessary; this item is presented for informational and discussion purposes only.

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The Chamber of Commerce has provided the attached report.

Tim Lyon, City Manager

Midwest City Chamber of Commerce  
Quarterly Report, July – September, 2021

Economic Development/Local Business Support

- Hosted monthly Community Marketing Committee meetings bringing together organizations providing events throughout the community to cross-market and coordinate calendars.
- Celebrated three ribbon-cuttings with new members.
- Hosted two Sunrise Socials to introduce new members and support local networking.
- Held a full Membership Meeting to introduce the new Executive Director and start in-person networking gatherings.
- New Executive Director visited numerous businesses and met with city and state officials to better understand the local economy and the community. Tours included the Reed Conference Center and Hotel, Tomcat Aviation, Atkinson Heritage Center, and a driving tour of development sites.
- Joined the Urban League in a federal grant application that would provide additional support for veteran and female owned businesses.
- Partnered with City of Midwest City to provide a local Job Fair in the community center.

Tinker and The Primes Conference (TAP) - August 10-12, 2021

- Hosted four meetings with Tinker leadership and TAP Planning Committee to cover logistics and finalize the program. In addition to numerous meetings with Chamber and registration staff.
- Several meetings to finalize the audio/video and BEO's.
- After TAP Follow-up meeting with Planning Committee to review the attendee survey results and details from the conference.
- After TAP Follow-up meeting with Tinker Senior Leadership to review the details from the conference and discuss earlier dates for Tinker to confirm TAP main point of contact.
- Met with Marianne's Rentals to measure and gather estimate for air conditioned tents outside Reed Conference Center for TAP 2022.

Tinker AFB and Community Support

- Attended several Change of Command and promotion services at Tinker AFB.
- Supported the Mid-Del Schools Celebrating Education event by connecting sponsors and providing cash awards for 50 teachers.
- Gathered sponsors and promoted them in the marketing for the Picnic with Protectors and Public Works. A well-attended event to thank those that keep us safe.
- Confirmed the two flyovers for the Veterans Day Parade.
- Interviewed students at Midwest City and Carl Albert High Schools for two days as the initial step for the Youth Excel program.
- Secured hole sponsors, food sponsor, and prizes for the Chamber's Golf Tournament, held at Lincoln Park.
- Attended the online Oklahoma Humanities Council Board of Directors meeting.





NEW BUSINESS/  
PUBLIC DISCUSSION

