



MIDWEST CITY
MEETING AGENDAS FOR
October 09, 2018

STAFF BRIEFING

City Hall - Midwest City Council Conference Room, second floor
100 N. Midwest Boulevard

October 09, 2018 – 6:00 PM

To make a special assistance request for any meeting, call 739-1215 or email pmenefee@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.

DISCUSSION.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the agendas for the City Council, Municipal Authority, Memorial Hospital Authority, and Economic Development Commission meetings of October 09, 2018.



CITY OF MIDWEST CITY COUNCIL AGENDA

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

October 09, 2018 – 7:00 PM

A. CALL TO ORDER.

B. OPENING BUSINESS.

- Invocation by Public Works Director Vaughn Sullivan
- Pledge of Allegiance by Carl Albert JROTC Cadets Gavin Avery and Brandon Taber
- Community-related announcements and comments
- Mayoral Proclamation for Retiree Joel Warner

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 of approving the minutes of the staff briefing and regular meeting of September 25, 2018, as submitted. (City Clerk - S. Hancock)
2. Discussion and consideration of supplemental budget adjustments to the following fund for FY 2018-2019, increase: Emergency Operations Fund, revenue/Inter-governmental (00) \$4,569; expenses/Emergency Operations (21) \$4,569. Disaster Relief Fund, expenses/Disaster Relief (88) \$450,251. (Finance - C. Barron)
3. Discussion and consideration of approving and entering into a contract in an amount not to exceed \$9,000 for fiscal year 2018/2019 with Jay D. Collins to establish the terms and condition under which he shall serve as the Volunteer Income Tax Assistance Center Coordinator. (Neighborhood Services - M. Stroh)
4. Discussion and consideration of awarding and entering into a contract with CXT Incorporated for the purchase and on-site installation of a new prefabricated flame retardant restroom to be erected in Optimist Park in the amount of \$62,985. (Public Works - V. Sullivan)
5. Discussion and consideration of accepting a Permanent Utility Easement for the construction of a public water main extension located at and across 9617 S.E. 29th Street. The easement is located within the corporate limits of the City of Midwest City, located in the Southeast Quarter of Section Twelve (12), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma. (Community Development - P. Menefee)
6. Discussion and consideration of approving and entering into a Memorandum of Understanding with the Oklahoma Office of Homeland Security for the Federal FY 2018 Homeland Security Grant Program grant for local funding for the Oklahoma Interoperable Communications Program in the amount of \$414,475.00 and assigning those grant funds to the State of Oklahoma to purchase and install interoperable communications equipment; purchase and install software upgrades for existing 800 MHZ equipment; and fund planning and operational oversight costs for the statewide interoperable communications systems (700/800 MHZ trunked and conventional), including but not limited to the salary and benefits

of Oklahoma Office of Homeland Security and/or Oklahoma Department of Public Safety communication planners; and authorizing the mayor and/or city manager to enter into and execute any agreements and/or other documents on behalf of the City that are necessary or appropriate to effect the purposes and objectives of the grant. (Emergency Management - M. Bower)

7. Discussion and consideration of 1) declaring a 2006 Chevrolet Impala, unit number 06-01-45, VIN, 2G1WS551769399127 surplus, and 2) authorizing its disposal by sealed bid or auction. (Police - B. Clabes)

D. DISCUSSION ITEMS.

1. (PC – 1965) Discussion and consideration of 1) amending Ordinance Number 3347 pertaining to the rezoning from R-6, Single Family Detached Residential to SPUD, Simplified Planned Unit Development to correct an error in the legal description of the property being rezoned, which is described as Block 5, Lot 6 of the Pine Addition and addressed as 220 E. Kittyhawk; and 2) declaring an Emergency. (Community Development - B. Harless)
2. (PC –1977) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Community Recreation: General in the R-6, Single Family Residential zoning district, for the property described as a part of the SE/4 of Section 2 T-11-N, R-2-W, located at 711 S. Douglas Blvd. (Community Development - B. Harless)
3. (PC –1978) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Community Recreation: General in the R-6, Single Family Residential zoning district, for the property described as a part of the NE/4 of Section 34 T-12-N, R-2-W, located at 3210 Belaire Drive. (Community Development - B. Harless)
4. (PC-1979) Discussion and consideration of 1) approving an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code; by amending Section 4.4.19, Communication Services: Towers/Antennas and providing for repealer and severability and setting an effective date; and 2) declaring an emergency. (Community Development - B. Harless)
5. (PC-1980) Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code; by amending Section 4.4.21, Convenience Sales and Personal Services; Section 4.5, Industrial Use Unit Classifications and Regulations; Section 4.9.2, Use Chart; and Section 8.3, Words and Terms Defined and providing for repealer and severability and setting an effective date; and declaring an emergency. (Community Development - B. Harless)
6. Discussion and consideration of approving Phase I, Phase II, and Phase III of the 2018 General Obligation Bond proposals approved by the voters of Midwest City on August 28, 2018. (City Manager - T. Lyon)
7. Discussion and consideration of appointing a replacement to the Plumbing, Gas, and Mechanical Board to assume Keith Mikeman’s unfinished term, as well as an additional 3-year term. (Community Development - B. Harless)

8. Consider and approve a Resolution joining in and approving a Resolution to be considered by the Midwest City Memorial Hospital Authority on October 9, 2018 ("Resolution of October 9, 2018") authorizing and approving (i) a Joint Resolution with the Midwest City Chamber of Commerce, Trustor of the Authority, amending the Trust Indenture of the Authority, (ii) a Memorandum of Understanding with the Board of Grantors created by the Trust Indenture, (iii) payment of the attorney's fees of the Trustor, and (iv) authorizing the Chairman and General Manager to take actions in furtherance thereof; and, approval of a SECOND AMENDMENT TO AMENDED AND RESTATED TRUST INDENTURE OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY as provided for by the Resolution of October 9, 2018 ("Second Amendment") as beneficiary of the Authority, with the Mayor authorized to execute the Second Amendment for and on behalf of the City. (City Manager – G. Henson)

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

F. FURTHER INFORMATION.

1. Minutes of the September 20, 2018 Park Land Review Committee Meeting (Community Development - B. Harless)

G. ADJOURNMENT.





CONSENT AGENDA



A notice for staff briefings for the Midwest City Council 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 Staff Briefing Minutes

September 25, 2018 – 6:00 PM

This staff briefing was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma.

*Mayor Matthew Dukes called the meeting to order at 6:03 PM with the following members present: Councilmembers Susan Eads, Pat Byrne, Española Bowen, and **Christine Allen; and Acting City Clerk Susan Mullendore. Absent: Sean Reed and Jeff Moore.

DISCUSSION.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the City Council for September 25, 2018. Council and Staff made community-related announcements and discussed individual agenda items.

* Mayor Dukes left the meeting at 6:18 PM, followed by ** Councilmember Allen at 6:19 PM. The meeting was recessed due to a lack of a quorum at 6:19 PM.

At 6:21 PM, Councilmember Allen returned to the meeting followed by the Mayor and the meeting resumed.

Mayor Dukes adjourned the meeting at 6:41 PM.

ATTEST:

MATTHEW D. DUKES II, Mayor

SUSAN MULLENDORE, Acting City Clerk

A notice for the regular meetings of the Midwest City Council were 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

September 25, 2018 – 7:00 PM

This meeting was held in the Midwest City Council Chambers at City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. Mayor Matt Dukes called the meeting to order at 7:02 PM with the following members present: Councilmembers *Susan Eads, Pat Byrne, Española Bowen, Christine Allen, and Jeff Moore; and Acting City Clerk Susan Mullendore. Absent: Sean Reed.

Opening Business. Assistant City Manager, Tim Lyon, opened with the invocation, followed by the Pledge of Allegiance led by Midwest City High School Jr. ROTC Cadets Lewis and Ward. Council made community-related announcements. Mayor Dukes presented proclamations to retiree Bennie Stevenson and to Patricia Woodward, Partnership Specialist with the 2020 U.S. Census Bureau.

Consent Agenda. Eads made a motion to approve the consent agenda, as submitted, seconded by Bowen. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Mayor Dukes. Nay: none. Absent: Reed. Motion carried.

1. Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of September 11, 2018, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the following funds for FY2018-2019, increase: General Gov't. Sales Tax Fund, expenses/General Gov't. (14) \$8,307. General Fund, expenses/Variou (XX) \$143,287. Technology Fund, expenses/General Gov't. (14) \$2,563. Police Fund, expenses/Police (62) \$32,992. Juvenile Fund, expenses/Police (62) \$1,437. Fire Fund, expenses/Fire (64) \$6,807. Welcome Center Fund, expenses/Tourism (74) \$2,558. CVB Fund, expenses/Visitors Bureau (07) \$1,573; expenses/Economic (87) \$1,835. Emergency Operations Fund, expenses/Emergency Operations (21) \$6,683. Public Works Fund, expenses/Public Works (30) \$15,013. Fleet Fund, expenses/Fleet (25) \$14,133. Surplus Fund, expenses Surplus (26) \$482. Park & Recreation Fund, expenses/Park & Rec (06) \$1,360. CDBG Fund, expenses/Grants Mgmt. (39) \$5,160. Risk Fund, expenses/Risk Insurance (29) \$3,059. L & H Fund, expenses/Personnel (03) \$824. Disaster Relief Fund, expenses/ Neighborhood Services (15) \$2,747. Capital Improvements Fund, revenue/Intergovernmental (00) \$503,628; expenses/Capital Improvements (57) \$503,628.
3. Discussion and consideration of accepting the City Manager's Report for the month of August, 2018.
4. Discussion and consideration of accepting the monthly report on the City of Midwest City Employees' Health Benefits Plan by the City Manager and action as deemed necessary by the Council to maintain the plan.
5. Discussion and consideration of revising the current Administrative Services Agreement with Emphyrean Benefit Solutions, Inc. changing the "Go Live" date from October 1, 2018 to November 1, 2018. There is no monetary impact from this amendment to the service agreement.
6. Discussion of the Monthly Neighborhood Services report for August 2018.

7. Discussion and consideration of extending and restating the Professional Services Agreement with the Oklahoma County Criminal Justice Advisory Council along with Oklahoma County, the City of Oklahoma City, and the City of Edmond.
8. Discussion and consideration of 1) approving and entering into the 2018 Safe Oklahoma Grant Program Contract with the Oklahoma Attorney General's Office to establish the terms and conditions under which the City will receive a law enforcement grant in the amount of \$50,000; 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.
9. Discussion and consideration of renewing the agreement with the Town of Forest Park for animal care services for fiscal year 2018-19.
10. Discussion and consideration of approving and entering into a rental contract with Allison's Fun Inc. to provide carnival games, carnival rides and carnival staff in the amount of \$14,781.25 for the Mid-America Street Fest held in Charles J. Johnson Central Park at Town Center Plaza on October 13, 2018.
11. Discussion and consideration of the reappointment of Cy Valanejad and Rick Allison to the Traffic and Safety Commission for additional two-year terms.
12. Discussion and consideration of approving and entering into a lease agreement with Tribune Broadcasting Oklahoma City, LLC for Tower and Ground Space in the amount of \$1.00 per year.
13. Discussion and consideration of 1) declaring various computer equipment obsolete items of city property on the attached list surplus; and 2) authorizing their disposal by public auction or sealed bid.

Discussion Items.

1. **Discussion and consideration of a Presentation from the Oklahoma Geological Survey and City of Norman Regarding the Water Quality of Lake Thunderbird and Midwest City's Possible Participation in an Indirect Potable Reuse Pilot Study.** Dr. Kyle Murray, Hydrogeologist, Oklahoma Geological Survey; and Ken Komiske, Director of Utilities for Norman both spoke to the Council. No action was taken.
2. **(PC-1966) Discussion and consideration of approval of the Sooner Rose II Addition Final Plat for the property described as a tract of land lying in the SW/4 of section 4, T-11-N, R-2-W, of the Indian Meridian, located along SE 15th Street, Midwest City, Oklahoma.** Eads made a motion to approve the plat, as submitted, seconded by Byrne. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Mayor Dukes. Nay: none. Absent: Reed. Motion carried.
3. **(PC-1967) Public hearing with discussion and consideration of a an ordinance to redistrict from HOS, Hospitality to SPUD, Simplified Planned Unit Development, for the property described as lots 15 and 16 of block 2 of the Aviation Acres Addition, located at 1631 Hudiburg Drive and 6009 Will Rogers Rd.**

* Councilmember Eads left the meeting at 8:07 PM.

Bowen made a motion to approve Ordinance 3351, seconded by Byrne. Voting aye: Byrne, Bowen, Allen, Moore, and Mayor Dukes. Nay: none. Absent: Eads and Reed. Motion carried.

4. **(PC – 1968) Discussion and consideration of approval of the Midwest City Collision Office Park Preliminary Plat, described as a part of the SW/4 of Section 12, T11N, R2W, located at 9209, 9213 and 9233 SE 29th.** Byrne made a motion to approve the plat, seconded by Bowen. Voting aye: Byrne, Bowen, Allen, and Mayor Dukes. Nay: Moore. Absent: Eads and Reed. Motion carried.
5. **(PC – 1969) Public hearing with discussion and consideration of approval of an ordinance redistricting from R-6, Single Family Detached Residential and R-HD, High Density Residential to a Planned Unit Development (PUD) governed by the R-6, Single Family Detached Residential District, R-MD, Medium Density Residential District, O-2 General Office District, and C-3, Community Commercial District, and a resolution to amend a portion of the comprehensive plan from HDR, High Density Residential to COMM, Commercial and LDR, Low Density Residential to MDR, Medium Density Residential for the property described as a part of the NW/4 of Section 26, T-12-N, R-2-W of the Indian Meridian, Oklahoma County, Oklahoma.**

* Councilmember Eads returned to the meeting at 8:12 PM.

The applicants, Charles Allen and Jay London, spoke with the Council. Allen made a motion to approve Ordinance 3350 and Resolution 2018-20, seconded by Eads. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Mayor Dukes. Nay: none. Absent: Reed. Motion carried.

6. **(PC – 1970) Discussion and consideration of approval of the Final Plat of Kelso Place described as a part of the SW/4 of Section 31, T12N, R1W, located at 10112 NE 4th St.** Bowen made a motion to approve the plat, seconded by Eads. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Mayor Dukes. Nay: none. Absent: Reed. Motion carried.

New Business/Public Discussion. There was no new business or public discussion.

Adjournment. There being no further business, Mayor Dukes adjourned the meeting at 8:31 PM.

ATTEST:

MATTHEW D. DUKES II, Mayor

SUSAN MULLENDORE, Acting City Clerk



The City of MIDWEST CITY

100 N. MIDWEST BLVD * MIDWEST CITY, OKLAHOMA 73110
(405) 739-1245 * FAX (405) 739-1247 * TDD (405) 739-1359

Memorandum

TO: Honorable Mayor and Council

FROM: Christy Barron, Finance Director

DATE: October 9, 2018

Subject: Discussion and consideration of supplemental budget adjustments to the following funds for FY 2018-2019, increase: Emergency Operations Fund, revenue/Intergovernmental (00) \$4,569; expenses/Emergency Operations (21) \$4,569. Disaster Relief Fund, expenses/Disaster Relief (88) \$450,251.

The first supplement is needed to budget purchase of batteries for generator to be reimbursed by Oklahoma Department of Emergency Management. The second supplement is needed to budget purchase of storm siren equipment, P25 equipment and KFOR tower lease in Disaster Relief Fund with plans to reimburse from G.O. Bond proceeds at a later date.

Christy Barron
Finance Director

SUPPLEMENTS

October 9, 2018

Fund EMERGENCY OPERATIONS (070)		BUDGET AMENDMENT FORM Fiscal Year 2018-2019			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
00	Intergovernmental	4,569			
21	Emergency Operations			4,569	
		<u>4,569</u>	<u>0</u>	<u>4,569</u>	<u>0</u>

Explanation:
To budget purchase of batteries for generator to be reimbursed by Oklahoma Department of Emergency Management.

Fund DISASTER RELIEF (310)		BUDGET AMENDMENT FORM Fiscal Year 2018-2019			
		Estimated Revenue		Budget Appropriations	
<u>Dept Number</u>	<u>Department Name</u>	<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
88	Disaster Relief			450,251	
		<u>0</u>	<u>0</u>	<u>450,251</u>	<u>0</u>

Explanation:
To budget purchase of storm siren equipment (\$360,250), P25 equipment (\$90,000) and KFOR tower lease (\$1). Funding to come from fund balance with plans to reimburse from G.O. Bond proceeds at a later date.



The City of Midwest City

NEIGHBORHOODS IN ACTION

1124 N. DOUGLAS BLVD. * MIDWEST CITY, OKLAHOMA,
73130 * (405) 736-1973 * FAX * (405) 869-9289

TO: Honorable Mayor and Council

FROM: Tom Bridgett, Neighborhoods in Action Coordinator

Date: October 9, 2018

Subject: Discussion and consideration of approving and entering into a contract in an amount not to exceed \$9, 000 for fiscal year 2018/2019 with Jay D. Collins to establish the terms and condition under which he shall serve as the Volunteer Income Tax Assistance Center Coordinator.

Jay D. Collins, VITA Center Coordinator, would like to partner with the City of Midwest City for the City to provide the facility for the Volunteer Income Tax Assistance Program. D. Collins will provide oversight of tax preparation to community residents each Tuesday and Thursday between the hours 1:00 p.m. and 7:00 p.m. at the City of Midwest City Community Center.

This contract, a copy which is attached for your review, provides for a comprehensive scope of services associated with tax preparation to community residents.

Staff recommends approval.

Tom Bridgett
Neighborhoods in Action Coordinator

Attachment (1)

CONTRACT FOR PROFESSIONAL SERVICES

This agreement is made and entered into the 9th day of October 2018, by and between the City of Midwest City (the City) and Jay Dee Collins, who agree to the following:

1. For the duration of this agreement, Mr. Collins shall serve as the City’s VITA (Volunteer Income Tax Assistance) Center Coordinator, with the primary responsibility for coordination and training of volunteers, oversight of tax preparation, reviewing and revising returns, e-filing all prepared returns, trouble shooting, contacting tax payers as necessary, compiling and submitting all required reports as well as day to day operations of the VITA center. Mr. Collins shall provide the City proof of site coordinator training completion and IRS certification to the highest level available. During the term of this agreement, Mr. Collins agrees to represent the City in all such matters. The City agrees to pay Mr. Collins the sum of \$22.00 per hour as consideration for said representation.
2. Jay Dee Collins, for the duration of this agreement, shall be and is considered an independent contractor and, as such, no benefit of city employment, such as medical insurance, vacation leave, sick leave, mileage, retirement benefits or any other benefits provided to its employees by the city, will be extended to Mr. Collins.
3. The term of this agreement shall extend from October 9th, 2018 through April 30, 2019.
4. Projected hours of work shall be as follows:

October 9, 2018 through April 30, 2019:	16-24 hours/week
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During the term of this contract, Mr. Collins total wages are not to exceed \$9,000.00.

City of Midwest City

Volunteer Income Tax Assistance

Matthew D. Dukes II, Mayor
City of Midwest City
100 N. Midwest Boulevard
Midwest City, OK 73110
Phone: (405) 739-1204

Jay Dee Collins
721 S. Margene Road
Midwest City, OK. 73130
Phone: (405) 831-3153

Date

Date



Public Works Administration
Vaughn Sullivan, Director
vsullivan@midwestcityok.org
R. Paul Streets, Assistant Director
rstreets@midwestcityok.org
8730 S.E. 15th Street,
Midwest City, Oklahoma 73110
O: 405-739-1060 /Fax: 405-739-1090

Memorandum

TO: Honorable Mayor and Council

FROM: Vaughn K. Sullivan, Public Works Director

DATE: October 9, 2018

SUBJECT: Discussion and consideration of awarding and entering into a contract with CXT Incorporated for the purchase and on-site installation of a new prefabricated flame retardant restroom to be erected in Optimist Park in the amount of \$62,985.

On Friday, September 28, 2018, at 2:00 p.m., bids were opened for the purchase and on-site installation of a prefabricated flame retardant restroom to be erected in Optimist Park; a bid was submitted by CXT Incorporated meeting specifications with a base bid of \$62,985.

Funds are available through Capital Outlay Fund.

Staff recommends approval.

Vaughn K. Sullivan
Public Works Director

Attachment: Bid Tabulation Sheet

CONTRACT

THIS CONTRACT AND AGREEMENT is made and entered into this 09th day of October, 2018, by and between the City of Midwest City, acting by and through the City Council, and CXT Concrete Buildings, hereinafter termed "Contractor."

WITNESSETH

WHEREAS, the City of Midwest City has caused to be prepared in accordance with law, certain plans, specifications and other bidding documents for the work hereinafter described, and has approved and adopted all of the bidding documents, and has caused Notice to Bidders to be given and advertised as required by law, and has received sealed bids for the:

CONSTRUCTION AND ON-SITE INSTALLATION OF ONE (1) OR MORE PREFABRICATED FLAME RETARDANT RESTROOMS

as outlined and set out in the bidding documents and in accordance with the terms and provisions of this Contract; and

WHEREAS, Contractor, in response to the Notice to Bidders, has submitted to the City of Midwest City, in the manner and at the time specified, a sealed bid in accordance with the terms of this Contract; and

WHEREAS, the City of Midwest City, in the manner provided by law, has publicly opened, examined and canvassed the bids submitted and has determined and declared Contractor to be the lowest responsible bidder on the above described project, and has duly awarded this Contract to Contractor for the sum named in the bid, to-wit:

Sixty-Two Thousand Nine Hundred and Eighty-Five Dollars (\$ 62,985.00);

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this Contract have agreed, and hereby agree, as follows:

1. Contractor shall, in a good and first class, workmanlike manner, at his own cost and expense, furnish all labor, materials, tools and equipment required to perform and complete the work in

strict accordance with this Contract, the plans, the specifications and the following Contract Documents: Statutory Bond, Performance Bond, Maintenance Bond, Bid, Business Relationships Affidavit, Bid Affidavit, Noncollusion Affidavit and Notice of Award, all of which documents are on file in the office of the City Clerk, City of Midwest City, 100 N. Midwest Boulevard, Midwest City, Oklahoma 73110, and made a part of this Contract as fully as if the same were herein set out at length.

2. The City of Midwest City shall make payments to Contractor in the following manner: On or about the first day of each month, **the Assistant City Manager**, or other appropriate person, will make an accurate estimate of the value, based on the approximate percentage of work complete and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. Contractor shall furnish to **the Assistant City Manager** or other appropriate person such detailed information as he may request to aid him as a guide in the preparation of the monthly estimate.

3. On completion of the work, but prior to acceptance thereof by the City of Midwest City, it shall be the duty of **the Assistant City Manager**, or other appropriate person, to determine that the work has been completely and fully performed in accordance with the Contract Documents; and upon making such determination the official shall make his final certificate to the City of Midwest City. Contractor shall furnish proof that all claims and obligations incurred by him/her in connection with the performance of the work have been fully paid and settled. This information shall be in the form of an affidavit, which shall bear the approval of the surety on the statutory bonds for payment of the final estimate to Contractor. Upon acceptance of the work by the City of Midwest City, the final estimate (including retainages) will be approved and paid.

4. The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in three duplicate originals, the day and year first above written.

CONTRACTOR:

CITY OF MIDWEST CITY:

CXT Concrete Buildings

Matthew D. Dukes II, MAYOR

BY Kurt Mee

TITLE Regional Sales Manager

ATTEST:

ATTEST:

Sara Hancock, CITY CLERK

STATE OF _____)
)SS
COUNTY OF _____)

_____, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by Contractor to submit the above Contract to the City of Midwest City. Affiant further states that Contractor has not paid, given or donated or agreed to pay, give or donate to any officer or employee of the City of Midwest City any money or other thing of value, either directly or indirectly, in the procuring of this Contract.

Subscribed and sworn to before me this ____ day of _____, 2018.

Notary Public

My Commission Expires:

Approved as to form this _____ day of _____, 2018.

Heather Poole, Acting City Attorney

CONSTRUCTION AND ON-SITE INSITE INSTALLATION OF ONE (1) OR
MORE PREFABRICATED FLAME RETARDANT RESTROOM
BID TAB

VENDOR

BID AMOUNT

CXT Concrete Buildings
3808 N Sullivan Rd
Spokane, WA 99216
Phone: 303-552-1843
Attn: Kurt Mee
kmee@lbfooster.com

Base Bid Without Options
1. Ventilation Solar Powered

\$62,985.00
\$ 3,000.00

Construct Connect
30 Technology Parkway South
Suite 100
Norcross, GA 30092
Phone: 323-602-5079
Attn: Cathy Locsin
Cathy.locsin@construstconnet.com

NO BID

Artisan Craftsman and Design
3901 Frontier Cir
Norman, OK 73026
Tele: 405-520-1652
Attn: Jim Lawrence

NO BID

The Public Restroom Company
9390 Gateway Drive
Suite 102
Reno, NV 89521
Tele: 888-888-2060
Attn: Pat McBride
pat@publicrestroomcompany.com

NO BID



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT -
ENGINEERING DIVISION

Billy Harless, Community Development Director
Patrick Menefee, P.E., City Engineer

ENGINEERING DIVISION
Patrick Menefee, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNING
Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Allison, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Honorable Mayor and Council

From: Patrick Menefee, P.E., City Engineer

Date: October 9th, 2018

Subject: Discussion and consideration of accepting a Permanent Utility Easement for the construction of a public water main extension located at and across 9617 S.E. 29th Street. The easement is located within the corporate limits of the City of Midwest City, located in the Southeast Quarter of Section Twelve (12), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma.

This easement, dedicated by J. Lou Properties, L.L.C., is for the construction of a proposed water main extension to service S.E. 29th Street from Douglas Boulevard to Post Road.

Staff recommends approval.

Patrick Menefee, P.E.
City Engineer

Attachments

GRANT OF PERMANENT UTILITY EASEMENT

KNOW ALL BY THESE PRESENTS:

That J. Lou Properties, LLC, an Oklahoma limited liability company, (grantor) of Oklahoma County, Oklahoma, for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto the City of Midwest City, a municipal corporation, (grantee) a permanent utility easement across, over and under the following described lots, tracts or parcels of land situated in Oklahoma County, State of Oklahoma, to-wit:

SEE EXHIBIT A

This easement is granted for the purpose of enabling the City of Midwest City, its officers, agents, contractors and employees to go upon, layout, construct, change, and/or build utilities, and other improvements including but not limited to water, sanitary and storm sewers, electricity, telephone, cable and natural gas, upon the above-described lots, parcels or tracts of land and includes the permanent right of ingress and egress for employees, tools and equipment of the City of Midwest City, its officers, agents, contractors and employees.

The consideration herein covers any and all kinds and character of damages or injury that may be sustained directly or indirectly to any lands owned by the Grantor by reason of the construction and maintenance of such improvements.

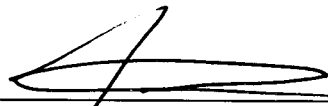
Grantor hereby covenants and warrants that at the time of the delivery of this easement that the above-described real estate and premises are free of all liens and claims whatsoever, except -none- and that they will, so long as this easement is in full force and effect, defend the same unto the City of Midwest City against all claiming to the contrary.

WITNESS the hands of the parties this 14th day of September, 20 18

GRANTOR: J. Lou Properties, LLC



manager



Manager, of J. Lou Properties, LLC

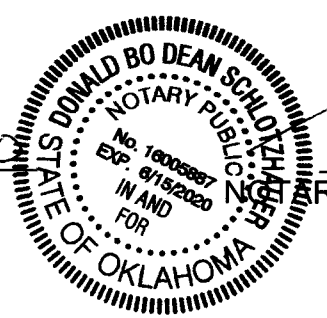
STATE OF Oklahoma)
)ss.
COUNTY OF Oklahoma)

as Manager of Lou Properties, LLC, an Oklahoma limited liability company, to me known to be the identical person(s) who executed the within and foregoing instrument and acknowledged to me that

JEFF JOHNSON is authorized to execute all documents on behalf of said company and executed the same as a free and voluntary act and deed for the uses and purposes herein set forth and as a free and voluntary act and deed of J. Lou Properties, LLC, an Oklahoma limited liability company.

WITNESS, my hand and seal this 14th day of September, 20 18

My Commission expires: 6/15/2020



[Handwritten Signature]

NOTARY PUBLIC

Approved by City Attorney _____ Date: _____

Approved by City Council _____ Date: _____

EXHIBIT A

A parcel of land located in in the South half of the Southeast Quarter of Section Twelve (12) Township Eleven (11) North Range Two (2) West of the Indian Meridian in Oklahoma County Oklahoma being a part of Block Two (2) of the now vacated plat of Southside Addition to Marion Oklahoma, Oklahoma County, Oklahoma being more fully described as:

All that part of the East 150 feet of the West 800 feet of Block Two (2), of said vacated South Side Addition to Marion Oklahoma, Oklahoma County, Oklahoma lying south of a line that is 60 feet North and parallel to the South line of Section Twelve (12) Township Eleven (11) North Range Two (2) West of the Indian Meridian in Oklahoma County Oklahoma.



Emergency Management

100 N. Midwest Boulevard

Midwest City, OK 73110

office 405.739.1386

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Mike Bower, Emergency Management Director

DATE: October 9, 2018

SUBJECT: Discussion and consideration of approving and entering into a Memorandum of Understanding with the Oklahoma Office of Homeland Security for a Federal FY 2018 Homeland Security Grant Program grant for local funding for the Oklahoma Interoperable Communications Program in the amount of \$414,475.00 and assigning those grant funds to the State of Oklahoma to purchase and install interoperable communications equipment; purchase and install software upgrades for existing 800 MHz equipment; fund planning and operational oversight costs for the statewide interoperable communications systems (700/800 MHz trunked and conventional), including but not limited to the salary and benefits of Oklahoma Office of Homeland Security and/or Oklahoma Department of Public Safety communication planners; and authorizing the mayor and/or city manager to enter into and execute any agreements and/or other documents on behalf of the City that are necessary or appropriate to effect the purposes and objectives of the grant.

This communications program will enhance the capability of state and local units of government to prevent, deter, respond to and recover from disasters/emergencies including but not limited to incidents of terrorism involving the use of chemical, biological, radiological, nuclear, and explosive (CBRNE) weapons and cyber-attacks by providing connectivity and communications interoperability between state and local responders.

Staff recommends approval.

Mike Bower

Mike Bower
Emergency Management Manager
Attachment: MOU

**MEMORANDUM OF UNDERSTANDING
2018 HOMELAND SECURITY GRANT PROGRAM
INTEROPERABLE COMMUNICATIONS PROGRAM
DESIGNATION OF THE STATE AS THE AGENT FOR THE LOCAL
SHARE OF GRANT FUNDING**

Generally, DHS guidelines require 80% of Homeland Security funds to be awarded to local units of government. However, if requested by a local jurisdiction, the State may retain a portion of "Local" grant funds for equipment used by the State and/or for planning, exercises and training activities that are coordinated by the State for the benefit of local units of government.

I, as the duly authorized official of the City of Midwest City, Oklahoma (the "City") have read and understood the Federal FY 2018 Homeland Security Grant Program (the "2018 Grant") Guidance and Application Kit, which can be found at the following web address:

https://www.fema.gov/media-library-data/1526578809767-7f08f471f36d22b2c0d8afb848048c96/FY_2018_HSGP_NOFO_FINAL_508.pdf

On behalf of the City, I hereby accept \$414,475.00 of 2018 Grant local funding and hereby assign this funding to the State of Oklahoma, specifically to the Oklahoma Office of Homeland Security (OKOHS) and the Oklahoma Department of Public Safety (DPS), for (1) planning costs to include updating the Statewide Communications Plan (SCIP). This includes updating implementation steps for the revised National Emergency Communications Plan (NECP); established by the National Council of Statewide Interoperability Coordinators (NCSWIC); (2) purchase and install interoperable communications equipment which includes the support of shared 700/800 MHz systems as well as the procurement of narrowband compliant equipment, UHF, VHF and the implementation of P25 software for existing radios; providing mobile and handheld radios to first responders, portable repeater's, and equipment resources needed to support interoperable communications; (3) provide funding towards training and exercises for interoperable communications; and (4) fund salaries of the Statewide Interoperability Coordinator (SWIC) and personnel to procure and deploy communications infrastructure and equipment, assist with training and exercises, and developing standard operating procedures, and program management. These expenditures will be for the benefit of the City and other state and local units of government throughout the State of Oklahoma. It is anticipated that a portion of the funding covered by this MOU will ultimately be supported by direct awards to individual local units of government (at such time as specific needs and costs are identified). This MOU will help to facilitate the efficient procurement and allocation of critical communications components.

Program Title: Oklahoma Interoperable Communications Program

Description: This program will enhance the capability of state and local units of government to prevent, deter, respond to and recover from disasters/emergencies including but not limited to incidents of terrorism involving the use of chemical, biological, radiological, nuclear, and explosive (CBRNE) weapons and cyber-attacks by providing connectivity and communications interoperability between state and local responders.

Local Authorizing Official/Point of Contact for the City:

Name: _____

Position: _____

Signature: _____

Date: _____

Phone/Email: _____

State Administrative Agency (SAA) Official/Point of Contact:

Name: Kim Edd Carter
Oklahoma Homeland Security Director

Signature:  _____

Date: 9-20-18 _____

Return to: Oklahoma Office of Homeland Security (OKOHS)
Post Office Box 11415
Oklahoma City, OK 73136
405.425.7296
405.425.7295 (Fax)



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: Brandon Clabes, Chief of Police

DATE: October 9, 2018

SUBJECT: Discussion and consideration of 1) declaring a 2006 Chevrolet Impala, unit number 06-01-45, VIN, 2G1WS551769399127 surplus, and 2) authorizing its disposal by sealed bid or auction.

The Midwest City Police Department requests discussion and consideration of 1) declaring a 2006 Chevrolet Impala, unit number 06-01-45, VIN, 2G1WS551769399127, surplus and authorizing its disposal by sealed bid or auction. The vehicle was damaged during a pursuit and tactical maneuver. Based on insurance standards, the vehicle is considered a total loss based on the make, model, mileage and the cost to repair.

Oklahoma Municipal Assurance Group is the liability carrier for the at-fault party and has included salvage value as a part of the property settlement.

There are no other operational applications available within the City for this item.

Staff recommends this item be declared surplus and be disposed of for salvage value.

Staff recommends approval.

Brandon Clabes, Chief of Police

Attachments: Sworn Statement in proof of loss
Accident Report

SWORN STATEMENT IN PROOF OF LOSS (AUTOMOBILE)

Policy No. 1400531
 Policy Period: 7/1/2018 to 7/1/2019

Company Claim No. **205284-BD**

To: OKLAHOMA MUNICIPAL ASSURANCE GROUP

By the above numbered policy of insurance, you insured **City of Midwest City, Oklahoma** (hereinafter called the insured) against loss or damage to the automobile described as follows:

Model Year	Make	Type of Body	Numbers		
2006	Chevrolet	Impala	Motor	Serial V-9127	State License

Origin: A loss caused by collision occurred on the **9th** day of **August, 2018** about the hour of _____, the full particulars of which are as follows: _____

IV performed TVI on suspect vehicle, causing damage.

Title and Interest: The Insured was the sole owner of the automobile at the time of the loss or damage and no other person had any interest therein, by bailment lease, conditional sale, mortgage or other encumbrance or otherwise, except: _____

Other Insurance: At the time of this loss; there was no other insurance on said automobile covering the same perils except: _____

Use: At the time of this loss; the said automobile was being used for business And was not being used to carry passengers for compensation or rental or leased for any illegal purpose except: _____

Subrogation: The insured hereby covenants that no release has been or will be given to or settlement or compromise made with any third party who may be liable in damages to the Insured and the Insured in consideration of the payment made under this policy hereby subrogates the Said company to all rights and causes of action the said Insured has against any person, persons, or corporations whomsoever for damage arising out of or incident to said loss or damage to said property and authorizes said Company to sue in the name of the Insured but at the cost of the Company any such third party, pledging full cooperation in such action.

Cash Value	Whole Loss	Amount Deductible	Amount Claimed Under This Policy
\$	\$ 4,100.00	\$ 1,000.00	\$ 3,100.00

The said loss did not originate by any act, design or procurement on my/our part nor on the part of anyone having interest in the property insured, or in the said policy of insurance; not in any consequence of any fraud or evil practice done or suffered by me/us and that no property saved has in any manner been concealed.

It is expressly understood and agreed that the furnishing of this blank or the preparation of proof by a Representative of the above insurance company is not a waiver of any of its rights.

“WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.”

STATE OF _____
 COUNTY OF _____

X _____ City/Town
 (Authorized City Official's signature)

Subscribed and sworn before me this _____ day of _____, 20__

 Notary Public

INSURED'S RELEASE

The above Insurance Company is hereby authorized and empowered to pay, at its option, as follows:

To _____ the sum of \$ _____
 To _____ the sum of \$ _____
 To _____ the sum of \$ _____
 To _____ the sum of \$ _____

Total Insured Loss and Damage _____ \$ _____

in full settlement and satisfaction for all loss and damage for which claim is made in this proof of loss.

In consideration of such payments, said company is hereby discharged and forever released from any and all further claim, demand or liability whatsoever for said loss and damage, under or by reason of said policy.

WITNESS: _____ Insured _____

WITNESS: _____ Loss Payee _____

SWORN STATEMENT IN PROOF OF LOSS (EQUIPMENT)

Policy No. 1400531
 Policy Period: 7/1/2018 to 7/1/2019

Company Claim No. **205284-BD**

To: OKLAHOMA MUNICIPAL ASSURANCE GROUP

By the above numbered policy of insurance, you insured **City of Midwest City, Oklahoma** (hereinafter called the insured) against loss or damage to the **equipment** on the automobile described as follows:

Model Year	Make	Type of Body	Numbers		
2006	Chevrolet	Impala	Motor	Serial V-9127	State License

Origin: A loss caused by collision occurred on the 9th day of August, 2018 about the hour of _____, the full particulars of which are as follows: _____

IV performed TVI on suspect vehicle, causing damage.

Title and Interest: The Insured was the sole owner of the automobile at the time of the loss or damage and no other person had any interest therein, by bailment lease, conditional sale, mortgage or other encumbrance or otherwise, except:

Other Insurance: At the time of this loss; there was no other insurance on said automobile covering the same perils except:

Use: At the time of this loss; the said automobile was being used for business And was not being used to carry passengers for compensation or rental or leased for any illegal purpose except:

Subrogation: The insured hereby covenants that no release has been or will be given to or settlement or compromise made with any third party who may be liable in damages to the Insured and the Insured in consideration of the payment made under this policy hereby subrogates the Said company to all rights and causes of action the said Insured has against any person, persons, or corporations whomsoever for damage arising out of or incident to said loss or damage to said property and authorizes said Company to sue in the name of the Insured but at the cost of the Company any such third party, pledging full cooperation in such action.

Cash Value	Whole Loss	Amount Deductible	Amount Claimed Under This Policy
\$	\$ 425.00	\$ Already Applied	\$ 425.00

The said loss did not originate by any act, design or procurement on my/our part nor on the part of anyone having interest in the property insured, or in the said policy of insurance; not in any consequence of any fraud or evil practice done or suffered by me/us and that no property saved has in any manner been concealed.

It is expressly understood and agreed that the furnishing of this blank or the preparation of proof by a Representative of the above insurance company is not a waiver of any of its rights.

“WARNING: Any person who knowingly, and with intent to injure, defraud or deceive any insurer, makes any claim for the proceeds of an insurance policy containing any false, incomplete or misleading information is guilty of a felony.”

STATE OF _____
 COUNTY OF _____

X _____ City/Town
 (Authorized City Official's signature)

Subscribed and sworn before me this _____ day of _____, 20__

 Notary Public

INSURED'S RELEASE

The above Insurance Company is hereby authorized and empowered to pay, at its option, as follows:

To _____ the sum of \$ _____
 To _____ the sum of \$ _____
 To _____ the sum of \$ _____
 To _____ the sum of \$ _____

Total Insured Loss and Damage _____ \$ _____

in full settlement and satisfaction for all loss and damage for which claim is made in this proof of loss.

In consideration of such payments, said company is hereby discharged and forever released from any and all further claim, demand or liability whatsoever for said loss and damage, under or by reason of said policy.

WITNESS: _____ Insured _____
 WITNESS: _____ Loss Payee _____

DO NOT WRITE IN THIS SPACE

Incident Report

Y N

Investigation Completed

Revised

Y N

Investigation Made at Scene

Fatality

Photographs

Hit and Run

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

(1) Reporting Agency MIDWEST CITY PD		Case Number (Agency Use) 18-06079		Motor Vehicles Involved 02	Number Injured 00	Number Killed 00
-----------------------------------------	--	--------------------------------------	--	-------------------------------	----------------------	---------------------

(2) Date of Collision (mm/dd/yyyy) 08292018	Time 0257	County Number and Name 55 OKLAHOMA		Nearest City or Town Number and Name In <input checked="" type="checkbox"/> 70 OKLAHOMA CITY Near <input type="checkbox"/>		
------------------------------------------------	--------------	---------------------------------------	--	----------------------------------------------------------------------------------------------------------------------------------	--	--

(3) Distance from Nearest City or Town Limits Mi. <input type="checkbox"/> Ft. <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/>		Control # 00	Int ID 00	Location 00	East Grid 000	North Grid + 0 000	Administrative + 0
------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	-----------------	--------------	----------------	------------------	-----------------------	-----------------------

(4) Street, Road or Highway SB I-35	Distance from At 0001	(Nearest) Intersecting Street, Road or Highway Mi. <input checked="" type="checkbox"/> Ft. <input type="checkbox"/> N <input type="checkbox"/> S <input checked="" type="checkbox"/> E <input type="checkbox"/> W <input type="checkbox"/> of NE 16TH STREET				
----------------------------------------	--------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--	--

(5) Unit 01	Occupants 01	Type D	Hit & Run <input type="checkbox"/>	CMV <input type="checkbox"/>	Last Name MIZE	First JOSHUA	Middle	Suffix	Date of Birth (mm/dd/yyyy)	Sex M
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(6) Address 100 N MIDWEST BOULEVARD	City MIDWEST CITY	State OK	Zip 73110	Telephone (Use Area Code) 4057391388
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(7) Driver License Number	State	Class	Endorsement(s)	Restriction(s)	Inj. Sev. 1	Type of Injury 0	Drv./Ped. Cond. 01	OP Use 04
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(8) Air Bag 1	Ejected 1	Extricated 1	Test 0	(% BAC) 0.	Transported by	To Medical Facility	License Plate Number CI35208	State OK	Month 00	Year
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(9) VIN 2G1WS551769399127	Vehicle Year 2006	Color BLK	2nd Color 0	Make CHEV	Model IMP	Veh. Conf. 02	Extent of Damage 2
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(10) Insurance Company Name 4 SELF INSURED	Policy Number	Insurance Telephone (Use Area Code) 4057391067
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(11) Vehicle Removed by Driver <input checked="" type="checkbox"/>	Owner's Last Name CITY OF MIDWEST CITY	First	Middle	Suffix
-----------------------------------------------------------------------	-------------------------------------------	-------	--------	--------

(12) Owner's Address 100 N MIDWEST BOULEVARD	City MIDWEST CITY	State OK	Zip 73110	Towed Veh. Type Oversized Load <input type="checkbox"/> 0 Rolled <input type="checkbox"/> Burned <input type="checkbox"/>	Phone present <input type="checkbox"/> Phone in use <input type="checkbox"/>
-------------------------------------------------	----------------------	-------------	--------------	---------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------

(13) Citation Number	Statute/Ordinance Number	Citation Number	Statute/Ordinance Number
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(14) Unit 02	Occupants 02	Type D	Hit & Run <input type="checkbox"/>	CMV <input type="checkbox"/>	Last Name UNKNOWN	First UNKNOWN	Middle	Suffix	Date of Birth (mm/dd/yyyy)	Sex M
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(15) Address	City	State	Zip	Telephone (Use Area Code)
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(16) Driver License Number	State	Class	Endorsement(s)	Restriction(s)	Inj. Sev. 9	Type of Injury 0	Drv./Ped. Cond. 99	OP Use 99
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(17) Air Bag 1	Ejected 1	Extricated 1	Test 0	(% BAC) 0.	Transported by	To Medical Facility	License Plate Number UNK	State	Month 00	Year
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(18) VIN UNKNOWN	Vehicle Year 0	Color WHT	2nd Color 0	Make FORD	Model F350	Veh. Conf. 04	Extent of Damage 9
---------------------	-------------------	--------------	----------------	--------------	---------------	------------------	-----------------------

(19) Insurance Company Name 0 UNKNOWN	Policy Number	Insurance Telephone (Use Area Code)
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(20) Vehicle Removed by Driver <input checked="" type="checkbox"/>	Owner's Last Name UNKNOWN	First UNKNOWN	Middle	Suffix
-----------------------------------------------------------------------	------------------------------	------------------	--------	--------

(21) Owner's Address	City	State	Zip	Towed Veh. Type Oversized Load <input type="checkbox"/> 0 Rolled <input type="checkbox"/> Burned <input type="checkbox"/>	Phone present <input type="checkbox"/> Phone in use <input type="checkbox"/>
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(22) Citation Number	Statute/Ordinance Number	Citation Number	Statute/Ordinance Number
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(23) Investigating Officer SGT SCHONES, L	Badge Number 051	Trp./Div. Assigned	Trp./Div. Location	Reviewer (Init.) S. D.	Reviewer Badge Number 123	Date of Report (mm/dd/yyyy) 08302018
----------------------------------------------	---------------------	--------------------	--------------------	---------------------------	------------------------------	-----------------------------------------

D Driver P Pedestrian X Pedestrian Conveyance B Bicycle	2 Other Cyclist C Parked Car A Animal T Train	0 N/A 1 No Injury 2 Possible 3 Non-incapacitating	4 Incapacitating 5 Fatal 9 Unknown	0 N/A 1 Head 2 Trunk - external 3 Blood/Breath	3 Trunk - Internal 4 Arms 5 Legs 9 Unknown	00 Not Applicable 01 Apparently Normal 02 Drinking - Ability Impaired 03 Odor of Alcoholic Beverage 04 Illegal Drugs	05 Under the Influence of Medications 06 Very Tired 07 Sleepy	08 Ill (Sick) 09 Dizzy/Faint 10 Emotional 11 Other 99 Unknown	00 Not Applicable 01 None Used 02 Lap Belt Only 03 Shoulder Belt Only 04 Shoulder and Lap Belt	05 Child Restraint Type Unknown 06 Restraint Used - Type Unknown 07 Helmet 08 Child Restraint - Forward Facing 09 Child Restraint - Rear Facing	10 Booster Seat 11 Other 99 Unknown	
0 Not Applicable 1 Not Deployed 2 Deployed - Front 3 Deployed - Side	4 Deployed - Other (knee, air belt, etc.) 5 Deployed - Combination 9 Deployment Unknown	0 Not Applicable 1 Not Ejected 2 Ejected, Partially	3 Ejected, Totally 9 Unknown	0 N/A 1 No 2 Yes	0 N/A 1 Blood 2 Breath 3 Blood/Breath	4 Test Refused 5 None Given 6 Other	0 N/A 1 None 2 Minor 3 Functional 4 Disabling 9 Unknown	0 N/A 1 No 2 Owner	3 Operator 4 Exempt P Permitted	0 N/A 01 Boat Trailer 02 House Trailer 03 Farm Trailer 04 Horse Trailer	05 Another Vehicle 06 Utility Trailer 07 Homemade Trailer 08 Box Trailer	09 Stock Trailer 10 Camping Trailer 11 Combination 12 Other 99 Unknown

(24) Unit Injured Witness Passenger Prop. Owner Pos. in Veh. 13 Last Name UNKNOWN First UNKNOWN Middle Suffix DOB (mm/dd/yyyy) Sex M

(25) Address City State Zip Telephone (Use Area Code) Same as Driver

(26) Injury Severity / Type 9 OP Use 00 Air Bag 1 Ejected 1 Extricated 1 Transported by To Medical Facility Property Type

(27) Unit Injured Witness Passenger Prop. Owner Pos. in Veh. Last Name First Middle Suffix DOB (mm/dd/yyyy) Sex

(28) Address City State Zip Telephone (Use Area Code) Same as Driver

(29) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

(30) Unit Injured Witness Passenger Prop. Owner Pos. in Veh. Last Name First Middle Suffix DOB (mm/dd/yyyy) Sex

(31) Address City State Zip Telephone (Use Area Code) Same as Driver

(32) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

(33) Unit Injured Witness Passenger Prop. Owner Pos. in Veh. Last Name First Middle Suffix DOB (mm/dd/yyyy) Sex

(34) Address City State Zip Telephone (Use Area Code) Same as Driver

(35) Injury Severity / Type OP Use Air Bag Ejected Extricated Transported by To Medical Facility Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit Carrier Name Address

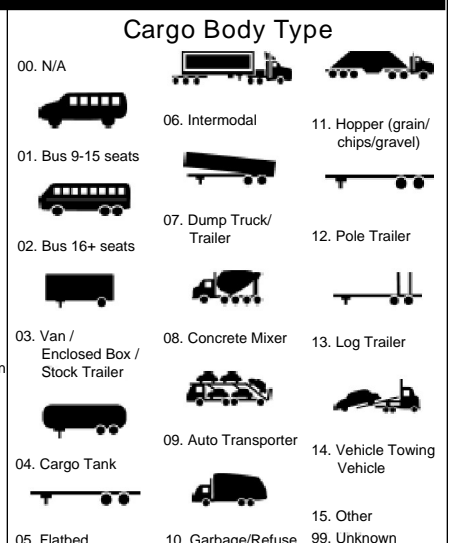
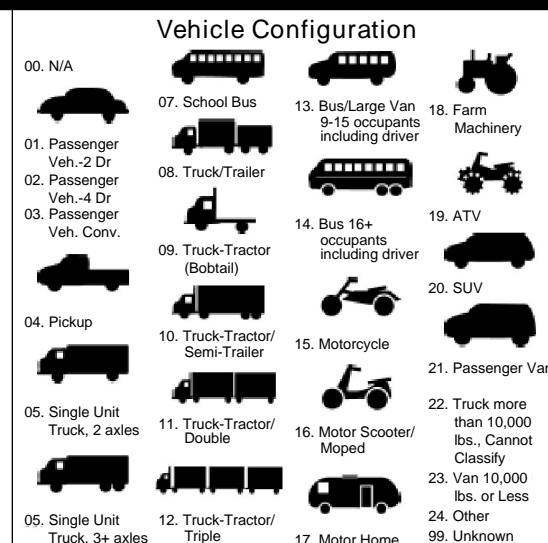
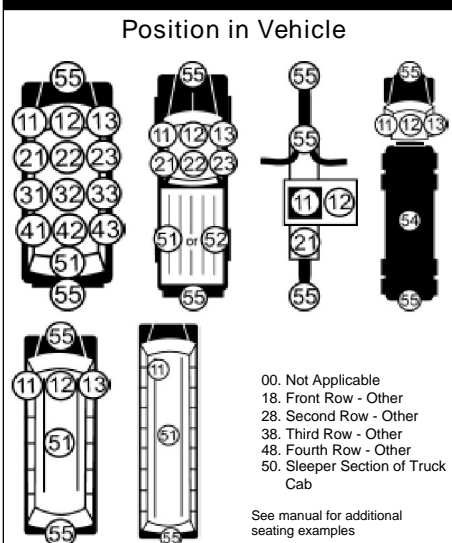
(37) City State Zip GVWR 0-10K lbs. Axle Qty. Cargo Body Vehicle Use Interstate Commerce GCWR 10,001-26K lbs. Intrastate Commerce 26K+ lbs. Other Non-Commercial Government

(38) U.S. DOT Number NASI Report Number OK Placard Number Haz. Mat. Class Haz. Mat. Involved Yes No Haz. Mat. Released Yes No Other Non-Commercial Government

(39) Unit Carrier Name Address

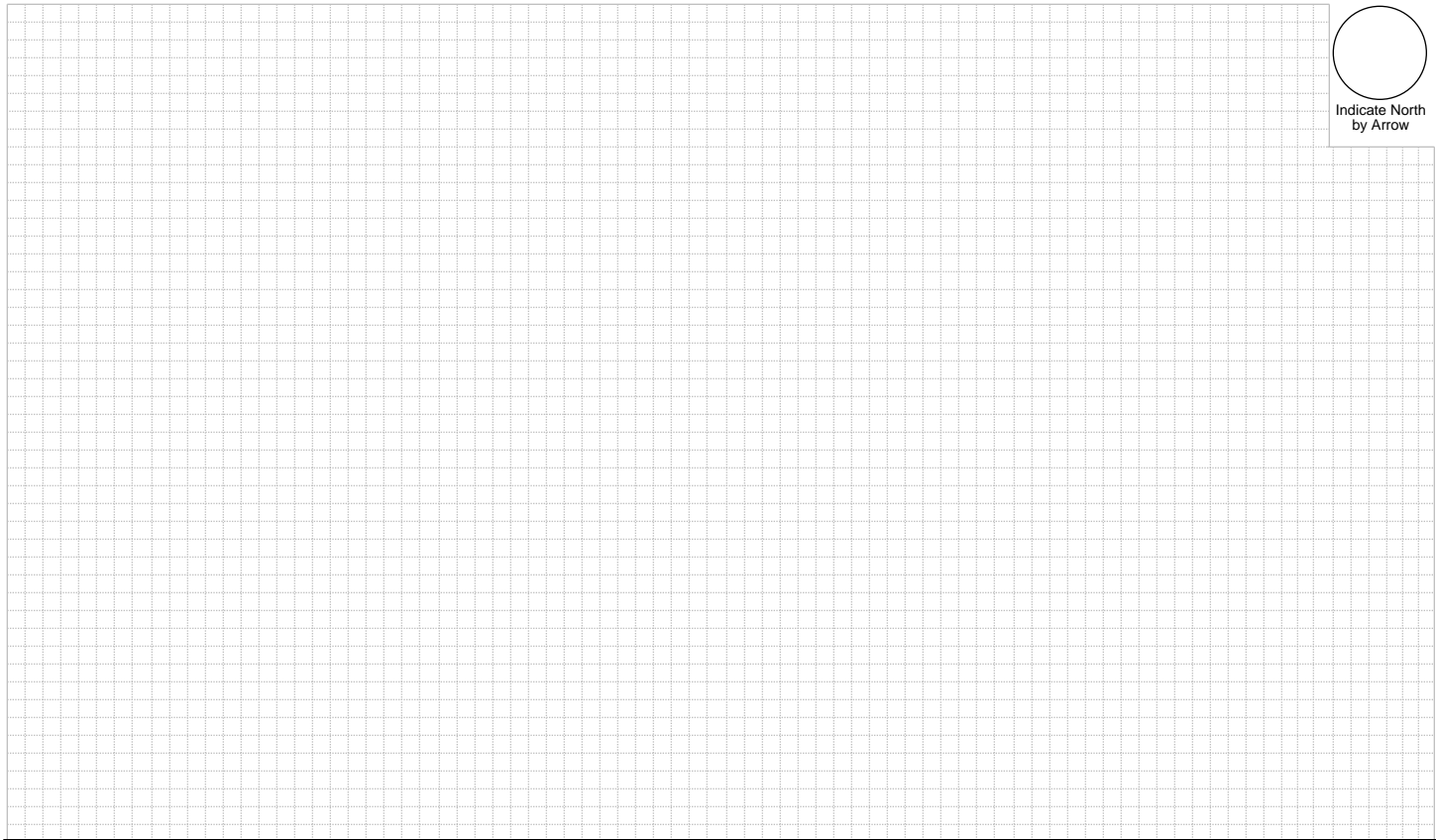
(40) City State Zip GVWR 0-10K lbs. Axle Qty. Cargo Body Vehicle Use Interstate Commerce GCWR 10,001-26K lbs. Intrastate Commerce 26K+ lbs. Other Non-Commercial Government

(41) U.S. DOT Number NASI Report Number OK Placard Number Haz. Mat. Class Haz. Mat. Involved Yes No Haz. Mat. Released Yes No Other Non-Commercial Government



This unit will correspond to 'Unit 1' Unit: 01, Total Lanes in Roadway: 03, Legal Speed: 60, Actions Prior to Collision: [], Location at Time of Collision: [], Safety Equipment: [], Unit Number of Vehicle Striking: []		This unit will correspond to 'Unit 2' Unit: 02, Total Lanes in Roadway: 03, Legal Speed: 60, Actions Prior to Collision: [], Location at Time of Collision: [], Safety Equipment: [], Unit Number of Vehicle Striking: []		Pedestrian / Pedalcyclist Only Location at Time of Collision: [], Safety Equipment: [], Unit Number of Vehicle Striking: []		Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
Light: 3 1 Daylight, 2 Dark-Not Lighted, 3 Dark-Lighted, 4 Dawn, 5 Dusk, 6 Dark-Unknown Lighting, 7 Other, 9 Unknown		What Vehicle Was Going to Do: Unit 1: 17, Unit 2: 01 00 Not Applicable, 01 Go Ahead, 02 Turn Left, 03 Turn Right, 04 Make "U" Turn, 05 Stop, 06 Slow for Cause, 07 Start from Park/Stop, 08 Change Lanes, 09 Overtake, 10 Pass, 11 Back, 12 Remain Stopped, 13 Remain Parked, 14 Enter/Merge in Traffic, 15 Negotiate a Curve, 16 Park, 17 Other, 99 Unknown		Underride/Override: Unit 1: 1, Unit 2: 1 0 Not Applicable, 1 No Underride or Override, 2 Underride, Compartment Intrusion, 3 Underride, No Compartment Intrusion, 4 Underride, Compartment Intrusion Unknown, 5 Override, Motor Vehicle in Transport, 6 Override, Other Motor Vehicle, 9 Unknown		Type of Work Zone: [], Location of the Work Zone Collision: [] 1 Lane Closure, 2 Lane Shift/Crossover, 3 Work on Shoulder or Median, 4 Intermittent or Moving Work, 9 Unknown 1 Before the First Work Zone Warning Sign, 2 Advance Warning Area, 3 Transition Area, 4 Activity Area, 5 Termination Area, 9 Unknown			
Weather: 03 01 Clear, 02 Fog/Smog/Smoke, 03 Cloudy, 04 Rain, 05 Snow, 06 Sleet/Hail (Freezing Rain/Drizzle), 07 Severe Crosswind, 08 Blowing Snow, 09 Blowing Sand, Soil, Dirt, 10 Other, 99 Unknown		What Vehicle Did: Unit 1: 20, Unit 2: 01 00 Not Applicable, 01 Went Ahead, 02 Turned Left, 03 Turned Right, 04 Entered "U" Turn, 05 Stopped, 06 Slowed, 07 Started from Park/Stop, 08 Entered Other Lane, 09 Overtaking, 10 Passing, 11 Backed, 12 Remained Stopped, 13 Remained Parked, 14 Entered/Merged, 15 Departed Rdwy-Right, 16 Departed Rdwy-Left, 17 Swerved Right, 18 Swerved Left, 19 Parked, 20 Other, 99 Unknown		Traffic Control: Unit 1: 00, Unit 2: 00 00 No Control, 01 Stop Sign, 02 Traffic Signal, 03 Flashing Traffic Signal, 04 School Zone Signs, 05 Yield Sign, 06 Warning Sign, 07 Railroad Advance Warning Sign, 08 Railroad Cross Bucks, 09 Railroad Gates, 10 Railroad Signal, 11 No Passing Zone, 12 Person (including flagger, law enforcement, crossing guard, etc.), 13 Abnormal Control, 14 Other, 99 Unknown		Workers Present: Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>			
Locality: 7 1 Residential, 2 Business, 3 Industrial, 4 School, 5 Not Built-up, 6 Mixed Use, 7 Other, 9 Unknown		Road Surface Conditions: Unit 1: 01, Unit 2: 01 01 Dry, 02 Wet, 03 Ice/Frost, 04 Snow, 05 Mud, Dirt, Gravel, 06 Slush, 07 Water (standing, moving), 08 Sand, 09 Oil, 10 Other, 99 Unknown		Trafficway: Unit 1: 3, Unit 2: 3 0 Not Applicable, 1 One Way, 2 Two-Way - Not Divided, 3 Two-Way - Divided, 4 Two-Way - Divided - Positive Median Barrier, 5 Turn Lane, 6 Ramp / Loop, 7 Driveway, 8 Alley / Parking Lot, 9 Unknown		Unsafe / Unlawful Contributing Factors: Unit 1: 98, Unit 2: 10 FAILED TO YIELD, 01 From Stop Sign, 02 From Yield Sign, 03 Private Drive, 04 County Road at Through Highway, 05 From Signal Light, 06 From Alley, 07 To Pedestrian, 08 To Vehicle on Right, 09 To Vehicle in Intersection, 10 To Emergency Vehicles, 12 Other, FOLLOWED TOO CLOSELY, 13 Human Element, 14 Traffic Condition, 15 Weather Condition, UNSAFE SPEED, 16 Driver's Ability (Aged), 17 Inexperienced Driver - Young, 18 Exceeding Legal Limit, 19 For Traffic Conditions (Gravel, Dirt, etc.), 21 For Ice or Snow on Roadway, 22 Rain or Wet Roadway, 23 Wind, 24 Other Weather Conditions, 25 Vehicle Condition, 26 View Obstruction, 27 On Curve/Turn, 28 Impeding Traffic, 29 Other, IMPROPER TURN, 30 From Wrong Lane, 31 From Direct Course, 32 Right, 33 Left, 34 Turn About/U-Turn, 35 To Enter Private Drive, 36 In Front of Oncoming Traffic, 37 Other, 38 CHANGED LANES UNSAFELY, 39 STOPPED IN TRAFFIC LANE, FAILED TO STOP, 40 For Stop Sign, 41 For Traffic Signal, 42 For School Bus, 43 For Railroad Gates/Signal, 44 For Officer/Flagman, 45 At Sidewalk/Stopline, 46 Other, UNSAFE VEHICLE, 47 Brakes, 48 Steering, 49 Tires, 50 Suspension, 51 Headlights, 52 Tail Lights, 53 Stop Lights, 54 Wheel, 55 Exhaust System, 56 Windshield Wipers, 57 Other Mechanical Defects, LEFT OF CENTER, 58 In Meeting, 59 No Passing Zone (Unmarked), 60 Marked Zone, 61 Other, IMPROPER OVERTAKING, 62 In Marked Zone, 63 On Hill/Curve, 64 At Intersection, 65 Without Sufficient Clearance, 66 Other, IMPROPER PARKING, 67 On Roadway, 68 Where Prohibited, 69 Other, INATTENTION, 70 Distracted by Passenger in Vehicle, 71 Other Distraction Inside Vehicle, 72 Distraction From Vehicle, 73 Other, WRONG WAY, 74 On One Way, 75 On Exit Ramp, 76 On Entrance Ramp, 77 Other, IMPROPER START FROM, 78 Parked Position, 79 Other, 80 ALCOHOL-DUI/DWI, 81 DRUG-DUI, OTHER IMPROPER ACT/ MOVEMENT, 82 Failed to Signal, 83 Disregarded Warning Signal, 84 Improper Use of Lane, 85 Improper Backing, 86 Apparently Sleepy, 87 Failed to Secure Load, 88 Other/Unknown, UNKN./NO IMPROPER ACT, 89 Deer in Roadway, 90 Animal in Roadway, 91 Domestic Animal in Rdwy, 92 Avoiding Other Vehicle, 93 Avoiding Pedestrian, 94 Object/Debris in Roadway, 95 Defect in Roadway, 96 Abnormal Traffic Control, 97 Improper Bicyclist Action, 98 NO IMPROPER ACTION BY DRIVER, 99 PEDESTRIAN ACTION			
Type of Intersection: 0 0 Not an Intersection, 2 Y-Intersection, 3 T-Intersection, 4 Four-Way Intersection, 5 Five-Point or More Intersection as Part of Interchange, 7 Traffic Circle, 8 Roundabout, 9 Unknown		Road Character: Unit 1: 1, Unit 2: 1 1 Level, 2 Hillcrest, 3 Uphill, 4 Downhill, 5 Sag (bottom)		Vehicle Removal: Unit 1: 4, Unit 2: 4 0 Not Applicable, 1 Towed Due to Vehicle Damage, 2 Towed For Reasons Other Than Damage, 3 Remained at Scene, 4 Driven from Scene, 9 Unknown		Vehicle Condition: Unit 1: 01, Unit 2: 01 00 Not Applicable, 01 Apparently Normal, 02 Brakes, 03 Headlights, 04 Steering, 05 Tail Lights, 06 Brake Lights, 07 Tires/Wheels, 08 Suspension, 09 Signal lights, 10 Windows, 11 Truck Coupling/Trailer Hitch/Safety Chains, 12 Mirrors, 15 Other, 13 Wipers, 99 Unknown, 14 Power Train		Special Function of Vehicle: Unit 1: 08, Unit 2: 00 00 Not Applicable, 01 School Bus, 02 Transit Bus, 03 Intercity Bus, 04 Charter Bus, 05 Other Bus, 06 Military, 07 OHP, 08 Other Police, 09 Other Law Enforcement, 10 Ambulance, 11 Fire Truck, 12 Public Owned Vehicle, 13 Highway Equipment, 14 Special Mobilized Machine, 15 Other, 99 Unknown	
Incident Type: 54 00 Not an Incident, 51 Private Property, 52 Deliberate Intent, 53 Medical Condition, 54 Legal Intervention, 55 Suicide, 57 Drowning, 58 Other		Road Alignment: Unit 1: 1, Unit 2: 1 1 Straight, 2 Curve - Left, 3 Curve - Right		Road Surface Type: Unit 1: 2, Unit 2: 2 1 Concrete, 2 Asphalt, 3 Gravel, 4 Dirt, 5 Brick, 6 Other, 9 Unknown		Emergency Vehicle Responding to an Emergency: Unit 1: 1, Unit 2: 0 0 N/A, 2 No, 1 Yes, 9 Unknown		Point of First Contact on Vehicle: Unit 1: 01, Unit 2: 07 Most Damaged Area: Unit 1: 01, Unit 2: 07 00 Not Applicable, 13 Top, 14 Undercarriage, 99 Unknown	
Location of First Harmful Event: 01 01 On Roadway, 02 Shoulder, 03 Median, 04 Roadside, 05 Gore, 06 Separator, 07 Parking Lane/Zone, 08 Off Roadway, Location Unknown, 09 Outside Right-of-Way, 10 Other, 99 Unknown		Driver Distracted by: Unit 1: 0, Unit 2: 9 0 Not Applicable/None, 1 Electronic Communication Devices, 2 Other Electronic Device, 3 Other Inside Vehicle, 4 Other Outside Vehicle, 9 Unknown		Road Surface Type: Unit 1: 2, Unit 2: 2 1 Concrete, 2 Asphalt, 3 Gravel, 4 Dirt, 5 Brick, 6 Other, 9 Unknown		Emergency Vehicle Responding to an Emergency: Unit 1: 1, Unit 2: 0 0 N/A, 2 No, 1 Yes, 9 Unknown			

Latitude N Longitude W Railroad Crossing Number Roadway Orientation Unit Number 01 N E S W N Unit Number 02 N E S W N



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event	First Harmful Event for the Entire Collision
01	34	00	00	00	34	34
02	34	00	00	00	34	

- 00 Not Applicable
- 10 Overturn/Rollover
- 11 Fire/Explosion
- 12 Immersion
- 13 Jackknife
- 14 Cargo/Equipment Loss or Shift
- 15 Equipment Failure (Blown Tire, Brake Failure, etc.)
- 16 Separation of Units
- 17 Departed Road Right
- 18 Departed Road Left
- 19 Cross Median/Centerline
- 20 Downhill Runaway

- 21 Fell/Jumped From Motor Vehicle
- 22 Thrown or Falling Object
- 23 Other Non-Collision
- PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:
- 30 Pedestrian
- 31 Pedal Cycle
- 32 Railway Vehicle (train, engine)
- 33 Animal
- 34 Motor Vehicle in Transport
- 35 Parked Motor Vehicle
- 36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle

- 37 Work Zone/Maintenance Equipment
- 38 Other Non-Fixed Object
- FIXED OBJECT:
- 40 Barrier (Cable)
- 41 Barrier (Concrete)
- 42 Barrier (Other)
- 43 Fence Pole
- 44 Fence
- 45 Traffic Signal Support
- 46 Traffic Sign Support
- 47 Utility Pole/Light Support
- 48 Other Post/Pole/Support
- 49 Guardrail/Guardrail Face
- 50 Guardrail End
- 51 Culvert
- 52 Curb
- 53 Island
- 54 Sand Barrels
- 55 Impact Attenuator/ Crash Cushion
- 56 Pavement Drop-Off
- 57 Ditch
- 58 Embankment
- 59 Tree (Standing)
- 60 Dividing Strip
- 61 Retaining Wall
- 62 Bridge Abutment
- 63 Bridge Pier or Support
- 64 Bridge Rail
- 65 Bridge Post
- 66 Bridge Curb
- 67 Bridge Super Structure (Beams)
- 68 Bridge Overhead Structure
- 69 Delineator
- 70 Mailbox
- 71 Other Fixed Object
- 72 Other Highway Structure
- 73 Ground
- 99 Unknown

Remarks

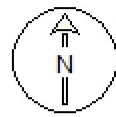
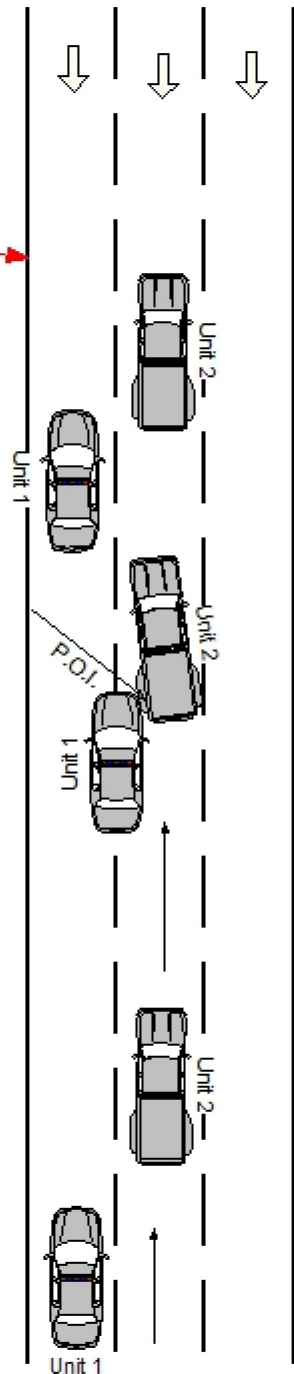
UNIT 1, A MARKED POLICE UNIT, TRIED TO STOP UNIT 2 IN REFERENCE TO A CALL. UNIT 2 FLED FROM POLICE GOING THE WRONG WAY ON THE INTERSTATE. UNIT 2 WAS NORTHBOUND IN THE MIDDLE LANE OF SOUTHBOUND I-35 ABOUT 1/10TH OF A MILE SOUTH OF NE 16TH STREET WHEN UNIT 1 TRIED TO PERFORM A TACTICAL VEHICLE INTERVENTION TO STOP THE PURSUIT. THE INTERVENTION WAS UNSUCCESSFUL AND UNIT 1 SUSTAINED DAMAGE TO THE FRONT PASSENGER SIDE OF VEHICLE. UNIT 2 CONTINUED ON AND ELUDED CAPTURE.

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT
DIAGRAM SUPPLEMENTAL

Case Number 18-06079

Pg 5 of 5

I-35 SOUTHBOUND LANES ONLY



NOT TO SCALE





DISCUSSION ITEMS





The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Patrick Menefee, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNING
Julie Shannon, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Allison, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: October 9, 2018

Subject: (PC – 1965) Discussion and consideration of 1) amending Ordinance Number 3347 pertaining to the rezoning from R-6, Single Family Detached Residential to SPUD, Simplified Planned Unit Development to correct an error in the legal description of the property being rezoned, which is described as Block 5, Lot 6 of the Pine Addition and addressed as 220 E. Kittyhawk; and 2) declaring an Emergency.

In reviewing documentation to prepare for a replat application, staff discovered that the signed and approved ordinance for PC-1965 contained a scrivener's error in the legal description. The correct legal description is Block 5, Lot 6 of the Pine Addition, however, the ordinance stated the legal description as Block 6, Lot 5 of the Pine Addition. This needs to be corrected so that the correct property is zoned to a SPUD.

The notice that was published and mailed out to all property owners within 300 feet of the property contained the correct legal description. The notice is attached. The maps that were made part of the PC-1965 agenda item for Planning Commission and City Council also showed the correct parcel. The subject line of the discussion item did have the lot and block transposed but it did contain the correct parcel address, 220 E. Kittyhawk Dr. as well as a map on the front page showing the correct parcel.

Attached is a corrected ordinance with the accurate legal description for the property that was rezoned. The rezoning request was approved by City Council on August 28, 2018. This amendment is necessary to ensure that the correct parcel is rezoned consistent with the application.

This is being requested as an emergency amendment as the applicant for the rezoning will be submitting a replat application soon and the zoning must reflect the correct parcel.

Action Required: Approve or reject the amendment to Ordinance Number 3347 located on the property as noted herein, made a part of PC- 1965 file.

Billy Harless, AICP
Community Development Director
KG

**City of Midwest City Oklahoma
Notice of Public Hearing**

Notice is hereby given to all property owners within 300 feet of the following described property that a PUBLIC HEARING will be held before the Planning Commission of Midwest City, Oklahoma, on **August 7, 2018 at 7:00 p.m.**, in the City Council Chambers, located at 100 N. Midwest Blvd., to consider the rezoning of said property.

Notice is hereby given to all property owners within 300 feet of the following described property that a PUBLIC HEARING will be held before the City Council of Midwest City, Oklahoma, on **August 28, 2018 at or after 7:00 p.m.**, in the City Council Chambers located at 100 N. Midwest Blvd., to consider:

AN ORDINANCE TO REDISTRICIT

FROM: R-6, Single Family Detached Residential

TO: Simplified Planned Unit Development (SPUD) governed by the R-6, Single Family Detached Residential District

For the property described as Lot 6 of Block 5 of the Pine Addition, addressed as 220 E. Kittyhawk Dr., and as shown on the attached map.

Any person wishing to appear in support or opposition to the proposed resolution may do so. In case of a legal protest, as defined by Section 6.4.2 of the Midwest City Zoning Ordinance, against such change, such change shall not become effective except by the favorable vote of 3/5ths of all members of the City Council. All protests must be signed and filed with the Community Development Department more than three (3) business days prior to the public hearing dates as noted above.

If additional information is desired or if you have any question concerning this matter, please contact Kellie Gilles (405)739-1223 or Lora Gwartney (405)739-1265 in the Midwest City Community Development Department, Current Planning Division.

Dated: July 6, 2018

Billy D. Harless
Community Development Director
City of Midwest City, Oklahoma

1 **PC-1965**

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 1965 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 Block 5, Lot 6, of the Pine Addition, City of Midwest City, Oklahoma.

15 This is a correction to a previously approved ordinance with an incorrect legal description. This
16 ordinance shall take the place of the ordinance for PC-1965 that was approved on August 28,
17 2018.

18 **SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict herewith are here-
19 by repealed.

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

23 PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma,
24 on the _____ day of _____, 2018.

25 THE CITY OF MIDWEST CITY, OKLA-
26 HOMA

27 _____
28 MATTHEW D. DUKES II, Mayor

29 ATTEST:

30 _____
31 SARA HANCOCK, City Clerk

32 APPROVED as to form and legality this _____ day of _____, 2018.

33 _____
34 Heather Poole, Interim City Attorney

35 **SECTION 7. EMERGENCY.** The City Council declares this ordinance to be an emergency, it being
36 immediately necessary for the preservation of the peace, health and safety of the City of Midwest City
and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emer-
gency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force
from and after its passage as provided by law.

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EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City of
the City of Midwest City, Oklahoma, this _____ day of _____, 2018.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

HEATHER POOLE, Interim City Attorney



The City of
MIDWEST CITY
 COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
 Patrick Menefee, City Engineer
 CURRENT PLANNING DIVISION
 Kellie Gilles, Planning Manager
 COMPREHENSIVE PLANNING
 Julie Shannon, Comprehensive Planner
 BUILDING INSPECTION DIVISION
 Christine Allison, Building Official
 GIS DIVISION
 Greg Hakman, GIS Coordinator

TO: Honorable Mayor and City Council

FROM: Billy Harless, Community Development Director

DATE: October 9, 2018

SUBJECT: (PC –1977) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Community Recreation: General in the R-6, Single Family Residential zoning district, for the property described as a part of the SE/4 of Section 2 T-11-N, R-2-W, located at 711 S. Douglas Blvd.

Executive Summary: The area of request is John Conrad Golf Course. The property is and has been zoned R-6, Single Family Detached Residential at least since the adoption of the 1985 Zoning Map. The 2010 Zoning Ordinance requires a Special Use Permit (SUP) for the use of a golf course in the R-6, zoning district. The use of a golf course is currently considered legal non-conforming as it was existing prior to the 2010 Zoning Ordinance update. With the new beer and alcohol state laws going into effect October 1, 2018, the ABLE Commission requires a letter from municipalities stating that facilities serving beer and/or alcohol be zoned appropriately. This is a request to bring the existing golf course into compliance with the current Zoning Ordinance. No changes are proposed for the operation, boundary or use of the golf course. Notice was sent to all property owners within 300 feet of the area of request and as of this writing, staff has not received any calls or letters of protest regarding this request. Staff recommends approval.



DATES OF HEARINGS:

Planning Commission –
 October 2, 2018
 City Council – October 9,
 2018

COUNCIL WARD: Ward
 2, Pat Byrne

OWNER:

Midwest City Municipal
 Authority

PROPOSED USE:

No change to existing use of
 a golf course.

DEVELOPMENT PROPOSED BY COMPREHENSIVE PLAN:

Area of Request – POS – Public Open Space

ZONING DISTRICTS:

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

LAND USE:

Area of Request – John Conrad Golf Course

North – Joe B. Barnes Park (ball fields, park) and Reno Swim and Slide

South – Fire Station, various commercial and industrial uses

East – Medical buildings, townhomes, office uses and single family homes

West – Trail and industrial buildings

COMPREHENSIVE PLAN CITATION:

Park & Open Space Land Use

This land use designation is provided to identify public parks and open spaces within Midwest City. A community's park system is key to a high quality of life. The City has recognized this not only through its allocation of significant park areas, but also by the fact that a Parks and Trails Assessment for Midwest City has been incorporated as a part of this Comprehensive Plan. The Parks and Trails Assessment will address specific future park locations, local park and open space needs, and other recreation related issues, as well as funding mechanisms. It is intended to help Midwest City meet the park and recreation needs of its citizens as it continues to grow in population over the next two decades. The park and open space areas that are recommended within this Parks and Trails Assessment have been reflected on the Future Land Use Plan map.

MUNICIPAL CODE CITATION:

2.7 R-6, Single-Family Detached Residential District

2.7.1. General Description

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

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

7.6. Special Use Permit

7.6.1. Special Use Permit

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

(A) Consideration for compatibility

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

(B) Review and approval

The Planning Commission shall review each case on its own merit, apply the criteria established herein, and recommend either approval or denial of the special use permit to the City Council.

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

(C) Use identified by individual zoning district

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

7.6.3 Criteria for Special Use Permit Approval

(A) Special use permit criteria

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

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

NOTIFICATION:

1. Written notice was mailed to owners of real property within 300 feet of the exterior boundaries of the subject property.

HISTORY:

1. This area was zoned R-6, Single Family Residential, with the adoption of the 1985 Zoning Map and remains so designated on the 2010 Zoning Map.

STAFF COMMENTS:

Engineering Staff Comments:

No comments necessary as there are no changes to the land, any structures or utilities proposed with this application.

Fire Marshal's Comments:

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

Planning Division:

The area of request is the location of John Conrad Golf Course. The golf course has been zoned R-6, Single Family Residential since it was built. The updated 2010 Zoning Ordinance requires a Special Use Permit for the use of Community Recreation: General. Since 2010, the golf course has been allowed to remain as is but considered legal non-conforming with regard to the zoning. The new beer and alcohol state laws effective October 1, 2018 require that any entity selling beer or alcohol be zoned appropriately. As the golf course does sell beer, the zoning does need to be updated to reflect the required Special Use Permit. No changes are proposed for the boundary or the use of the golf course.

This SUP is necessary to bring the property into compliance with the current Zoning Ordinance. This SUP will allow beer and alcohol sales at John Conrad Golf Course.

As of this writing, staff has not received any calls or letters of protest regarding this rezoning request.

As mentioned above, criteria for special use permit approval is outlined in 7.6.3. of the Midwest City Zoning Ordinance. Below are staff's opinions as to how this application meets or does not meet the required criteria:

1. The Comprehensive Plan states that one of the three basic targets of economic development programming retaining and increasing the viability of existing local businesses. Allowing this Special Use Permit will allow this existing golf course to continue to operate at the same level as it has in the past which is consistent with the targets of the Comprehensive Plan.
2. The proposed use is in harmony with the general purpose and intent of the R-6 zoning district regulations as it is a neighborhood friendly use and has existed in this area for many years.
3. The proposed use is not likely to adversely affect the neighboring properties. The applicant will be required to adhere to all laws regarding serving alcoholic beverages to patrons.
4. Staff does not believe that the proposed use will generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood. There are no changes proposed with this Special Use Permit other than the golf course will now be allowed to sell high point beer and alcohol. Under new state law, low-point beer is no longer licensed.
5. Utility, drainage, parking, loading, signs, lighting access and other necessary public facilities are all existing and will not be affected by this existing use.

Based on the information above, staff recommends approval of this Special Use Permit to allow the use of Community Recreation: General at John Conrad Golf Course addressed as 711 S. Douglas Blvd.

Action Required: Approve or reject the resolution for a Special Use Permit for the property as noted herein, subject to the staff comments and recommendations as found in the October 9, 2018, agenda packet and made a part of PC- 1977 file.



Billy Harless, AICP
Community Development Director

KG

2 **RESOLUTION NO. _____**

3 **A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW THE USE OF**
4 **COMMUNITY RECREATION: GENERAL AND DIRECTING AMENDMENT OF THE**
5 **OFFICIAL ZONING DISTRICT MAP TO REFLECT THE RECLASSIFICATION OF**
6 **THE PROPERTY’S ZONING DISTRICT; AND PROVIDING FOR REPEALER AND**
7 **SEVERABILITY**

8 **WHEREAS**, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described
9 property with a classification of **R-6, Single Family Detached Residential**:

10 A part of Section Two (2), Township Eleven (11) North, Range Two (2) West of the Indian Me-
11 ridian, Oklahoma County, Oklahoma, and being more particularly described as follows:

12 Commencing at the north east corner of Section Two (2), Township Eleven (11) North, Range
13 Two (2) West of the Indian Meridian, Oklahoma County, Oklahoma; thence South 00°35’40”
14 East along said Section Two (2) a distance of 983.50 feet; thence North 90°00’00” West a dis-
15 tance of 50.00 feet to the point or place of beginning;
16 thence South 00°35’40” East a distance of 1632.79 feet;
17 thence South 89°54’15” West a distance of 588.25 feet;
18 thence South 00°00’00” East a distance of 319.50 feet;
19 thence North 90°00’00” East a distance of 131.00 feet;
20 thence South 00°00’00” East a distance of 672.20 feet;
21 thence South 89°33’09” West a distance of 128.00 feet;
22 thence South 00°00’00” East a distance of 1560.39 feet;
23 thence South 89°32’46” West a distance of 1949.31 feet;
24 thence North 00°26’39” West a distance of 710.96 feet;
25 thence North 46°46’26” East a distance of 1437.25 feet;
26 thence North 17°19’42” West a distance of 799.06 feet;
27 thence North 27°40’39” West a distance of 822.40 feet;
28 thence North 36°28’49” West a distance of 1264.63 feet;
29 thence North 90°00’00” East a distance of 2847.69 feet to the point or place of beginning, con-
30 taining 7,500,579 square feet or 172.19 acres more or less.

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

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

35 That the above described property located in Midwest City, Oklahoma be and is
36 hereby granted a Special Use Permit to allow the use of **Community Recreation: Gen-
eral**.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklaho-
ma, on the _____ day of _____, 2018.

THE CITY OF MIDWEST CITY, OKLA-
HOMA

MATTHEW D. DUKES III, Mayor

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ATTEST:

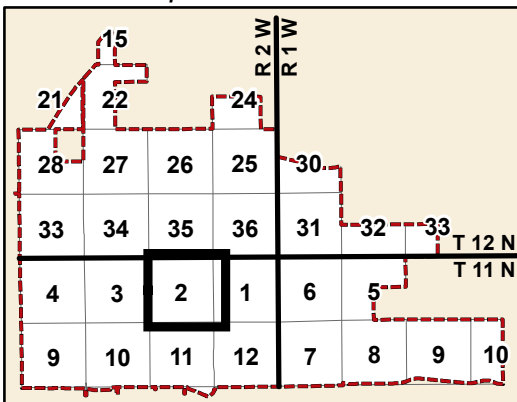
SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

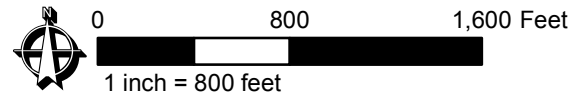
HEATHER POOLE, Interim City Attorney



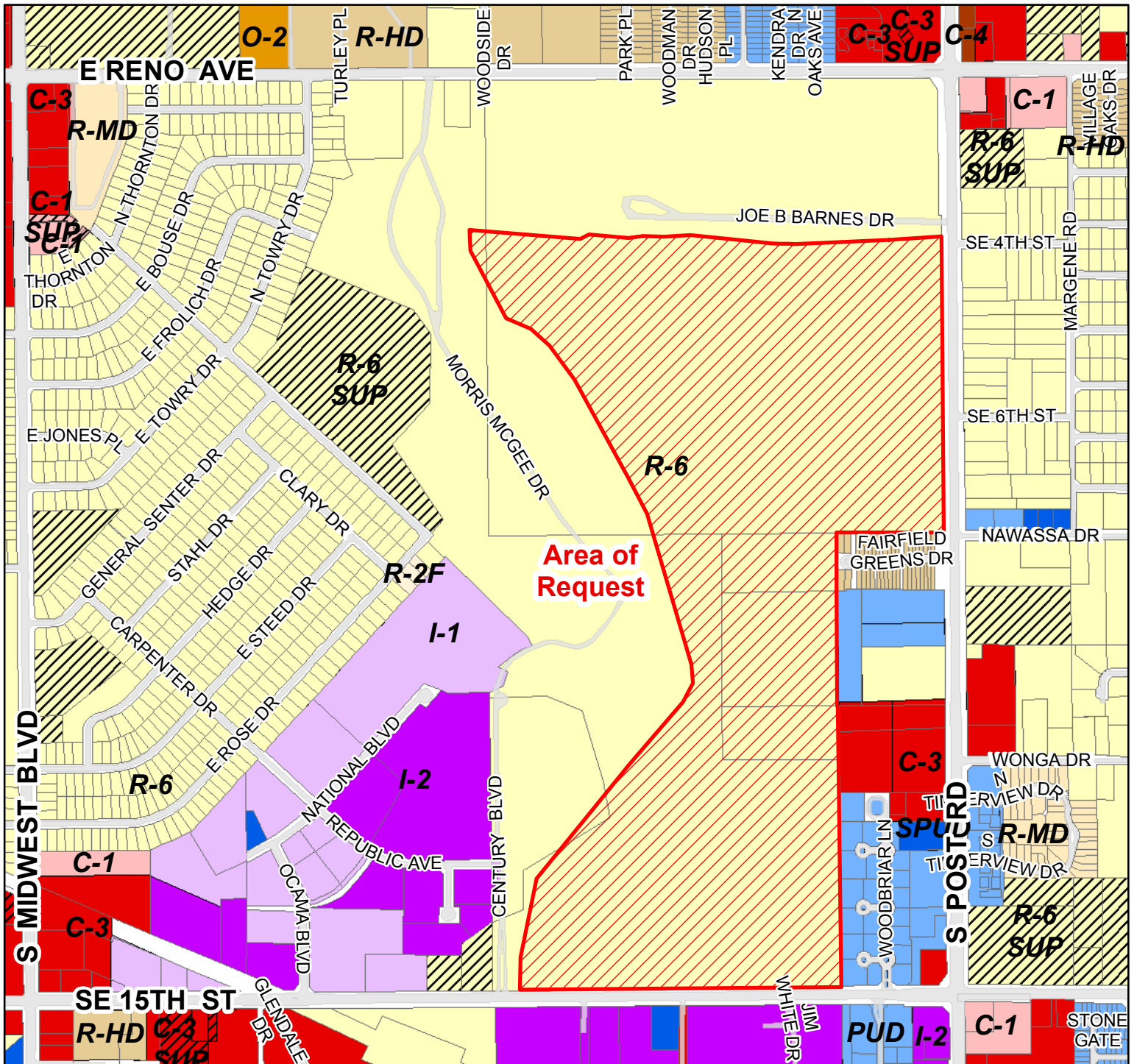
Locator Map



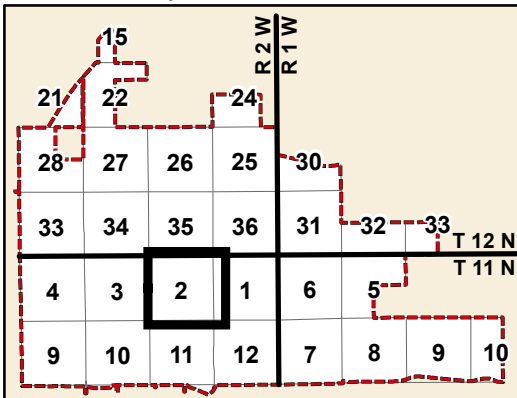
**2017 DOP (AERIAL) VIEW FOR
PC-1977
(Section 2, T11N, R2W)**



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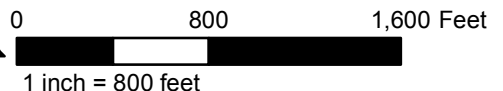
Locator Map



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-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-1977 (Section 2, T11N, R2W)



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The City of
MIDWEST CITY
 COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
 Patrick Menefee, City Engineer
 CURRENT PLANNING DIVISION
 Kellie Gilles, Planning Manager
 COMPREHENSIVE PLANNING
 Julie Shannon, Comprehensive Planner
 BUILDING INSPECTION DIVISION
 Christine Allison, Building Official
 GIS DIVISION
 Greg Hakman, GIS Coordinator

TO: Honorable Mayor and City Council

FROM: Billy Harless, Community Development Director

DATE: October 9, 2018

SUBJECT: (PC –1978) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Community Recreation: General in the R-6, Single Family Residential zoning district, for the property described as a part of the NE/4 of Section 34 T-12-N, R-2-W, located at 3210 Belaire Drive.

Executive Summary: The area of request is Hidden Creek Golf Course. The property is and has been zoned R-6, Single Family Detached Residential at least since the adoption of the 1985 Zoning Map. The 2010 Zoning Ordinance requires a Special Use Permit (SUP) for the use of a golf course in the R-6, zoning district. The use of a golf course is currently considered legal non-conforming as it was existing prior to the 2010 Zoning Ordinance update. With the new beer and alcohol state laws going into effect October 1, 2018, the ABLE Commission requires a letter from municipalities stating that facilities serving beer and/or alcohol be zoned appropriately. This is a request to bring the existing golf course into compliance with the current Zoning Ordinance. No changes are proposed for the operation, boundary or use of the golf course. Notice was sent to all property owners within 300 feet of the area of request and as of this writing, staff has not received any calls or letters of protest regarding this request. Staff recommends approval.



DATES OF HEARINGS:
 Planning Commission – October 2, 2018
 City Council – October 9, 2018

COUNCIL WARD: Ward 4,
 Sean Reed

OWNER:
 City of Midwest City

PROPOSED USE:
 No change to existing use of a golf course.

DEVELOPMENT PROPOSED BY COMPREHENSIVE PLAN:

Area of Request – PSP – Public/Semi-Public

ZONING DISTRICTS:

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

LAND USE:

Area of Request – Hidden Creek Golf Course

North – Atkinson Heritage Center

South and West – single family homes

East – single and two-family homes

COMPREHENSIVE PLAN CITATION:

Public/Semi-Public

This land use designation is representative of uses that are educational, governmental or institutional in nature. Public/semi-public uses are generally permitted within any area; therefore, the areas shown on the Future Land Use Plan Map include the related uses that are currently in existence. It is, however, anticipated that there will be a need for additional public uses with future population growth. The City should remain aware of necessary increases in police and fire protection based on population growth and of potential needed increases in space and personnel for City administration.

MUNICIPAL CODE CITATION:

2.7 R-6, Single-Family Detached Residential District

2.7.1. General Description

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

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

7.6. Special Use Permit

7.6.1. Special Use Permit

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

(A) Consideration for compatibility

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

(B) Review and approval

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

(C) Use identified by individual zoning district

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

7.6.3 Criteria for Special Use Permit Approval

(A) Special use permit criteria

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

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

NOTIFICATION:

1. Written notice was mailed to owners of real property within 300 feet of the exterior boundaries of the subject property.

HISTORY:

1. This area was zoned R-6, Single Family Residential, with the adoption of the 1985 Zoning Map and remains so designated on the 2010 Zoning Map.

STAFF COMMENTS:

Engineering Staff Comments:

No comments necessary as there are no changes to the land or any structures or utilities proposed with this application.

Fire Marshal's Comments:

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

Planning Division:

The area of request is the location of Hidden Creek Golf Course. The golf course has been zoned R-6, Single Family Residential since it was built. The updated 2010 Zoning Ordinance requires a Special Use Permit for the use of Community Recreation: General. Since 2010, the golf course has been allowed to remain as is but considered legal non-conforming with regard to the zoning. The new beer and alcohol state laws effective October 1, 2018 require that any entity selling beer or alcohol be zoned appropriately. As the golf course does sell beer, the zoning does need to be updated to reflect the required Special Use Permit. No changes are proposed for the boundary or the use of the golf course. This SUP is necessary to bring the property into compliance with the current Zoning Ordinance. This SUP will allow beer and alcohol sales at Hidden Creek Golf Course.

As of this writing, staff has not received any calls or letters of protest regarding this rezoning request.

As mentioned above, criteria for special use permit approval is outlined in 7.6.3. of the Midwest City Zoning Ordinance. Below are staff's opinions as to how this application meets or does not meet the required criteria:

1. The Comprehensive Plan states that one of the three basic targets of economic development programming retaining and increasing the viability of existing local businesses. Allowing this Special Use Permit will allow this existing golf course to continue to operate at the same level as it has in the past which is consistent with the targets of the Comprehensive Plan.
2. The proposed use is in harmony with the general purpose and intent of the R-6 zoning district regulations as it is a neighborhood friendly use and has existed in this area for many years.
3. The proposed use is not likely to adversely affect the neighboring properties. The applicant will be required to adhere to all laws regarding serving alcoholic beverages to patrons.
4. Staff does not believe that the proposed use will generate pedestrian and vehicular traffic that is hazardous or in conflict with the existing and anticipated traffic in the neighborhood. There are no changes proposed with this Special Use Permit other than the golf course will now be allowed to sell high point beer and alcohol. Under new state law, low-point beer is no longer licensed.
5. Utility, drainage, parking, loading, signs, lighting access and other necessary public facilities are all existing and will not be affected by this existing use.

Based on the information above, staff recommends approval of this Special Use Permit to allow the use of Community Recreation: General at Hidden Creek Golf Course addressed as 3210 Belaire Drive.

Action Required: Approve or reject the resolution for a Special Use Permit for the property as noted herein, subject to the staff comments and recommendations as found in the October 9, 2018, agenda packet and made a part of PC- 1978 file.

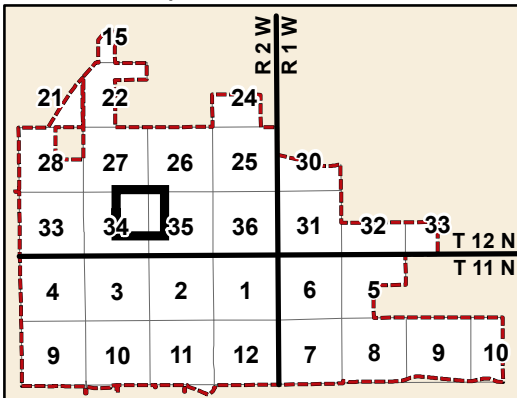


Billy Harless, AICP
Community Development Director

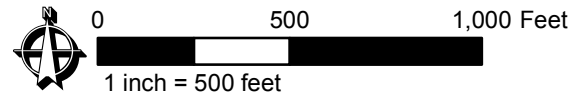
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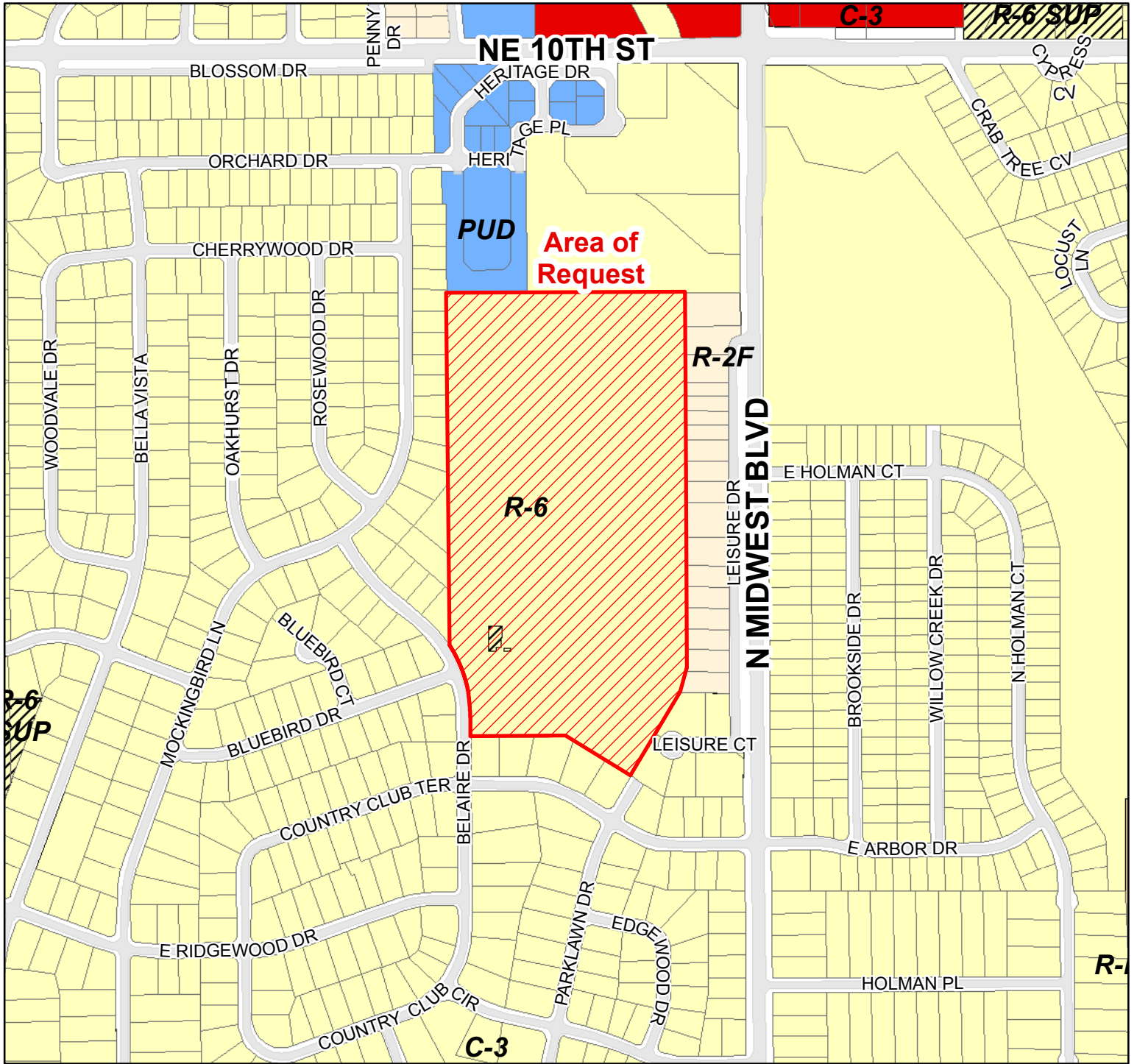
Locator Map



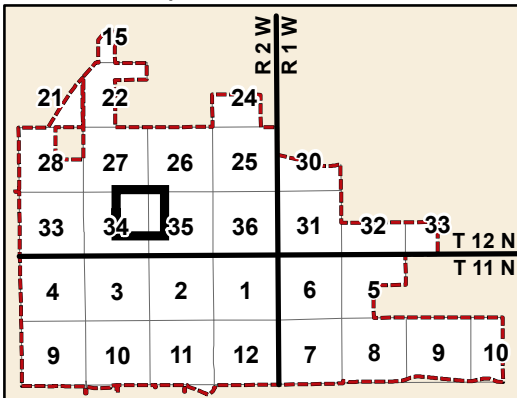
**2017 DOP (AERIAL) VIEW FOR
PC-1978
(NE/4, Sec. 34, T12N, R2W)**



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Locator Map



Current Zoning Legend

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

**ZONING MAP FOR
PC-1978**

(NE/4, Sec. 34, T12N, R2W)



0 500 1,000 Feet

1 inch = 500 feet

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2 **RESOLUTION NO. _____**

3 **A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW THE USE OF**
4 **COMMUNITY RECREATION: GENERAL AND DIRECTING AMENDMENT OF THE**
5 **OFFICIAL ZONING DISTRICT MAP TO REFLECT THE RECLASSIFICATION OF**
6 **THE PROPERTY’S ZONING DISTRICT; AND PROVIDING FOR REPEALER AND**
7 **SEVERABILITY**

8 **WHEREAS**, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described
9 property with a classification of **R-6, Single Family Detached Residential**:

10 A part of the NE/4 of Section Thirty-Four (34), Township Twelve (12) North, Range Two (2)
11 West of the Indian Meridian, Oklahoma County, Oklahoma, and being more particularly de-
12 scribed as follows:

13 Unplatted part of Section 34 12N 2W 000 000 PT NE4 Sec 34 12N 2W BEG 450FT W &
14 200FT N of SE/C NE4 TH NWLY 270.91 FT W337.64FT N76.41FT NW119.67 FT
15 NELY 87.93FT N1096.81FT E811.36FT S1281.8FT SWLY 252.12FT SWLY 229.7FT
16 to BEG.

17 Addressed as 3210 Belaire Dr., Midwest City, OK, 73110

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

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

22 That the above described property located in Midwest City, Oklahoma be and is
23 hereby granted a Special Use Permit to allow the use of **Community Recreation: Gen-**
24 **eral.**

25 **PASSED AND APPROVED** by the Mayor and Council of the City of Midwest City, Oklaho-
26 ma, on the _____ day of _____, 2018.

27 THE CITY OF MIDWEST CITY, OKLA-
28 HOMA

29 _____
30 MATTHEW D. DUKES III, Mayor

31 ATTEST:

32 _____
33 SARA HANCOCK, City Clerk

34 **APPROVED** as to form and legality this _____ day of _____, 2018.

35 _____
36 HEATHER POOLE, Interim City Attorney



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Patrick Menefee, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNING
Julie Shannon, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Allison, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: October 9, 2018

SUBJECT : (PC-1979) Discussion and consideration of 1) approving an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code; by amending Section 4.4.19, Communication Services: Towers/Antennas and providing for repealer and severability and setting an effective date; and 2) declaring an emergency.

On November 1, 2018 the Oklahoma Small Wireless Facilities Deployment Act will go into effect. This act will allow the placement of new utility poles for small wireless facilities as well as the placement of small wireless facilities on existing poles.

This ordinance adds a section under the Communication Services: Towers/Antennas use unit classification. The new section defines small wireless facilities and creates a requirement for a Special Use Permit for small wireless facilities on private property in all single- and two-family zoning districts. The State Statute does not allow zoning review for any small wireless facilities located in rights-of-way of any zoning district or any property outside of the rights-of-way in any district other than single- and two-family districts.

This ordinance is proposed as an emergency as the Oklahoma Small Wireless Facilities Deployment Act will go into effect on November 1, 2018. Staff wants to ensure that this ordinance is in effect prior to November 1, 2018.

Staff recommends approval.

Billy Harless, AICP
Community Development Director

KG

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 4.4.19, COMMUNICATION SERVICES: TOWERS/ANTENNAS AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.4.19, Communication Services: Towers/Antennas, as follows:

4.4.19. Communication Services: Towers/Antennas. Radio and television broadcast towers, satellite communication facilities, microwave antennas, or business dispatching or receiving antennas, and all other antennas similarly suited whether mounted on top of a building or rooftop or mounted on top of a monopole/tower. Where a broadcast tower is permitted, a broadcast studio is permitted to locate on the same site.

A. Towers/antenna requirements. Such towers/antennas shall meet the setback requirements of the district and shall not extend fifteen (15) feet above the maximum height allowable of the district in which it is located unless otherwise approved by the City Council as a special use permit. Special use permits are required for exceeding the height limitation, inability to meet the setback requirements, and other special development criteria.

- (1) Antennas which are mounted to monopole/towers and which, with a special use permit, exceed the height limitation for the district in which it is located shall set back a distance from the property line(s) equal to three-fourths the height of the antenna and tower combined.
- (2) Antennas which are built upon a building or rooftop and are not a part of or connected to a monopole/tower and which exceed with City Council's approval the height limitation for the district in which it is located shall be required to meet the setback requirements of the district for the height attained.

B. Small wireless facility requirements. A small wireless facility is a wireless facility that meets the following qualifications: each antenna of the wireless provider could fit within an enclosure of no more than six (6) cubic feet in volume, and all other wireless equipment associated with the wireless facility, whether ground- or pole-mounted, is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

- (1) In accordance with the Oklahoma Small Wireless Facilities Deployment Act, small wireless facilities located in any dedicated right-of-way may not be subject to zoning review or approval. Property outside of the right-of-way in all zones except for single- or two-family districts may also not be subject to zoning review.

- (2) Small wireless facilities proposed to locate on private property in single-family residential districts (R-35, R-22, R-10, R-8, R-6) and duplex

districts (R-2F) will be required to obtain a Special Use Permit prior to submitting and application for construction.

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

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2018.

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 _____, 2018.

HEATHER POOLE, Interim City Attorney

SECTION 4. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City of
the City of Midwest City,

Oklahoma, this _____ day of _____, 2018.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

HEATHER POOLE, Interim City Attorney

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 4.4.19, COMMUNICATION SERVICES: TOWERS/ANTENNAS AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.4.19, Communication Services: Towers/Antennas, as follows:

4.4.19. Communication Services: Towers/Antennas. Radio and television broadcast towers, satellite communication facilities, microwave antennas, or business dispatching or receiving antennas, and all other antennas similarly suited whether mounted on top of a building or rooftop or mounted on top of a monopole/tower. Where a broadcast tower is permitted, a broadcast studio is permitted to locate on the same site.

- A. Towers/antenna requirements. Such towers/antennas shall meet the setback requirements of the district and shall not extend fifteen (15) feet above the maximum height allowable of the district in which it is located unless otherwise approved by the City Council as a special use permit. Special use permits are required for exceeding the height limitation, inability to meet the setback requirements, and other special development criteria.
- (1) Antennas which are mounted to monopole/towers and which, with a special use permit, exceed the height limitation for the district in which it is located shall set back a distance from the property line(s) equal to three-fourths the height of the antenna and tower combined.
 - (2) Antennas which are built upon a building or rooftop and are not a part of or connected to a monopole/tower and which exceed with City Council's approval the height limitation for the district in which it is located shall be required to meet the setback requirements of the district for the height attained.
- B. Small wireless facility requirements. A small wireless facility is a wireless facility that meets the following qualifications: each antenna of the wireless provider could fit within an enclosure of no more than six (6) cubic feet in volume, and all other wireless equipment associated with the wireless facility, whether ground- or pole-mounted, is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meter, concealment elements, telecommunications demarcation box, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.
- (1) In accordance with the Oklahoma Small Wireless Facilities Deployment Act, small wireless facilities located in any dedicated right-of-way may not be subject to zoning review or approval. Property outside of the right-of-way in all zones except for single- or two-family districts may also not be subject to zoning review.
 - (2) Small wireless facilities proposed to locate on private property in single-family residential districts (R-35, R-22, R-10, R-8, R-6) and duplex

districts (R-2F) will be required to obtain a Special Use Permit prior to submitting and application for construction.

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

SECTION 3. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2018.

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 _____, 2018.

HEATHER POOLE, Interim City Attorney

SECTION 4. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City of
the City of Midwest City,

Oklahoma, this _____ day of _____, 2018.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

HEATHER POOLE, Interim City Attorney



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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COMPREHENSIVE PLANNING
Julie Shannon, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Allison, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: October 9, 2018

SUBJECT : (PC-1980) Discussion and consideration of an ordinance amending Appendix A, Zoning Regulations, of the Midwest City Code; by amending Section 4.4.21, Convenience Sales and Personal Services; Section 4.5, Industrial Use Unit Classifications and Regulations; Section 4.9.2, Use Chart; and Section 8.3, Words and Terms Defined and providing for repealer and severability and setting an effective date; and declaring an emergency.

In July of 2018, Oklahoma voters approved State Question 788, a measure to allow the legal possession, distribution, growth and processing of medical marijuana. Since that time, staff has had many inquiries from citizens and potential business owners asking how these new uses would be accommodated within the Zoning Ordinance.

Staff has spent much time researching the law as well as ordinances that have been approved in other cities in order to update the Midwest City Zoning Ordinance with regard to medical marijuana.

This proposed ordinance adds medical marijuana dispensaries as a typical use within the Convenience Sales and Personal Services use unit classification. This means that medical marijuana dispensaries will be governed by the same zoning regulations as existing pharmacies. The use of Convenience Sales and Personal Services is allowed by Special Use Permit in the O-1, Restricted Office and O-2 General Office districts. The use is allowed by right in the following districts: C-1, Restricted Commercial, C-2, Planned Shopping Center, C-3, Community Commercial and C-4, General Commercial.

Under Section 4.5, Industrial Use Unit Classifications, staff added use unit classifications specifically for “Commercial Medical Marijuana Grower” and “Medical Marijuana Processor.” Due to the nature of growing and processing medical marijuana, staff felt like the uses fit best in the Industrial Section of the Zoning Ordinance. The Use Chart was updated to allow the new use of “Commercial Medical Marijuana Grower” in the C-4, General Commercial, I-1, Light Industrial, I-2, Moderate Industrial and I-3, Heavy Industrial districts. Regarding the use of “Medical Marijuana Processor,” the Use Chart was updated to allow this use in the I-1, Light Industrial, I-2, Moderate Industrial and I-3, Heavy Industrial zoning districts.

The last update is to the definitions section of the Zoning Ordinance. Here, staff has inserted a definition for “Medical Marijuana Dispensary.”

At this time, no City licensing requirements are proposed, however, establishments will be required to be licensed by the State. The Building Official is researching to ensure that growing and processing facilities will meet all building codes.

Attached to this agenda item are three maps. These maps provide a visual representation of where medical marijuana dispensaries, commercial growing and processing operations would be allowed. Map A shows all parcels zoned office and commercial. This ordinance would allow medical marijuana dispensaries in all office districts by Special Use Permit and all commercial districts by right. Map B shows all parcels zoned C-4, General Commercial and industrial (light, moderate and heavy). Commercial Medical Marijuana Growing operations would be allowed by right in these districts. Map C shows all parcels zoned industrial (light, moderate and heavy). Medical Marijuana Processing would be allowed in these districts. All of the maps also show a 1,000 ft. buffer around public and private schools. State statute prohibits medical marijuana dispensaries, growing and processing operations from being any closer than 1,000 ft. from a public or private school entrance. This ordinance falls within the guidelines of the state statute.

There are a few parcels that have been zoned as Planned Unit Developments and Simplified Planned Unit Developments in the past. These PUD's specifically addressed allowed and prohibited uses. With regard to dispensaries, the PUD must allow the use of Convenience Sales and Personal Services in order for a dispensary to be allowed on that parcel. As the growing and processing uses are proposed as new use unit categories and would not be specifically listed as allowable or prohibited uses in previously approved PUD's (i.e. TBIP, SCIP) those PUD's would need to be amended to allow growing or processing facilities.

The state statute pertaining to medical marijuana as well as state question 788 as it appeared on the ballot in July 2018 are attached.

Community Development Planning staff is and will continue to research amending the Comprehensive Plan to address medical marijuana growing and processing facilities. As always with Comprehensive Plan amendments, any proposed changes will be brought forth to the Planning Commission and City Council for review and approval. This item is only amending the Zoning Ordinance at this time.

This ordinance amendment is requested to be heard as an emergency update as the state is already allowing medical marijuana dispensaries, growers and processors to obtain the required state licensing. This ordinance amendment ensures that these new uses are addressed in our Zoning Ordinance.

Staff recommends approval.



Billy Harless, AICP
Community Development Director

KG

MAP B

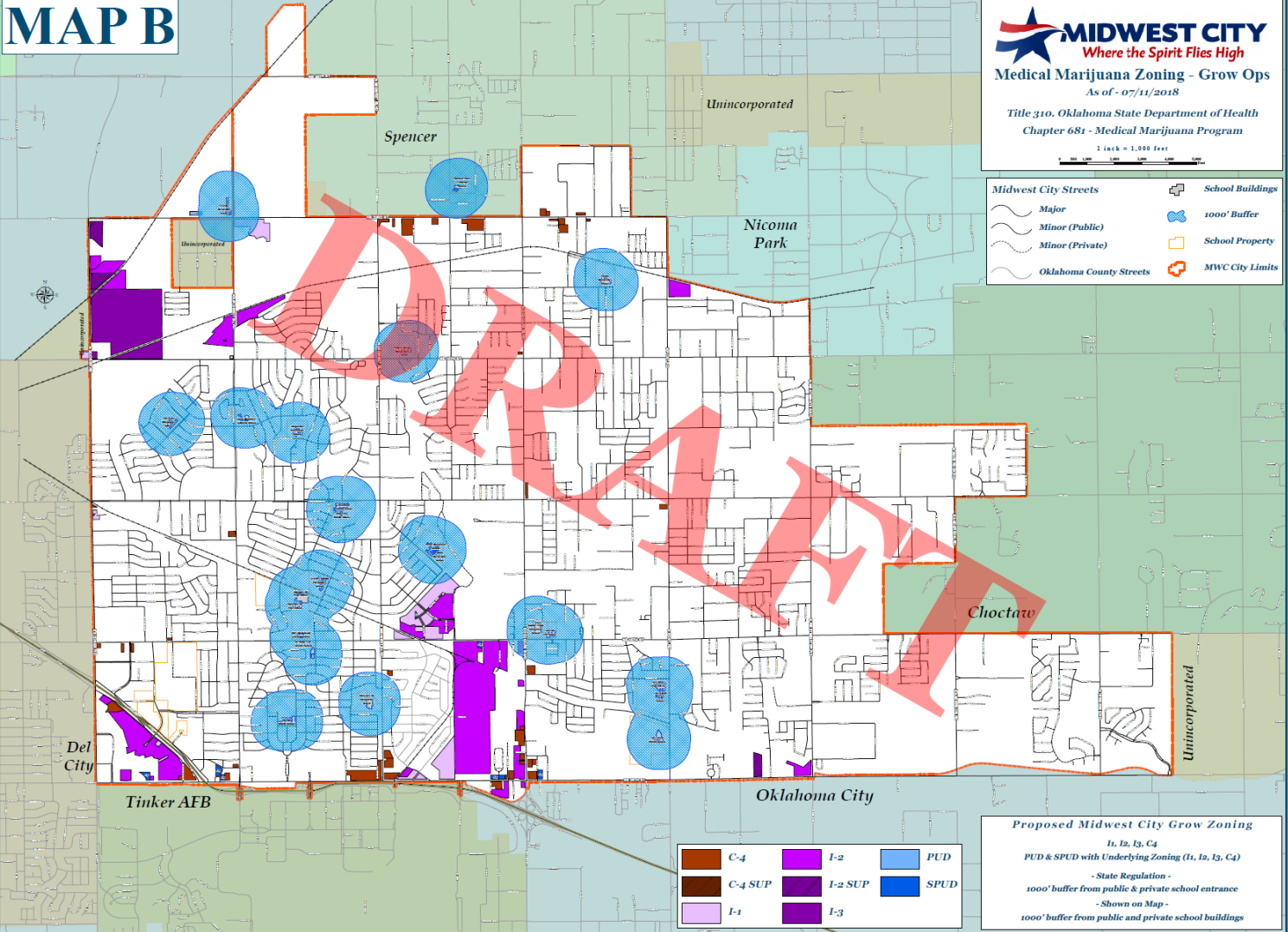


Medical Marijuana Zoning - Grow Ops

As of - 07/11/2018
 Title 310. Oklahoma State Department of Health
 Chapter 681 - Medical Marijuana Program

1 inch = 1,000 feet

Midwest City Streets	School Buildings
Major	1000' Buffer
Minor (Public)	School Property
Minor (Private)	MWC City Limits
Oklahoma County Streets	



C-4	I-2	PUD
C-4 SUP	I-2 SUP	SPUD
I-1	I-3	

Proposed Midwest City Grow Zoning
 I1, I2, I3, C4
 PUD & SPUD with Underlying Zoning (I1, I2, I3, C4)
 - State Regulation -
 - 1000' buffer from public & private school entrance
 - Shown on Map -
 - 1000' buffer from public and private school buildings

MAP A

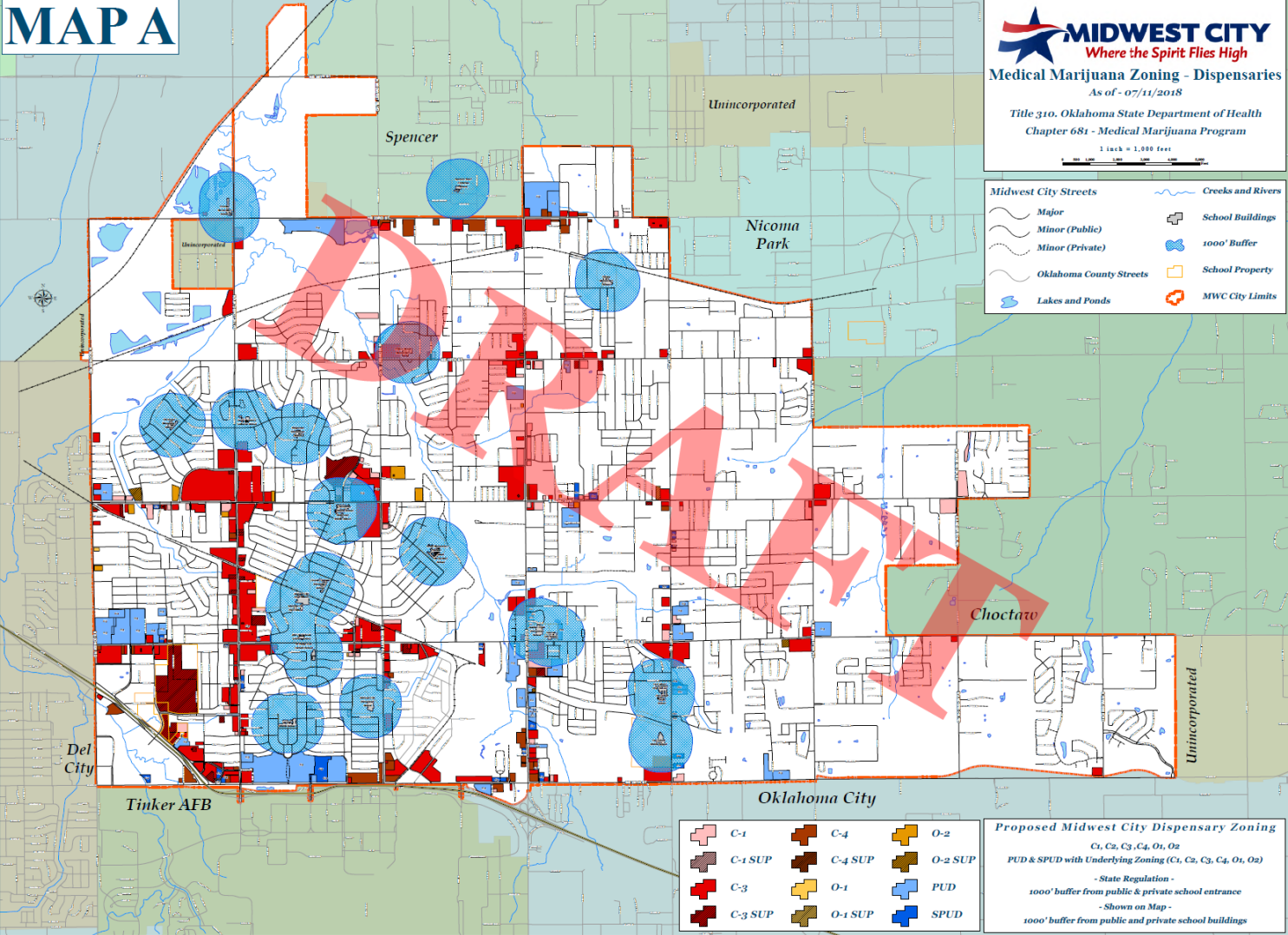


MIDWEST CITY
Where the Spirit Flies High

Medical Marijuana Zoning - Dispensaries
As of - 07/11/2018

Title 310. Oklahoma State Department of Health
Chapter 681 - Medical Marijuana Program

1 inch = 1,000 feet

Midwest City Streets

- Major (Public)
- Minor (Public)
- Minor (Private)
- Oklahoma County Streets
- Lakes and Ponds

Creeks and Rivers

- School Buildings
- 1000' Buffer
- School Property
- MWC City Limits

Oklahoma City

C-1	C-4	O-2
C-1 SUP	C-4 SUP	O-2 SUP
C-3	O-1	PUD
C-3 SUP	O-1 SUP	SPUD

Proposed Midwest City Dispensary Zoning
C1, C2, C3, C4, O1, O2
PUD & SPUD with Underlying Zoning (C1, C2, C3, C4, O1, O2)

- State Regulation -
- 1000' buffer from public & private school entrance
- Shown on Map -
- 1000' buffer from public and private school buildings

MAP C



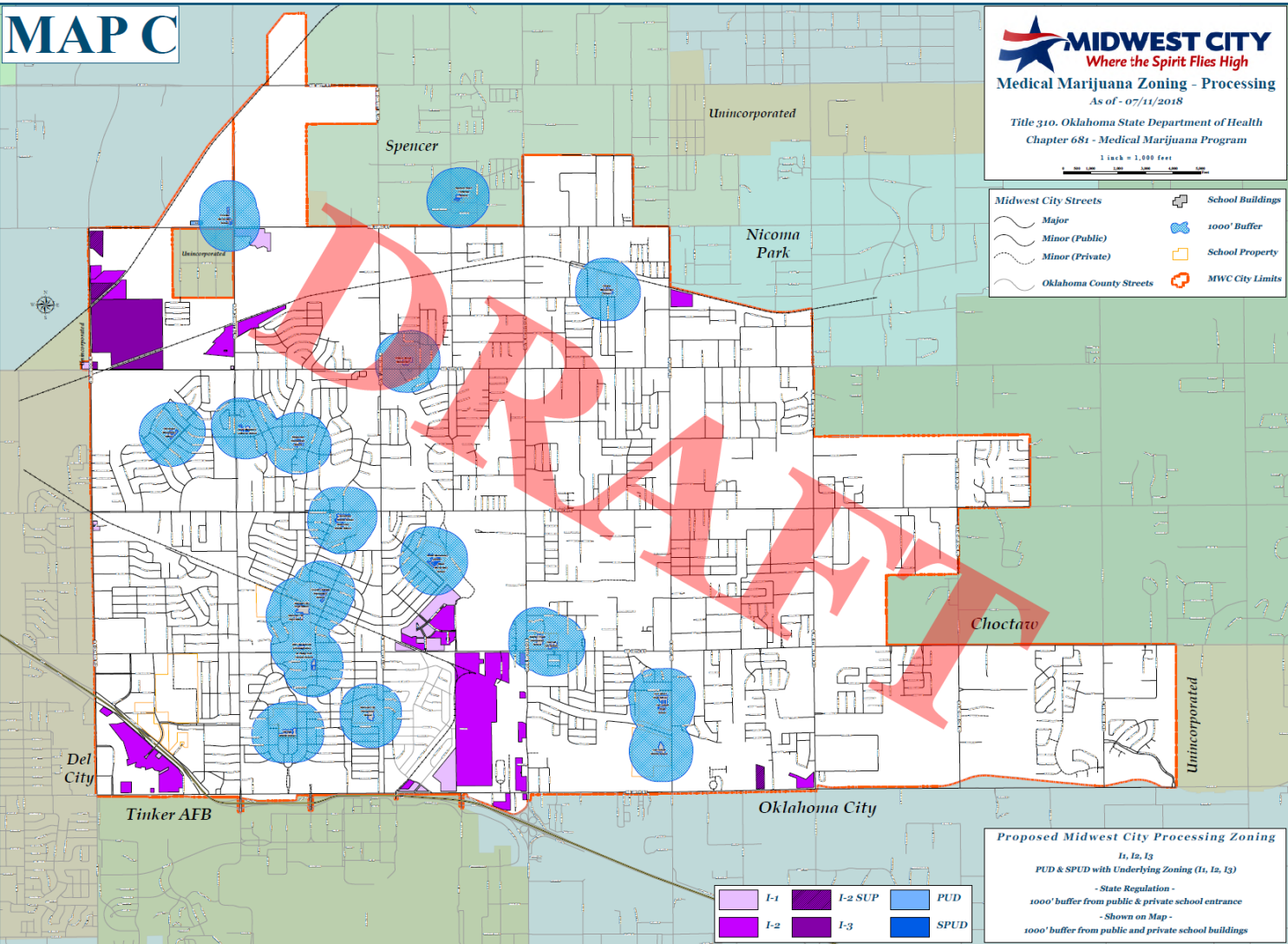
MIDWEST CITY
Where the Spirit Flies High

Medical Marijuana Zoning - Processing
As of - 07/11/2018

Title 310, Oklahoma State Department of Health
Chapter 681 - Medical Marijuana Program

1 inch = 1,000 feet







Midwest City Streets	School Buildings
Major	1000' Buffer
Minor (Public)	School Property
Minor (Private)	MWC City Limits
Oklahoma County Streets	



Proposed Midwest City Processing Zoning
I-1, I-2, I-3

PUD & SPUD with Underlying Zoning (I-1, I-2, I-3)

- State Regulation -
- 1000' buffer from public & private school entrance
- Shown on Map -
- 1000' buffer from public and private school buildings

 I-1	 I-2 SUP	 PUD
 I-2	 I-3	 SPUD

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 4.4.21, CONVENIENCE SALES AND PERSONAL SERVICES; SECTION 4.5, INDUSTRIAL USE UNIT CLASSIFICATIONS AND REGULATIONS; SECTION 4.9.2, USE CHART; AND SECTION 8.3, WORDS AND TERMS DEFINED AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

EMERGENCY ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.4.21, Convenience Sales and Personal Services, as follows:

Establishments or places primarily engaged in the provision of frequently needed, day-to-day retail commercial goods and services. Such uses are designed and intended to serve a limited local market, and to be generally within walking or short driving distance of a residential area. Furthermore, only uses that do not create increased traffic, noise, or such other impacts considered incompatible with a residential use will be permitted. All requirements of the above sections and Chapter 5 of the Midwest City Code shall be met.

Typical uses include small grocery stores; drug stores; candy stores; ice cream parlors (without accessory uses); dry cleaning establishments; barbershops; self-service laundries; beauty parlors; bakeries; floral and gift shops; and key and lock shops; and medical marijuana dispensaries.

SECTION 2. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.5, Industrial Use Unit Classifications and Regulations, to add use unit classifications and regulations for “Commercial Medical Marijuana Grower” and “Medical Marijuana Processor”. The classifications and regulations will read as follows:

4.5.10 Commercial Medical Marijuana Grower

An entity licensed by the Oklahoma State Department of Health that is allowed to grow, harvest and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor or researcher.

4.5.11 Medical Marijuana Processor

An entity licensed by the Oklahoma State Department of Health allowed to: purchase marijuana from a commercial grower; prepare, manufacture, process, package, sell to and deliver medical marijuana products to a licensed dispensary or other licensed processor; and may manufacture marijuana received from a qualified patient into a medical marijuana concentrate for a fee.

SECTION 3. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.9.2, Use Chart, as follows:

In the Industrial Use Unit Classification Section, adding line 4.5.10 “Commercial Medical Marijuana Grower”

For line 4.7.8 an “X” will be shown for the following zoning districts to indicate a permitted use: C-4, I-1, I-2 and I-3.

In the Industrial Use Unit Classification Section, adding line 4.5.11 “Medical Marijuana Processor”

For line 4.7.9 an “X” will be shown for the following zoning districts to indicate a permitted use: I-1, I-2 and I-3.

SECTION 4. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 8.3., Words and Terms Defined, to add a definition for “Medical

Marijuana Dispensary” as subsection 8.3.80 and renumbering the subsequent subsections in Section 8.3 accordingly. The definition will read as follows:

8.3.80 Medical Marijuana Dispensary

An entity licensed by the Oklahoma County Health Department that is allowed to purchase medical marijuana from a licensed Commercial Medical Marijuana Grower or Medical Marijuana Processor and sell medical marijuana only to qualified patients, or their parents or legal guardian(s) if applicable and caregivers.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2018.

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 _____, 2018.

HEATHER POOLE, Interim City Attorney

SECTION 7. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City of

the City of Midwest City,

Oklahoma, this _____ day of _____, 2018.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

HEATHER POOLE, Interim City Attorney



OKLAHOMA State Courts Network

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 420A - License - Application - Records - Requirements - Caregiver License - Counties and Cities

Cite as: 63 O.S. § 420A (OSCN 2018), Medical Marijuana

A. A person in possession of a state issued medical marijuana license shall be able to:

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces of marijuana on their person;
3. Legally possess six (6) mature marijuana plants;
4. Legally possess six (6) seedling plants;
5. Legally possess one (1) ounce of concentrated marijuana;
6. Legally possess seventy-two (72) ounces of edible marijuana; and
7. Legally possess up to eight (8) ounces of marijuana in their residence.

B. Possession of up to one and one-half (1.5) ounces of marijuana by persons who can state a medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed Four Hundred Dollars (\$400.00).

C. A regulatory office shall be established under the Oklahoma State Department of Health which will receive applications for medical license recipients, dispensaries, growers, and packagers within sixty (60) days of the passage of this initiative.

D. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The license will be good for two (2) years, and the application fee will be One Hundred Dollars (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid, Medicare, or SoonerCare. The methods of payment will be provided on the website.

E. A temporary license application will also be available on the Oklahoma Department of Health website. A temporary medical marijuana license will be granted to any medical marijuana license holder from other states, provided that the state has a state regulated medical marijuana program, and the applicant can prove they are a member of such. Temporary licenses will be issued for thirty (30) days. The cost for a temporary license shall be One Hundred Dollars (\$100.00) Renewal will be granted with resubmission of a new application. No additional criteria will be required.

F. Medical marijuana license applicants will submit their application to the Oklahoma State Department of Health for approval and that the applicant must be an Oklahoma state resident and shall prove residency by a valid driver's license, utility bills, or other accepted methods.

G. The Oklahoma State Department of Health shall review the medical marijuana application, approve/reject the application, and mail the applicant's approval or rejection letter (stating reasons for rejection) to the applicant within fourteen (14) days of receipt of the application. Approved applicants will be issued a medical marijuana license which will act as proof of their approved status. Applications may only be rejected based on applicant not meeting stated criteria or improper completion of the application.

H. The Oklahoma State Department of Health will only keep the following records for each approved medical license:

1. a digital photograph of the license holder;
2. the expiration date of the license;
3. the county where the card was issued; and
4. a unique 24 character identification number assigned to the license.

I. The Department of Health will make available, both on its website, and through a telephone verification system, an easy method to validate a medical license holders authenticity by the unique 24 character identifier.

J. The State Department of Health will ensure that all application records and information are sealed to protect the privacy of medical license applicants.

K. A caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license will give the caregiver the same rights as the medical license holder. Applicants for a caregiver license will submit proof of the medical marijuana license holder's license status and homebound status, that they are the designee of the medical marijuana license holder, must submit proof that the caregiver is age eighteen (18) or older, and must submit proof the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license.

L. All applicants must be eighteen (18) years or older. A special exception will be granted to an applicant under the age of eighteen (18), however these applications must be signed by two (2) physicians and the applicant's parent or legal guardian.

M. All applications for a medical license must be signed by an Oklahoma Board certified physician. There are no qualifying conditions. A medical marijuana license must be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application.

N. Counties and cities may enact medical marijuana guidelines allowing medical marijuana license holders or caregivers to exceed the state limits set forth in subsection A of this section.

Historical Data

Added by Section 1, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.



OKLAHOMA State Courts Network

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 421A - Dispensary License - Application - Criteria - Report - Penalties

Cite as: 63 O.S. § 421A (OSCN 2018), Medical Marijuana

A. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana dispensary license. The application fee shall be Two Thousand Five Hundred Dollars (\$2,500.00) and a method of payment will be provided on the website. Retail applicants must all be Oklahoma state residents. Any entity applying for a retail license must be owned by an Oklahoma state resident and must be registered to do business in Oklahoma. The Oklahoma State Department of Health shall have two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;
2. Any applicant, applying as an individual, must show residency in the state of Oklahoma;
3. All applying entities must show that all members, managers, and board members are Oklahoma residents;
4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);
5. All applying individuals or entities must be registered to conduct business in the state of Oklahoma;
6. All applicants must disclose all ownership;
7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in 5 (years), inmates, or any person currently incarcerated may not qualify for a medical marijuana dispensary license.

C. Retailers will be required to complete a monthly sales report to the Oklahoma Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail the weight of marijuana purchased at wholesale and the weight of marijuana sold to card holders, and account for any waste. The report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A retailer will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

D. Only a licensed medical marijuana retailer may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed processors, and these products can only be sold to a medical marijuana license holder or their caregiver. Penalties for fraudulent sales occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

Historical Data

Added by Section 2, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.

Citationizer® Summary of Documents Citing This Document

Cite ***Name Level***

None Found.

Citationizer: Table of Authority

Cite ***Name Level***

None Found.



OKLAHOMA State Courts Network

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 422A - Commerical Grower License - Application - Criteria - Sales - Report - Penalties

Cite as: 63 O.S. § 422A (OSCN 2018), Medical Marijuana

A. The Oklahoma State Department of Health will within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a commercial grower license. The application fee will be Two Thousand Five Hundred Dollars (\$2,500.00) and methods of payment will be provided on the website. The Oklahoma State Department of Health has two (2) weeks to review application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;
2. Any applicant, applying as an individual, must show residency in the state of Oklahoma;
3. All applying entities must show that all members, managers, and board members are Oklahoma residents;
4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);
5. All applying individuals or entities must be registered to conduct business in the state of Oklahoma;
6. All applicants must disclose all ownership;
7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in 5 (years), inmates, or any person currently incarcerated may not qualify for a commercial grower license.

C. A licensed commercial grower may sell marijuana to a licensed retailer, or a licensed packager. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed commercial grower sell marijuana directly to a medical marijuana license holder. A licensed commercial grower may only sell at the wholesale level to a licensed retailer or a licensed processor. If the federal government lifts restrictions on buying and selling marijuana between states, then a licensed commercial grower would be allowed to sell and buy marijuana wholesale from, or to, an out of state wholesale provider. A licensed commercial grower will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail amount of marijuana harvested in pounds, the amount of drying or dried marijuana on hand, the amount of marijuana sold to processors in pounds, the amount of waste in pounds, and the amount of marijuana sold to retailers in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed

grower will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

D. There shall be no limits on how much marijuana a licensed grower can grow.

Historical Data

Added by Section 3, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.

Citationizer® Summary of Documents Citing This Document

Cite ***Name Level***

None Found.

Citationizer: Table of Authority

Cite ***Name Level***

None Found.



OKLAHOMA
State Courts Network

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 423A - Processing License - Application - Criteria - Standards - Inspection - Sales - Report - Paraphernalia

Cite as: 63 O.S. § 423A (OSCN 2018), Medical Marijuana

A. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana processing license. The application fee shall be Two Thousand Five Hundred Dollars (\$2,500.00) and methods of payment will be provided on the website. The Oklahoma State Department of Health shall have two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;
2. Any applicant, applying as an Individual, must show residency in the state of Oklahoma;
3. All applying entities must show that all members, managers, and board members are Oklahoma residents;
4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);
5. All applying individuals or entities must be registered to conduct business in the state of Oklahoma;
6. All applicants must disclose all ownership;
7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in 5 (years), inmates, or any person currently incarcerated may not qualify for a medical marijuana processing license.

C. A licensed processor may take marijuana plants and distill or process these plants into concentrates, edibles, and other forms for consumption. As required by subsection D of this section, the Oklahoma State Department of Health will, within sixty (60) days of passage of this initiative, make available a set of standards which will be used by licensed processors in the preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma State Department of Health. Once a year, the Oklahoma State Department of Health may inspect a processing operation and determine its compliance with the preparation standards. If deficiencies are found, a written report of deficiency will be issued to the processor. The processor will have one (1) month to correct the deficiency or be subject to a fine of Five Hundred Dollars (\$500.00) for each deficiency. A licensed processor may sell marijuana products it creates to a licensed retailer, or any other licensed processor. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed processor sell marijuana, or any marijuana product, directly to a medical marijuana license holder. However, a licensed processor may process

cannabis into a concentrated form, for a medical license holder, for a fee. Processors will be required to complete a monthly yield and sales report to the Oklahoma State Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail amount of marijuana purchased in pounds, the amount of marijuana cooked or processed in pounds, and the amount of waste in pounds. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed processor will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

D. The inspection and compliance of processors producing products with marijuana as an additive. The Oklahoma State Department of Health will be compelled to, within thirty (30) days of passage of this initiative, appoint a board of twelve (12) Oklahoma residents, who are marijuana industry experts, to create a list of food safety standards for processing and handling medical marijuana in Oklahoma. These standards will be adopted by the agency and the agency can enforce these standards for processors. The agency will develop a standards review procedure and these standards can be altered by calling another board of twelve (12) Oklahoma marijuana industry experts. A signed letter of twenty (20) operating processors would constitute a need for a new board and standard review.

E. If it becomes permissible, under Federal law, marijuana may be moved across state lines.

F. Any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed. No merchant, wholesaler, manufacturer, or individual may unduly be harassed or prosecuted for selling, manufacturing, or possession of medical marijuana paraphernalia.

Historical Data

Added by Section 4, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.

Citationizer® Summary of Documents Citing This Document

Cite **Name Level**

None Found.

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None Found.



OKLAHOMA State Courts Network

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 424A - Transportation License - Labeling

Cite as: 63 O.S. § 424A (OSCN 2018), Medical Marijuana

A. A marijuana transportation license will be issued to qualifying applicants for a marijuana retail, growing, or processing license. The transportation license will be issued at the time of approval of a retail, growing, or processing license.

B. A transportation license will allow the holder to transport marijuana from an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processor facility to an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processing facility.

C. All marijuana or marijuana products shall be transported in a locked container and clearly labeled "Medical Marijuana or Derivative".

Added by Section 5, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.

Citationizer® Summary of Documents Citing This Document

Cite	Name Level
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None Found.

Citationizer: Table of Authority

Cite	Name Level
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None Found.

Historical Data



OKLAHOMA State Courts Network

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 425A - License Holder Protection - Non-Discrimination - Authorized Use - Zoning -

Location - Research License

Cite as: 63 O.S. § 425A (OSCN 2018), Medical Marijuana

A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his status as a medical marijuana license holder, unless failing to do so would imminently cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.

B. Unless a failure to do so would cause an employer to imminently lose a monetary or licensing related benefit under Federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The person's status as a medical marijuana license holder; or

2. Employers may take action against a holder of a medical marijuana license holder if the holder uses or possesses marijuana while in the holder's place of employment or during the hours of employment. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

C. For the purposes of medical care, including organ transplants, a medical marijuana license holder's authorized use of marijuana must be considered the equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

D. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this law, unless the person's behavior creates an unreasonable danger to the safety of the minor.

E. No person holding a medical marijuana license may unduly be withheld from holding a state issued license by virtue of their being a medical marijuana license holder. This would include such things as a concealed carry permit.

F. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

G. The location of any retail marijuana establishment is specifically prohibited within one thousand (1,000) feet from any public or private school entrance.

H. Research will be provided under this law. A researcher may apply to the Oklahoma Department of Health for a special research license. That license will be granted, provided the applicant meet the criteria listed under Section 421. B. Research license holders will be required to file monthly consumption reports to the Oklahoma Department of Health with amounts of marijuana used for research.

Added by Section 6, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.

Citationizer® Summary of Documents Citing This Document

Cite **Name Level**

None Found.

Citationizer: Table of Authority

Cite **Name Level**

None Found.

Historical Data



OKLAHOMA

State Courts Network

Title 63. Public Health and Safety

Oklahoma Statutes Citationized

Title 63. Public Health and Safety

Chapter 15 - Narcotic Drugs

Medical Marijuana

Section 426 - Taxation - Apportionment

Cite as: 63 O.S. § 426 (OSCN 2018), Medical Marijuana

A. The tax on retail medical marijuana sales will be established at seven percent (7%) of the gross amount received by the seller.

B. This tax will be collected at the point of sale. Tax proceeds will be applied primarily to finance the regulatory office.

C. If proceeds from the levy authorized by subsection A of this section exceed the budgeted amount for running the regulatory office, any surplus shall be apportioned with seventy-five percent (75%) going to the General Revenue Fund and may only be expended for common education. Twenty-five percent (25%) shall be apportioned to the Oklahoma State Department of Health and earmarked for drug and alcohol rehabilitation.

Added by Section 7, State Question 788, Initiative Petition 412, adopted at election held June 26, 2018, effective one (1) month immediately following its passage.

Citationizer® Summary of Documents Citing This Document

<i>Cite</i>	<i>Name Level</i>
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None Found.

Citationizer: Table of Authority

<i>Cite</i>	<i>Name Level</i>
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None Found.

Historical Data

FILED

APR 11 2016

State Question No. 788, Initiative Petition No. 412

OKLAHOMA SECRETARY
OF STATE

WARNING

It is a felony for anyone to sign an initiative or referendum petition with any name other than his own, or knowingly to sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

INITIATIVE PETITION

To the Honorable Mary Fallin, Governor of Oklahoma:

We, the undersigned legal voters of the State of Oklahoma, respectfully order that the following proposed law shall be submitted to the legal voters of the State of Oklahoma for their approval or rejection at the regular general election, to be held on the 8th day of November, 2016 (or at a special election as may be called by the Governor), and each for himself says: I have personally signed this petition; I am a legal voter of the State of Oklahoma; my residence or post office are correctly written after my name. The time for filing this petition expires ninety (90) days from May 14, 2016. The question we herewith submit to our fellow voters is:

Shall the following bill be approved?

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 420 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A person in possession of a state issued medical marijuana license shall be able to:

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces of marijuana on their person;
3. Legally possess six (6) mature marijuana plants;
4. Legally possess six (6) seedling plants;
5. Legally possess one (1) ounce of concentrated marijuana;
6. Legally possess seventy-two (72) ounces of edible marijuana; and
7. Legally possess up to eight (8) ounces of marijuana in their residence.

B. Possession of up to one and one-half (1.5) ounces of marijuana by persons who can state a medical condition, but not in possession of a state issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed Four Hundred Dollars (\$400.00).

C. A regulatory office shall be established under the Oklahoma State Department of Health which will receive applications for medical license recipients, dispensaries, growers, and packagers within sixty (60) days of the passage of this initiative.

D. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana license. The license will be good for two (2) years, and the application fee will be One Hundred Dollars (\$100.00), or Twenty Dollars (\$20.00) for individuals on Medicaid, Medicare, or SoonerCare. The methods of payment will be provided on the website.

E. A temporary license application will also be available on the Oklahoma Department of Health website. A temporary medical marijuana license will be granted to any medical marijuana license holder from other states, provided that the state has a state regulated medical marijuana program, and the applicant can prove they are a member of such. Temporary licenses will be issued for thirty (30) days. The cost for a temporary license shall be One Hundred Dollars (\$100.00). Renewal will be granted with resubmission of a new application. No additional criteria will be required.

F. Medical marijuana license applicants will submit their application to the Oklahoma State Department of Health for approval and that the applicant must be an Oklahoma state resident and shall prove residency by a valid driver's license, utility bills, or other accepted methods.

G. The Oklahoma State Department of Health shall review the medical marijuana application, approve/reject the application, and mail the applicant's approval or rejection letter (stating reasons for rejection) to the applicant within fourteen (14) days of receipt of the application. Approved applicants will be issued a medical marijuana license which will act as proof of their approved status. Applications may only be rejected based on applicant not meeting stated criteria or improper completion of the application.

H. The Oklahoma State Department of Health will only keep the following records for each approved medical license:

1. a digital photograph of the license holder;
2. the expiration date of the license;
3. the county where the card was issued; and
4. a unique 24 character identification number assigned to the license.

I. The Department of Health will make available, both on its website, and through a telephone verification system, an easy method to validate a medical license holders authenticity by the unique 24 character identifier.

J. The State Department of Health will ensure that all application records and information are sealed to protect the privacy of medical license applicants.

K. A caregiver license will be made available for qualified caregivers of a medical marijuana license holder who is homebound. The caregiver license will give the caregiver the same rights as the medical license holder. Applicants for a caregiver license will submit proof of the medical marijuana license holder's license status and homebound status, that they are the designee of the medical marijuana license holder, must submit proof that the caregiver is age eighteen (18) or older, and must submit proof the caregiver is an Oklahoma resident. This will be the only criteria for a caregiver license.

L. All applicants must be eighteen (18) years or older. A special exception will be granted to an applicant under the age of eighteen (18), however these applications must be signed by two (2) physicians and the applicant's parent or legal guardian.

M. All applications for a medical license must be signed by an Oklahoma Board certified physician. There are no qualifying conditions. A medical marijuana license must be recommended according to the accepted standards a reasonable and prudent physician would follow when recommending or approving any medication. No physician may be unduly stigmatized or harassed for signing a medical marijuana license application.

N. Counties and cities may enact medical marijuana guidelines allowing medical marijuana license holders or caregivers to exceed the state limits set forth in subsection A of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 421 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana dispensary license. The application fee shall be Two Thousand Five Hundred Dollars (\$2,500.00) and a method of payment will be provided on the website. Retail applicants must all be Oklahoma state residents. Any entity applying for a retail license must be owned by an Oklahoma state resident and must be registered to do business in Oklahoma. The Oklahoma State Department of Health shall have two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;
2. Any applicant, applying as an individual, must show residency in the state of Oklahoma;
3. All applying entities must show that all members, managers, and board members are Oklahoma residents;
4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);
5. All applying individuals or entities must be registered to conduct business in the state of Oklahoma;
6. All applicants must disclose all ownership;
7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in 5 (years), inmates, or any person currently incarcerated may not qualify for a medical marijuana dispensary license.

C. Retailers will be required to complete a monthly sales report to the Oklahoma Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail the weight of marijuana purchased at wholesale and the weight of marijuana sold to card holders, and account for any waste. The report will show total sales in dollars, tax collected in dollars, and tax due in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A retailer will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

D. Only a licensed medical marijuana retailer may conduct retail sales of marijuana, or marijuana derivatives in the form provided by licensed processors, and these products can only be sold to a medical marijuana license holder or their caregiver. Penalties for fraudulent sales occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 422 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Department of Health will within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a commercial grower license. The application fee will be Two Thousand Five Hundred Dollars (\$2,500.00) and methods of payment will be provided on the website. The Oklahoma State Department of Health has two (2) weeks to review application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;
2. Any applicant, applying as an individual, must show residency in the state of Oklahoma;
3. All applying entities must show that all members, managers, and board members are Oklahoma residents;
4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);
5. All applying individuals or entities must be registered to conduct business in the state of Oklahoma;
6. All applicants must disclose all ownership;
7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in 5 (years), inmates, or any person currently incarcerated may not qualify for a commercial grower license.

C. A licensed commercial grower may sell marijuana to a licensed retailer, or a licensed packager. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed commercial grower sell marijuana directly to a medical marijuana license holder. A licensed commercial grower may only sell at the wholesale level to a licensed retailer or a licensed processor. If the federal government lifts restrictions on buying and selling marijuana between states, then a licensed commercial grower would be allowed to sell and buy marijuana wholesale from, or to, an out of state wholesale provider. A licensed commercial grower will be required to complete a monthly yield and sales report to the Oklahoma Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail amount of marijuana harvested in pounds, the amount of drying or dried marijuana on hand, the amount of marijuana sold to processors in pounds, the amount of waste in pounds, and the amount of marijuana sold to retailers in lbs. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed grower will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting or sales occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

D. There shall be no limits on how much marijuana a licensed grower can grow.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 423 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Department of Health shall within thirty (30) days of passage of this initiative, make available, on their website, in an easy to find location, an application for a medical marijuana processing license. The application fee shall be Two Thousand Five Hundred Dollars (\$2,500.00) and methods of payment will be provided on the website. The Oklahoma State Department of Health shall have two (2) weeks to review the application, approve or reject the application, and mail the approval/rejection letter (if rejected, stating reasons for rejection) to the applicant.

B. The Oklahoma State Department of Health must approve all applications which meet the following criteria:

1. Applicant must be age twenty-five (25) or older;
2. Any applicant, applying as an Individual, must show residency in the state of Oklahoma;
3. All applying entities must show that all members, managers, and board members are Oklahoma residents;
4. An applying entity may show ownership of non-Oklahoma residents, but that percentage ownership may not exceed twenty-five percent (25%);
5. All applying individuals or entities must be registered to conduct business in the state of Oklahoma;
6. All applicants must disclose all ownership;
7. Applicant(s) with only nonviolent felony conviction(s) in the last two (2) years, any other felony conviction in 5 (years), inmates, or any person currently incarcerated may not qualify for a medical marijuana processing license.

C. A licensed processor may take marijuana plants and distill or process these plants into concentrates, edibles, and other forms for consumption. As required by subsection D of this section, the Oklahoma State Department of Health will, within sixty (60) days of passage of this initiative, make

available a set of standards which will be used by licensed processors in the preparation of edible marijuana products. This should be in line with current food preparation guidelines and no excessive or punitive rules may be established by the Oklahoma State Department of Health. Once a year, the Oklahoma State Department of Health may inspect a processing operation and determine its compliance with the preparation standards. If deficiencies are found, a written report of deficiency will be issued to the processor. The processor will have one (1) month to correct the deficiency or be subject to a fine of Five Hundred Dollars (\$500.00) for each deficiency. A licensed processor may sell marijuana products it creates to a licensed retailer, or any other licensed processor. Further, these sales will be considered wholesale sales and not subject to taxation. Under no circumstances may a licensed processor sell marijuana, or any marijuana product, directly to a medical marijuana license holder. However, a licensed processor may process cannabis into a concentrated form, for a medical license holder, for a fee. Processors will be required to complete a monthly yield and sales report to the Oklahoma State Department of Health. This report will be due on the 15th of each month and provide reporting on the previous month. This report will detail amount of marijuana purchased in pounds, the amount of marijuana cooked or processed in pounds, and the amount of waste in pounds. Additionally, this report will show total wholesale sales in dollars. The Oklahoma State Department of Health will have oversight and auditing responsibilities to ensure that all marijuana being grown is accounted for. A licensed processor will only be subject to a penalty if a gross discrepancy exists and cannot be explained. Penalties for fraudulent reporting occurring within any 2 year time period will be an initial fine of Five Thousand Dollars (\$5,000.00) (first) and revocation of licensing (second).

D. The inspection and compliance of processors producing products with marijuana as an additive. The Oklahoma State Department of Health will be compelled to, within thirty (30) days of passage of this initiative, appoint a board of twelve (12) Oklahoma residents, who are marijuana industry experts, to create a list of food safety standards for processing and handling medical marijuana in Oklahoma. These standards will be adopted by the agency and the agency can enforce these standards for processors. The agency will develop a standards review procedure and these standards can be altered by calling another board of twelve (12) Oklahoma marijuana industry experts. A signed letter of twenty (20) operating processors would constitute a need for a new board and standard review.

E. If it becomes permissible, under federal law, marijuana may be moved across state lines.

F. Any device used for the consumption of medical marijuana shall be considered legal to be sold, manufactured, distributed, and possessed. No merchant, wholesaler, manufacturer, or individual may unduly be harassed or prosecuted for selling, manufacturing, or possession of medical marijuana paraphernalia.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 424 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A marijuana transportation license will be issued to qualifying applicants for a marijuana retail, growing, or processing license. The transportation license will be issued at the time of approval of a retail, growing, or processing license.

B. A transportation license will allow the holder to transport marijuana from an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processor facility to an Oklahoma licensed medical marijuana retailer, licensed growing facility, or licensed processing facility.

C. All marijuana or marijuana products shall be transported in a locked container and clearly labeled "Medical Marijuana or Derivative".

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 425 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. No school or landlord may refuse to enroll or lease to and may not otherwise penalize a person solely for his status as a medical marijuana license holder, unless failing to do so would imminently cause the school or landlord to lose a monetary or licensing related benefit under federal law or regulations.

B. Unless a failure to do so would cause an employer to imminently lose a monetary or licensing related benefit under federal law or regulations, an employer may not discriminate against a person in hiring, termination or imposing any term or condition of employment or otherwise penalize a person based upon either:

1. The person's status as a medical marijuana license holder; or
2. Employers may take action against a holder of a medical marijuana license holder if the holder uses or possesses marijuana while in the holder's place of employment or during the hours of employment. Employers may not take action against the holder of a medical marijuana license solely based upon the status of an employee as a medical marijuana license holder or the results of a drug test showing positive for marijuana or its components.

C. For the purposes of medical care, including organ transplants, a medical marijuana license holder's authorized use of marijuana must be considered the equivalent of the use of any other medication under the direction of a physician and does not constitute the use of an illicit substance or otherwise disqualify a registered qualifying patient from medical care.

D. No medical marijuana license holder may be denied custody of or visitation or parenting time with a minor, and there is no presumption of neglect or child endangerment for conduct allowed under this law, unless the person's behavior creates an unreasonable danger to the safety of the minor.

E. No person holding a medical marijuana license may unduly be withheld from holding a state issued license by virtue of their being a medical marijuana license holder. This would include such things as a concealed carry permit.

F. No city or local municipality may unduly change or restrict zoning laws to prevent the opening of a retail marijuana establishment.

G. The location of any retail marijuana establishment is specifically prohibited within one thousand (1,000) feet from any public or private school entrance.

H. Research will be provided under this law. A researcher may apply to the Oklahoma Department of Health for a special research license. That license will be granted, provided the applicant meet the criteria listed under Section 421. B. Research license holders will be required to file monthly consumption reports to the Oklahoma Department of Health with amounts of marijuana used for research.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 426 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The tax on retail medical marijuana sales will be established at seven percent (7%) of the gross amount received by the seller.

B. This tax will be collected at the point of sale. Tax proceeds will be applied primarily to finance the regulatory office.

C. If proceeds from the levy authorized by subsection A of this section exceed the budgeted amount for running the regulatory office, any surplus shall be apportioned with seventy-five percent (75%) going to the General Revenue Fund and may only be expended for common education. Twenty-five percent (25%) shall be apportioned to the Oklahoma State Department of Health and earmarked for drug and alcohol rehabilitation.

SECTION 8. The provisions hereof are severable, and if any part or provision hereof shall be void, invalid, or unconstitutional, the decision of the court so holding shall not affect or impair any of the remaining parts or provision hereof, and the remaining provisions hereof shall continue in full force and effect.

SECTION 9. This act shall become effective one (1) month immediately following its passage.

ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A, ZONING REGULATIONS, OF THE MIDWEST CITY CODE; BY AMENDING SECTION 4.4.21, CONVENIENCE SALES AND PERSONAL SERVICES; SECTION 4.5, INDUSTRIAL USE UNIT CLASSIFICATIONS AND REGULATIONS; SECTION 4.9.2, USE CHART; AND SECTION 8.3, WORDS AND TERMS DEFINED AND PROVIDING FOR REPEALER AND SEVERABILITY AND SETTING AN EFFECTIVE DATE.

EMERGENCY ORDINANCE

SECTION 1. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.4.21, Convenience Sales and Personal Services, as follows:

Establishments or places primarily engaged in the provision of frequently needed, day-to-day retail commercial goods and services. Such uses are designed and intended to serve a limited local market, and to be generally within walking or short driving distance of a residential area. Furthermore, only uses that do not create increased traffic, noise, or such other impacts considered incompatible with a residential use will be permitted. All requirements of the above sections and Chapter 5 of the Midwest City Code shall be met.

Typical uses include small grocery stores; drug stores; candy stores; ice cream parlors (without accessory uses); dry cleaning establishments; barbershops; self-service laundries; beauty parlors; bakeries; floral and gift shops; and key and lock shops; and medical marijuana dispensaries.

SECTION 2. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.5, Industrial Use Unit Classifications and Regulations, to add use unit classifications and regulations for “Commercial Medical Marijuana Grower” and “Medical Marijuana Processor”. The classifications and regulations will read as follows:

4.5.10 Commercial Medical Marijuana Grower

An entity licensed by the Oklahoma State Department of Health that is allowed to grow, harvest and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor or researcher.

4.5.11 Medical Marijuana Processor

An entity licensed by the Oklahoma State Department of Health allowed to: purchase marijuana from a commercial grower; prepare, manufacture, process, package, sell to and deliver medical marijuana products to a licensed dispensary or other licensed processor; and may manufacture marijuana received from a qualified patient into a medical marijuana concentrate for a fee.

SECTION 3. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 4.9.2, Use Chart, as follows:

In the Industrial Use Unit Classification Section, adding line 4.5.10 “Commercial Medical Marijuana Grower”

For line 4.7.8 an “X” will be shown for the following zoning districts to indicate a permitted use: C-4, I-1, I-2 and I-3.

In the Industrial Use Unit Classification Section, adding line 4.5.11 “Medical Marijuana Processor”

For line 4.7.9 an “X” will be shown for the following zoning districts to indicate a permitted use: I-1, I-2 and I-3.

SECTION 4. That Appendix A, Zoning Regulations, of the Midwest City Code, is hereby amended by amending Section 8.3., Words and Terms Defined, to add a definition for “Medical Marijuana Dispensary” as subsection 8.3.80 and renumbering the subsequent subsections in Section 8.3 accordingly. The definition will read as follows:

8.3.80 Medical Marijuana Dispensary

An entity licensed by the Oklahoma County Health Department that is allowed to purchase medical marijuana from a licensed Commercial Medical Marijuana Grower or Medical Marijuana Processor and sell medical marijuana only to qualified patients, or their parents or legal guardian(s) if applicable and caregivers.

SECTION 5. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 2018.

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 _____, 2018.

HEATHER POOLE, Interim City Attorney

SECTION 7. EMERGENCY. The City Council declares this ordinance to be an emergency, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and the inhabitants thereof that the provisions of this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall take effect and be in full force from and after its passage as provided by law.

EMERGENCY CLAUSE PASSED AND APPROVED by the Mayor and the Council of the City of
the City of Midwest City,

Oklahoma, this _____ day of _____, 2018.

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

HEATHER POOLE, Interim City Attorney



Assistant City Manager

100 N. Midwest Boulevard

Midwest City, OK 73110

office 405.739.1201

MEMORANDUM

To: Honorable Mayor and Council

From: Tim Lyon, Assistant City Manager

Date: October 9, 2018

Subject: Discussion and consideration of approving Phase I, Phase II, and Phase III of the 2018 General Obligation Bond proposals approved by the voters of Midwest City on August 28, 2018.

Attached is a spreadsheet listing all projects approved from the four propositions on August 28th. The projects are prioritized by three phases. Each phase represents a date set when we plan on issuing the bonds. Phase I will be issued in December for \$20,000,000. Phase II will be issued in June of 2019 for \$11,693,250. Phase III will be issued in January of 2020 for \$21,954,250. By issuing the bonds in three phases we will be able to keep the millage rate on ad valorem property 10 mills or less.

Senior staff met and reviewed all of the projects and prioritized all of the projects approved. Careful consideration was given to many factors such as public safety, seasonal considerations, and operational impact.

Staff recommends approval.

If you have any questions, please give me a call at 739-1201.

Tim L. Lyon

Tim Lyon, Assistant City Manager

Attachment

2018 Bond Issue - Phase I, II, and III

Phase I - \$20,000,000 - December 2018

Animal Shelter	\$	3,141,500
Outdoor Warning System	\$	360,500
Self-Contained Breathing Apparatus	\$	463,500
Firetruck - Engine	\$	800,000
Reed Baseball Complex Renovation	\$	2,060,000
Police and Fire Radio System Replacement	\$	1,461,500
Fire Station Exhaust Removal System	\$	257,500
Fire Hoses and Nozzles, Command Vehicle, Mobile Air	\$	329,600
Public Safety Technology Improvements	\$	896,100
Street Repair - 49.75%	\$	7,943,425
<i>Design Work - 15%</i>		
John Conrad Course Renovation and Maintenance Equipment	\$	309,000
Multipurpose Athletic Facility	\$	1,004,250
Mid-America Park	\$	309,000
Town Center Park	\$	664,125
Total Phase I	\$	20,000,000

Phase II - \$11,693,250 - June 2019

John Conrad Course Renovation and Maintenance Equipment	\$	5,051,000
Multipurpose Athletic Facility	\$	5,690,750
Firetruck - Ladder	\$	951,500
Total Phase II	\$	11,693,250

Phase III - \$21,954,250 - January 2020

Booster Station Renovation	\$	5,560,000
Street Repair - 50.25%	\$	8,021,575
Soccer Facility Renovation	\$	1,030,000
Mid-America Park	\$	1,751,000
Town Center Park	\$	3,763,375
Police/Fire Training Facility	\$	1,107,300
Fire Station 1 and Headquarters Remodel	\$	721,000
Total Phase III	\$	21,954,250

Total Bonds Phase I, II, and III	\$	53,650,000
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The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
Patrick Menefee, City Engineer
CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNING
Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Allison, Building Official
GIS DIVISION
Greg Hakman, GIS Coordinator

TO : Honorable Mayor and City Council

FROM : Billy Harless, Director

DATE : October 9, 2018

SUBJECT : Discussion and consideration of appointing a replacement to the Plumbing, Gas, and Mechanical Board to assume Keith Mikeman's unfinished term, as well as an additional 3-year term.

Due to Keith Mikeman's untimely passing, a replacement specializing in gas is needed on the board. With only six months remaining on Keith's term, having the replacement agree to an additional three-year term would make the transition much easier.

In accordance with Sec. 9-190 of the Municipal Code, the Plumbing, Gas and Mechanical Board shall consist of six (6) members of the plumbing, gas and mechanical trade. The board members shall be appointed by the City Council for terms of three (3) years, and each shall serve until his successor is appointed and qualified, unless sooner removed for cause.

The Plumbing, Gas and Mechanical Board meets on call. Members of the Board serve 3-year terms and are as follows:

Keith Mikeman – Gas (expires 4.9.19)
Dale Milburn – Plumbing (expires 4.9.19)
Travis Jernigan – Mechanical (expires 4.9.19)
Steve Franks – Mechanical (expires 3.13.21)
Jerry White – Mechanical (expires 3.13.21)
Gary Perkins – Plumbing (expires 4.9.19)

Action is at the discretion of the Council.

Billy Harless
Community Development Director

BH:lkb



City Manager's Office
100 N. Midwest Boulevard
Midwest City, OK 73110
Office: (405) 739-1207
ghenson@MidwestCityOK.org
www.midwestcityok.org

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: City Manager Guy Henson

DATE: October 9, 2018

SUBJECT: Consider and approve a Resolution joining in and approving a Resolution to be considered by the Midwest City Memorial Hospital Authority on October 9, 2018 ("Resolution of October 9, 2018") authorizing and approving (i) a Joint Resolution with the Midwest City Chamber of Commerce, Trustor of the Authority, amending the Trust Indenture of the Authority, (ii) a Memorandum of Understanding with the Board of Grantors created by the Trust Indenture, (iii) payment of the attorney's fees of the Trustor, and (iv) authorizing the Chairman and General Manager to take actions in furtherance thereof; and, approval of a **SECOND AMENDMENT TO AMENDED AND RESTATED TRUST INDENTURE OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY** as provided for by the Resolution of October 9, 2018 ("Second Amendment") as beneficiary of the Authority, with the Mayor authorized to execute the Second Amendment for and on behalf of the City.

The attached resolution was prepared by John Williams of Williams, Box, Forshee & Bullard, P.C., acting as counsel for the City and the Midwest City Memorial Hospital Authority ("Authority"). Please see attached correspondence from Mr. Williams explaining the proposed actions provided for in the Resolution.

Staff recommends approval.

J. Guy Henson, AICP
City Manager

WILLIAMS, BOX, FORSHEE & BULLARD, P.C.

ATTORNEYS AND COUNSELLORS

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DAVID M. BOX
KEITH R. GIBSON
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Of Counsel
DENNIS R. BOX
WILLIAM J. BULLARD

To: Chairman and Trustees of the Midwest City Memorial Hospital Authority
("Authority"); and Mayor and Council of City of Midwest City, Oklahoma

From: John Michael Williams

Date: October 5, 2018

Re: Resolutions to be considered by the Authority and the Council on October 9, 2018

A. The Authority will consider the attached Resolution on October 9, 2018 ("Resolution of October 9, 2018"), which includes three action items:

Part I. Approves a Joint Resolution with the Midwest City Chamber of Commerce, as Trustor of the Authority ("Trustor"), which approves a Second Amendment to Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority ("Second Amendment").

Part II. Approves a revised Memorandum of Understanding between the Authority and the Board or Grantors.

Part III. Authorizes and approves the payment of attorney's fees incurred and to be incurred by the Trustor in connection with the Joint Resolution and Memorandum of Understanding and in implementation of the provisions of same, to be in such amount and with such documentation as determined and required by the Chairman and the General Manager, and further authorize the Chairman to take actions in furtherance of the matters authorized by this Resolution of October 9, 2018.

B. Council will consider a Resolution that joins in and approves the Authority's Resolution of October 9, 2018, including approval of the Second Amendment as beneficiary of the Authority, with the Mayor authorized to execute the Second Amendment for and on behalf of the City.

RESOLUTION NO. 2018-_____

WHEREAS, the Trustees of the Midwest City Memorial Hospital Authority (“Authority”) will consider the attached and incorporated Resolution on October 9, 2018 approving a Joint Resolution and Memorandum of Understanding, authorizing and approving the payment of attorney’s fees associated therewith of the Trustor of the Authority, the Midwest City Chamber of Commerce , and authorizing the Chairman to take actions in furtherance thereof (“Resolution of October 9, 2018”); and, the Council of the City of Midwest City desires to take the following actions.

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

The Resolution of October 9, 2018 is hereby joined in and approved by the City of Midwest City, Oklahoma (“City”), including approval of the SECOND AMENDMENT TO AMENDED AND RESTATED TRUST INDENTURE OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY as provided for by the Resolution of October 9, 2018 (“Second Amendment”) as beneficiary of the Authority, with the Mayor authorized to execute Second Amendment for and on behalf of the City.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, this _____ day of _____, 2018

CITY OF MIDWEST CITY, OKLAHOMA

MATTHEW D. DUKES II, Mayor

ATTEST:

SARA HANCOCK, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

HEATHER POOLE, Interim City Attorney

RESOLUTION

WHEREAS, the Trustees of the Midwest City Memorial Hospital Authority (“Authority”) desire to approve the following Joint Resolution and Memorandum of Understanding and to authorize and approve the payment of attorney’s fees associated therewith of the Trustor of the Authority, the Midwest City Chamber of Commerce (“Trustor”), and to authorize the Chairman to take actions in furtherance of the forgoing, all as herein set forth.

PART I.

THEREFORE, BE IT RESOLVED, that the Trustees of the Authority hereby approve the following Joint Resolution (“Joint Resolution”), subject to approval of the Trustor, and authorize the Chairman to finalize same and to make such non-substantive changes thereto as may be recommended by Counsel to the Authority/City Attorney and outside counsel to the Authority, and to execute same for and on behalf of the Authority, to wit:

JOINT RESOLUTION

OF

THE TRUSTEES OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY (“AUTHORITY”), THE CITY COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA, BENEFICIARY OF THE AUTHORITY, AND THE MIDWEST CITY CHAMBER OF COMMERCE, TRUSTOR OF THE AUTHORITY

APPROVING

SECOND AMENDMENT TO AMENDED AND RESTATED TRUST INDENTURE OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY

WHEREAS, on April 8th, 1998, that certain Amended and Restated Trust Indenture (“Amended Trust Indenture”) of the Midwest City Memorial Hospital Authority (“Authority”) was adopted amending the original Trust Indenture of the Authority dated July 1st, 1961, for the use and benefit of the City of Midwest City, Oklahoma (“Beneficiary”), which was subsequently amended by the First Amendment to Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority in April, 2017 (“2017 Amendment”) (collectively, as amended, the “Indenture”); and

WHEREAS, the 2017 Amendment amended Paragraph 1(f) of Article III of the Amended Trust Indenture regarding the purposes of the Authority, which now reads in part as follows:

(f) To perform any other authorized and proper essential governmental function or act permitted by law to be performed by public trusts in the State of Oklahoma, including without limitation, to assist the Beneficiary, the United States, the State of Oklahoma, its municipalities, agencies, private entities and citizens in (i) promoting economic and community development, within and without the territorial limits of the City; (ii) developing additional employment which will benefit and strengthen the economy of the

City; (iii) developing or redeveloping areas determined by the Beneficiary to be unproductive, undeveloped, underdeveloped or blighted; (iv) fostering an improved economic climate within the Beneficiary; and (v) otherwise promoting the general welfare and prosperity of the Beneficiary, all in order to achieve maximum utilization of the Beneficiary's human, economic and natural resources; and,

WHEREAS, based in part on the foregoing language of Paragraph 1(f) of Article III of the Indenture, economic development is an authorized purpose of the Authority, and in furtherance thereof, the City Council of the Beneficiary and the Trustees of the Authority now desire to amend the Indenture with respect to funding of economic development; and,

WHEREAS, the Trustees of the Authority and the City Council of the Beneficiary, with the consent of the Trustor, the Midwest City Chamber of Commerce ("Trustor"), are all of the parties necessary to amend the Indenture and are therefore authorized to so do.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the authority of the Trustees of the Authority and the City Council of the Beneficiary, and with the consent of the Trustor, the Midwest City Chamber of Commerce, the Indenture is hereby amended, as follows:

The Fifth sentence of Article VI (1) of the Indenture is amended to read as follows, with new language underscored:

All funds expended from the Discretionary Funds shall be processed through the Board by the grant application process ("Grant Application Process"), except those determined by the Trustees to be necessary for administration of the Trust, and except that monies may be expended from Discretionary Funds for (i) promoting, financing and developing commercial and industrial projects or facilities including, without limitation, offices, warehouses, retail and wholesale marketing facilities, motel and hotel establishments and restaurants, along with projects benefitting Tinker Air Force Base and private sector contractors and suppliers of the United States Department of Defense, and (ii) promoting, financing and developing recreational, sports, cultural, tourism, and entertainment projects or facilities (collectively, "Economic Development") as determined by the Trustees, SUBJECT TO the following, provisions, limitations and requirements:

- (a) Notwithstanding anything contained in the Indenture to the contrary, Twenty-five percent (25%) of annual Discretionary Funds, ("Annual Grant Funds"), shall be annually processed through the Grant Application Process, with the Trustees authorized to expend the annual balance thereof for Economic Development and administration of the Trust ("Annual Economic Development and Trust Administration Funds"), provided that such percentage shall be reviewed for the purpose of possible adjustment and change no less frequently than every ten (10) years from and after September 1, 2018, provided further that any unexpended Annual Grant Funds shall be placed in a special account for use in subsequent years, but only for expenditures authorized by the Grant Application Process; and, unexpended Annual Economic Development and Trust Administration Funds shall be placed in a special account for use in subsequent years, but only for Economic Development and Trust Administration purposes.

- (b) Discretionary Funds authorized for expenditure for Economic Development shall not be used for annual operating expenses or salary expenses of the City, except for direct operating or salary expenses commonly recognized as reasonably necessary to advance Economic Development.
- (c) Unexpended Discretionary Funds existing on September 1, 2018, may be expended for Economic Development as determined by the Trustees, and need not be processed through the Grant Application Process.
- (d) The term “Discretionary Funds”, as set forth in the Amended Indenture, means the total of the two percent (2%) specifically excluded from the Compounded Principal as determined on June 30 of each year.

BE IT FURTHER RESOLVED by the Trustees of the Authority and the City Council of the Beneficiary, that prior funding by the Trustees in furtherance of the purposes of the Authority as set forth by the Indenture, including funding of economic development initiatives, and the procedures by which such funding was authorized, are hereby ratified and approved and the Indenture is amended to the extent necessary to accomplish same, all of which shall have retroactive effect.

BE IT FURTHER RESOLVED by the Trustees of the Authority, the City Council of the Beneficiary, and the Trustor, the Midwest City Chamber of Commerce, that after approval of this Joint Resolution, a comprehensive amendment and restatement of the Indenture as modified by this Second Amendment to Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority shall be prepared, approved and effectuated.

[End of Joint Resolution]

PART II.

BE IT FURTHER RESOLVED, that the Trustees of the Authority hereby approve the following Memorandum of Understanding (“Memorandum of Understanding”), and authorize the Chairman to finalize same and to make such non-substantive changes thereto as may be recommended by Counsel to the Authority/City Attorney and Outside Counsel to the Authority, and to execute same for and on behalf of the Authority, to wit:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Memorandum of Understanding” or “MOU”), to be effective for the fiscal year beginning July 1, 2018, is entered into by and between the Trustees of the Midwest City Memorial Hospital Authority (“Trustees”), the Trust Board of Grantors (“BOG”) provided for by the Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority fully approved on April 8, 1998, as amended, an Oklahoma public trust, the beneficiary of which is the City of Midwest City, Oklahoma (the “Trust Indenture”) and the Midwest City Chamber of Commerce, a corporation organized under the laws of the State of Oklahoma, as Trustor of the Trust Indenture (“Trustor”) (collectively the “Parties”) for the purpose of stating the intentions of the Parties with respect to the process for approval of Grants provided for by the Trust Indenture (“Grants”).

The Trustees awarded a Grant in March, 2018 for the Veterans' Memorial to be located at Midwest City High School in the approximate amount of Ninety Thousand Dollars (\$90,000), which gave rise to differing interpretations of the procedures to be followed for the approval of Grants. This Memorandum of Understanding is intended to state the intentions of the Parties with the respect to the procedures to be followed for the approval of future Grants, but is not to be construed as an amendment of either the Trust Indenture or the By-Laws and Operating Agreement of the BOG, and in the event of any conflict in the interpretation of those instruments by a court of competent jurisdiction, the terms of those instruments shall prevail.

NOW, THEREFORE, in furtherance of the Grant procedures set forth by the Trust Indenture, and to resolve differing interpretations of the procedures to be followed for the approval of Grants, it is the intention of the Parties that the following process shall be utilized for the approval of Grants:

1. The Trustees shall annually determine the budget and amount of funding available for Grants ("Annual Grant Funds") by September 1 of each year, which may be increased or decreased at any time by the Trustees, provided that even if increased or decreased, the Trustees may not make any Grants unless the same have been affirmatively recommended by the BOG.
2. The BOG shall receive and review applications for Grants ("Grant Applications") and by March 1 of each year shall affirmatively recommend or not affirmatively recommend to the Trustees such Grants applied for and meeting the requirements of the Trust Indenture and in such amounts as the BOG shall determine, which shall be within the amount of the Annual Grant Funds (those Grants affirmatively recommended by the BOG are herein called "BOG Affirmatively Recommended Grants"). The Trustees may not make any Grants unless the same have been affirmatively recommended by the BOG, but the Trustees may exercise unlimited discretion in approving or denying those Grants affirmatively recommended for funding by the BOG.
3. After receiving the BOG Affirmatively Recommended Grants, the Trustees may:
 - a. Approve or deny the BOG Affirmatively Recommended Grants, or
 - b. Approve or deny any of the individual BOG Affirmatively Recommended Grants, it being intended and provided for in the Trust Indenture that the Trustees may exercise line item vetoes and approvals of individual BOG Affirmatively Recommended Grants.
4. Supplemental Grant Process.
 - a. In the event that individual BOG Affirmatively Recommended Grants are denied by the Trustees, the BOG shall at the request of the Trustees review the Grant Applications for that year's grant cycle, and shall make additional affirmative recommendations within the amount of the Annual Grant Funds to the Trustees ("Supplemental BOG Affirmatively Recommended Grants").
 - b. After receiving the Supplemental BOG Affirmatively Recommended Grants, the Trustees may:

- i. Approve or deny the Supplemental BOG Affirmatively Recommended Grants, or
 - ii. Approve or deny any of the individual Supplemental BOG Affirmatively Recommended Grants, it being provided that the Trustees may exercise line item vetoes and approvals of individual Supplemental BOG Affirmatively Recommended Grants.
5. In the event that individual Supplemental BOG Affirmatively Recommended Grants are denied by the Trustees, if requested by the Trustees, the BOG and the Trustees shall repeat the Supplemental Grant Process described above, which Supplemental Grant Process may be repeated an unlimited number of times as desired by the Trustees. In the event no Supplemental BOG Affirmatively Recommended Grants are made and approved by the Trustees, the remaining Annual Grant Funds not awarded (“Undesignated Funds”) shall be added to the Discretionary Funds, as provided for and defined by the Trust Indenture, available to the Trustees for designation as Annual Grant Funds in future years, which Undesignated Funds may not be granted by the Trustees except by the Grant process as set forth in the Trust Indenture and in this MOU.

[End of Memorandum of Understanding]

PART III.

BE IT FURTHER RESOLVED, that the Trustees of the Authority hereby authorize and approve the payment of Attorney’s fees incurred and to be incurred by the Trustor in connection with the above Joint Resolution and Memorandum of Understanding and in implementation of the provisions of same, to be in such amount and with such documentation as determined and required by the Chairman and the General Manager, and further authorize the Chairman to take actions in furtherance of the matters authorized by this Resolution, each for and on behalf of the Authority.

PASSED AND APPROVED BY THE TRUSTEES OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY this ____ day of October, 2018.

TRUSTEES OF THE MIDWEST CITY
MEMORIAL HOSPITAL AUTHORITY

MATHEW D. DUKES, Chair

ATTEST

SARA HANCOCK, Secretary



NEW BUSINESS/
PUBLIC DISCUSSION





FURTHER INFORMATION



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

MINUTES OF MIDWEST CITY PARK LAND REVIEW COMMITTEE MEETING

September 20, 2018 - 4:00 p.m.

This meeting of the Midwest City Park Land Review Committee was held in the Community Development conference room, Midwest City, Oklahoma County, Oklahoma, on September 20, 2018 at 4:00 p.m., with the following members present:

Present:	Carolyn Burkes Casey Hurt Jess Huskey
Absent:	Todd Issac Grace Sullivan
Staff present:	Kellie Gilles, Planning Manager

A. CALL TO ORDER:

The meeting was called to order at 4:03 p.m.

B. MINUTES:

1. A motion was made by Hurt, seconded by Huskey to approve the minutes of the July 24, 2018. Voting Aye: Huskey, Hurt and Burkes. Absent: Sullivan and Issac. Motion carried.

C. NEW MATTERS:

1. (PC –1976) 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 parks land in conjunction with the Preliminary Plat of Florence Estates, located in the NE/4 of Section 1, T11N, R2W, located in the 400 block of S. Post Road.

Staff presented a brief overview of this request. The applicant, David Llyod, was present. There was general discussion about the item. A motion was made by Huskey, seconded by Hurt, to recommend approval of the request. Voting aye: Hurt, Burkes and Huskey. Nay: None. Absent: Sullivan and Isaac. Although Ms. Sullivan was absent from the meeting, she called staff on September 20, 2018 and asked to vote by proxy to approve the request. Motion passed.





- C. COMMITTEE DISCUSSION:** Hurt asked that staff look into the possibility of eliminating the requirement for park land or fees in lieu of park land for small subdivisions, where a one or two acre tract is subdivided into a few lots. Staff advised that we would look into the Subdivision Regulations to see if any amendments were necessary.

The meeting adjourned at 4:15 p.m.

KG



MUNICIPAL AUTHORITY AGENDA

-  The 7:00 PM meetings will be shown live on Channel 20.
-  The recorded video will be available on Youtube and the City's website within 48 hours at www.youtube@midwestcityok.org.
-  The meeting minutes and video can be found on the City's website in the Agenda Center: <https://midwestcityok.org/AgendaCenter>.
-  To make a special assistance request, call 739-1215 or email pmenefee@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.



MIDWEST CITY MUNICIPAL AUTHORITY AGENDA

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

October 09, 2018 - 7:01 PM

- A. **CALL TO ORDER.**
- B. **CONSENT AGENDA.** These items are placed on the Consent Agenda so that Trustees, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with approval of all Trustees, or members of the audience wish to discuss an item, it will be removed and heard in regular order.
- 1.** Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of September 25, 2018 as submitted. (City Clerk - S. Hancock)
 - 2.** Discussion and consideration of restricting public vehicular access to Morris McGee Drive from October 15, 2018 to January 11, 2019 only that associated with Holiday Lights Spectacular. (Parks and Recreation - F. Gilles)
 - 3.** Discussion and consideration of approving and entering into a Sponsorship and Marketing Consulting Agreement with STARR Solutions in the amount of \$3,000 plus sponsorship sales commission to effectively assist the City of Midwest City in achieving its goals and initiatives for the 2019 Made In Oklahoma Fest held on May 10/11, 2019. (Parks and Recreation - F. Gilles)
 - 4.** Discussion and consideration of awarding and entering into a contract with Kundel Industries for the purchase of Trenching and Shoring Safety devices in an amount not to exceed \$67,679.70. (Public Works - R. P. Streets)
 - 5.** Discussion and consideration of declaring the various items of property per the attached list surplus and authorizing their disposal by public auction. (City Manager - T. Lyon)
 - 6.** Discussion and consideration of declaring 91 Sections of Rotating Biological Contact Units (RBC) Huts from the Water Resource Recovery Facility (WRRF) surplus property and authorizing their disposal by sealed bid or auction. (Public Works - R. Paul Streets)
- C. **NEW BUSINESS/PUBLIC DISCUSSION.** The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the Authority on any Subject not scheduled on the Regular Agenda. The Authority shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Authority will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE AUTHORITY ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE AUTHORITY.**
- D. **ADJOURNMENT.**



CONSENT AGENDA



A notice for staff briefings of the Midwest City Municipal Authority 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 Municipal Authority Staff Briefing Minutes

September 25, 2018 – 6:00 PM

This regular meeting was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Matt Dukes called the meeting to order at 6:41 PM with the following members present: Trustees Susan Eads, Pat Byrne, Española Bowen, and Christine Allen; and Acting Secretary Susan Mullendore. Absent: Sean Reed and Jeff Moore.

Discussion.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the Municipal Authority agenda for September 25, 2018. The Trustees had no questions regarding the agenda.

Chairman Dukes adjourned the meeting at 6:42 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SUSAN MULLENDORE, Acting Secretary

A notice for the regular Midwest City Municipal Authority 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 Municipal Authority Minutes

September 25, 2018 – 7:01 PM

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

Chairman Matt Dukes called the meeting to order at 8:31 PM with the following members present: Trustees Susan Eads, Pat Byrne, Española Bowen, Christine Allen, and Jeff Moore; and Acting Secretary Susan Mullendore. Absent: Reed.

CONSENT AGENDA. Eads made a motion to approve the Consent Agenda, as submitted, seconded by Allen. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

1. Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of August 28, 2018 and September 11, 2018, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2018-2019, increase: Capital Drainage Fund, expenses/Drainage Improvements (72) \$4,749. Stormwater Quality Fund, expenses/Stormwater (61) \$7,352. Utility Services Fund, expenses/Utility Services (50) \$13,539. Sanitation Fund, expenses/Sanitation (41) \$21,042. Water Fund, expenses/Water (42) \$37,688. Wastewater Fund, expenses/Wastewater (43) \$50,557. Golf Fund, expenses/John Conrad Regional Golf (47) \$6,119; expenses/Hidden Creek (48) \$2,623.
3. Discussion and consideration of accepting the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending August 31st, 2018.
4. Discussion and consideration of 1) declaring as surplus an 18 Amana PTAC units (parts only), 4 HP Laser Printers, 4 - 3.2 cu ft. refrigerators, 13 end tables, 20 dining room chairs, 2 full xl mattress and box spring, 75 coffee makers; and 2) authorizing their disposal by public auction or sealed bid.

NEW BUSINESS/PUBLIC DISCUSSION. There was no new business or public discussion.

ADJOURNMENT. There being no further business, Chairman Dukes closed the meeting at 8:32 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SUSAN MULLENDORE, Acting Secretary



Public Works Administration
Vaughn Sullivan, Director
vsullivan@midwestcityok.org
R. Paul Streets, Assistant Director
rstreets@midwestcityok.org
8730 S.E. 15th Street,
Midwest City, Oklahoma 73110
O: 405-739-1060 /Fax: 405-739-1090

Memorandum

TO: Honorable Chairman and Trustees, Midwest City Municipal Authority

FROM: Vaughn K. Sullivan, Public Works Director

DATE: October 9, 2018

SUBJECT: Discussion and consideration of restricting public vehicular access to Morris McGee Drive from October 15, 2018 to January 11, 2019 only that associated with Holiday Lights Spectacular.

As in the past, we are requesting that public vehicular access to Morris McGee Drive be restricted to only that associated with Holiday Lights Spectacular. This year Holiday Lights Spectacular will run from November 16, 2018 through December 25, 2018.

Staff recommends approval.

Vaughn K. Sullivan
Public Works Director



Public Works Administration
Vaughn Sullivan, Director
vsullivan@midwestcityok.org
R. Paul Streets, Assistant Director
rstreets@midwestcityok.org
8730 S.E. 15th Street,
Midwest City, Oklahoma 73110
O: 405-739-1060 /Fax: 405-739-1090

Memorandum

To: Honorable Chairman and Trustees
Midwest City Municipal Authority

From: Vaughn K. Sullivan, Public Works Director

Date: October 9, 2018

Subject: Discussion and consideration of approving and entering into a Sponsorship and Marketing Consulting Agreement with STAAR Solutions in the amount of \$3,000 plus sponsorship sales commissions to effectively assist the City of Midwest City in achieving its goals and initiatives for the 2019 Made in Oklahoma Fest.

STAAR Solutions brings certified IEG experience in sponsorship consulting, valuation, measurement and strategy. STAAR will assist the Parks and Recreation Department in successfully planning and integrating new events and offerings into the festival with final authority remaining with the Parks and Recreation Department. STAAR will work alongside the Parks and Recreation staff to recreate a comprehensive sponsorship campaign that includes sales sheets, sales prospectus, contract agreement forms, promotional items and related support collaterals during the course of planning and executing the festival. STAAR will help to create successful sponsor levels that include sought after benefits to encourage sales. STAAR will jointly sell sponsorships and potentially exhibit booths along with the Parks and Recreation staff. STAAR will work to coordinate the sales, contracting, and sponsorship deliverables oversight process.

Staff recommends approval.

Vaughn K. Sullivan
Public Works Director

Attachment: Agreement with attachments



September 21, 2018

This letter will set forth the terms and conditions of the sponsorship and marketing support arrangement between you, acting through the City of Midwest City Parks and Recreation Department and STAAR Solutions (“STAAR”) whereby Chris Moler dba STAAR Solutions L.L.C. agrees to act as a third party management consultant and sponsorship sales representative on behalf of The Made in Oklahoma Fest scheduled for May 10/11, 2019.

The following is a list of anticipated support services and accompanying payments:

- 1) **Support for re-creation of a comprehensive sponsorship campaign.** STAAR will support the City of Midwest City in reviewing and making necessary revisions to include all rebranding information for the 2019 sponsorship campaign. The campaign will consist of a set of sales sheets, sales prospectus and contract agreement forms, promotional items and related support collaterals during the course of planning and executing the festival event. STAAR Solutions will receive a stipend payment of \$3,000 for the above services mentioned to support staff management and support costs over the next year.
- 2) **Coordination of Sale of Sponsorships.** STAAR Solutions will take the lead on the sale of all sponsorships and support the sale of exhibit booths in coordination with the City of Midwest City. It is understood that some exhibitors are renewals by the City of Midwest City and that STAAR Solutions will not contact these individual companies unless requested to do so.
- 3) **Commission for Sale of Cash Sponsorships.** The City of Midwest City will pay STAAR Solutions the following commission structure:
 - a. Twenty percent (20%) commission of all cash sponsorships sold by STAAR.
 - b. Fifteen percent (15%) commission for each agreed and contracted Value In Kind (barter-trade) sponsorship.
 - c. Ten percent (10%) commission for each agreed and contracted media and marketing related sponsorship sold through the City of Midwest City in support of the Festival.
 - d. Twenty percent (20%) commission of exposition (trade show vendor) which includes trade booths that are not part of an actual sponsorship but are in trade for a support service. STAAR will take a more active role in the management of tradeshow vendors to support the City of Midwest City.
 - e. Such commission will be paid within 20 business days upon receipt by the City of Midwest City of the full sponsorship payment or, if sponsorship payments are made in installments, the payment will be made within 20 business days as a percentage of the installment amount received.
 - f. VIK individual sponsorship commission will not exceed \$4,000 for any single sponsorship. VIK sponsorships may be for budget relieving items such as printing, food services, generators, sound and light equipment, staging, tenting, audio/visual contractor, complimentary products or other negotiated barter or trade services. VIK values and limits are set by the sponsor, not by the City of Midwest City or STAAR.

Chris B. Moler
September 21, 2018
Page 3

- 9) **Independent Contractor.** STAAR shall be deemed an independent contractor in connection with the performance of this Agreement.
- 10) **Agreement Location.** In the event of arbitration, settlement, dispute, original record or other need for legal action, this agreement shall be deemed an Oklahoma agreement in the State of Oklahoma in Oklahoma County.

If the foregoing terms are acceptable, please indicate in the space provided below.

Very truly yours,

STAAR Solutions

By: _____
Chris Moler, President STAAR Solutions
2708 N.W. 120th Street, Oklahoma City, OK 73120
(405) 749-1953 chris@staarsolutions.com

Chris B. Moler
September 21, 2018
Page 4

Agreed to and accepted this 19th day of September, 2018.

STAAR SOLUTIONS

Chris Moler, President

Passed and approved by the City on the _____ day of _____, 2018.

CITY OF MIDWEST CITY, OKLAHOMA

Matthew D. Dukes II, Mayor

Attested:

Sara Hancock, City Clerk

APPROVED as to form and legality this _____ day of _____, 2018.

Phil Anderson, City Attorney



Public Works Administration
Vaughn Sullivan, Director
vsullivan@midwestcityok.org
R. Paul Streets, Assistant Director
rstreets@midwestcityok.org
8730 S.E. 15th Street,
Midwest City, Oklahoma 73110
O: 405-739-1060 /Fax: 405-739-1090

Memorandum

TO: Honorable Chairman and Trustees
Midwest City Municipal Authority

FROM: R. Paul Streets, Assistant Public Works Director

DATE: October 09, 2018

SUBJECT: Discussion and consideration of awarding and entering into a contract with Kundel Industries for the purchase of Trenching and Shoring Safety devices in an amount not to exceed \$67,679.70.

On Friday, September 28, 2018, at 2:00 p.m., bids were opened for the purchase of Trenching and Shoring Safety Devices, bids were submitted by Kundel Industries and ICM of Oklahoma City. Staff recommends accepting Kundel Industries bid who submitted the lowest bid along with meeting specifications for a total bid amount of \$ 67,679.70.

Funds are available through Capital Outlay Fund.

Staff recommends approval.

R. Paul Streets
Assistant Public Works Director

Attachment: Bid Tabulation Sheet

**TRENCHING AND SHORING
SAFETY DEVICES
BID TAB**

VENDOR

BID AMOUNT

Kundle Industries, Inc.
1510 Ridge Road
Vienna, OH 44473
Phone: 330-984-0086
Fax: 330-259-9001
Attn: Elton Cervera
elton@kundel.com

\$67,679.70

United Rental
5101 W. Reno Ave.
Oklahoma City, OK 73127
Attn: Aaron Watkins
Office: 405-464-6343
Fax: 405-949-7056
awatkins@ur.com

No Bid

ICM of OKC
4127 West Reno
Oklahoma City, OK 73107
Attn: Pat White
Office: 405-235-2609
Fax: 405-235-2610
pwhite@icminc.us

\$79,715.00



Assistant City Manager

100 N. Midwest Boulevard

Midwest City, OK 73110

office 405.739.1201

TO: Honorable Chairman and Trustees
Midwest City Municipal Authority

FROM: Tim Lyon, Assistant City Manager

DATE: October 9, 2018

SUBJECT: Discussion and consideration of declaring the various items of property as listed below surplus and authorizing their disposal by public auction.

The items identified are property that the Sheraton Reed Center no longer needs or uses and have been removed from service. Staff recommends that these items be declared surplus and be disposed of by public auction.

Items for surplus:

- 18 Amana PTAC units (parts only)
- 4 HP Laser Printers
- 4 - 3.2 cu ft refrigerators
- 13 end tables
- 20 dining room chairs
- 2 full xl mattress and box spring
- 75 coffee makers

Auction services are provided to the Authority by:

1. www.ebay.com
2. www.govdeals.com
3. www.publicsurplus.com

Tim L. Lyon

Tim Lyon, Assistant City Manager

Attachment (photo)

Sheraton/Reed Center Surplus Items 10/09/18:

- 18 Amana PTAC units (parts only)
- 4 HP Laser Printers
- 4 - 3.2 cu ft refrigerators
- 13 end tables
- 20 dining room chairs
- 2 full xl mattress and box spring
- 75 coffee makers



Public Works Administration
Vaughn Sullivan, Director
vsullivan@midwestcityok.org
R. Paul Streets, Assistant Director
rstreets@midwestcityok.org

8730 S.E. 15th Street,
Midwest City, Oklahoma 73110
O: 405-739-1060 /Fax: 405-739-1090

Memo

To: Honorable Chairman and Trustees
Midwest City Municipal Authority

From: R. Paul Streets, Assistant Public Works Director

Date: October 9, 2018

Subject: Discussion and consideration of declaring 91 Sections of Rotating Biological Contact Units (RBC) Huts from the Water Resource Recovery Facility (WRRF) surplus property and authorizing their disposal by sealed bid or auction.

The items listed below have been removed from service and either the cost for repairs exceed the total value, or there are no other operational applications available within the City. We recommend declaring all of these items surplus property and authorizing their disposal by sealed bid or auction.

1. Fifty-one (51) small RBC hut sections measuring 13' x 7' x 4'
2. Forty (40) small RBC hut end-sections measuring 13' x 7' x 2'

Staff recommends approval.

R. Paul Streets
Assistant Public Works Director



NEW BUSINESS/
PUBLIC DISCUSSION





MEMORIAL HOSPITAL AUTHORITY AGENDA



The 7:00 PM meetings will be shown live on Channel 20.



The recorded video will be available on Youtube and the City's website within 48 hours at www.youtube@midwestcityok.org.



The meeting minutes and video can be found on the City's website in the Agenda Center: <https://midwestcityok.org/AgendaCenter>.



To make a special assistance request, call 739-1215 or email pmenefee@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.



MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY AGENDA

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

October 09, 2018 - 7:02 PM

- A. CALL TO ORDER.
- B. CONSENT AGENDA. These items are placed on the Consent Agenda so that the Trustees, by unanimous consent, can approve routine agenda items by one motion. If any item proposed does not meet with approval of all Trustees, or members of the audience wish to discuss an item, it will be removed and heard in regular order.
1. Discussion and consideration of approving the minutes of the special meeting of September 21, 2018; and the staff briefing, and regular meeting of September 25, 2018, as submitted. (City Clerk - S. Hancock)
 2. Discussion and consideration of supplemental budget adjustments to the Sooner Rose TIF Fund for FY 2018-2019, increase: Sooner Rose TIF Fund, expenses/Hospital Authority (90) \$1,117,050. (Finance - C. Barron)
- C. DISCUSSION ITEMS.
1. Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives. (City Manager - G. Henson)
 2. Consider and approve a Resolution authorizing and approving (i) a Joint Resolution with the Midwest City Chamber of Commerce, Trustor of the Authority, amending the Trust Indenture of the Authority, (ii) a Memorandum of Understanding with the Board of Grantors created by the Trust Indenture, (iii) payment of the attorney's fees of the Trustor, and (iv) authorizing the Chairman and General Manager to take actions in furtherance thereof. (City Manager - G. Henson)
- 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 Authority on any Subject not scheduled on the Regular Agenda. The Authority shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Authority will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE AUTHORITY ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE AUTHORITY.**
- E. ADJOURNMENT.



CONSENT AGENDA



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

SPECIAL MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY MEETING MINUTES

September 21, 2018 - 7:30 AM

This meeting was held at City Hall - Midwest City Council Conference room, second floor, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Matt Dukes called the meeting to order at 7:34 am with the following members present: Trustees: Susan Eads, Pat Byrne, Española Bowen, Christine Allen, and Jeff Moore; and Secretary Sara Hancock. Absent: Sean Reed.

EXECUTIVE SESSION.

- 1. Consider and approve entering into proposed executive session as authorized by 25 Oklahoma Statutes 2011, Section 307(C)(10) for the purpose of conferring on matters pertaining to economic development, the disclosure of which would interfere with the development of products or services and would violate confidentiality of a business.**

At 7:34 am, Allen made a motion to enter into executive, seconded by Eads. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

At 7:59 am, Eads made a motion to return to open session, seconded by Bowen. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

Eads made a motion to authorize the Chairman to proceed as discussed in Executive Session, seconded by Allen. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

DISCUSSION ITEM.

- 1. Discussion and action as desired by Trustees with respect to matters arising from the above described executive session. No Action Taken**

ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 8:01 am.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary

A notice for staff briefings of the Midwest City Memorial Hospital Authority 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 Memorial Hospital Authority Staff Briefing Minutes

September 25, 2018 – 6:00 PM

This regular meeting was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 N. Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma.

Chairman Matthew Dukes called the meeting to order at 6:42 PM with the following members present: Councilmembers Susan Eads, Pat Byrne, Española Bowen, and Christine Allen; and Acting Secretary Susan Mullendore. Absent: Sean Reed and Jeff Moore.

Discussion.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the Hospital Authority agenda for September 25, 2018. The Trustees had no questions regarding the individual agenda items.

Chairman Dukes adjourned the meeting at 6:43 PM.

ATTEST:

MATTHEW D. Dukes II, Chairman

SUSAN MULLENDORE, Acting Secretary

A notice for the regular Midwest City Memorial Hospital Authority 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 Memorial Hospital Authority Minutes

September 25, 2018 – 7:02 pm

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

Chairman Matt Dukes called the meeting to order at 8:32 PM with the following members present: Trustees: Susan Eads, *Pat Byrne, Española Bowen, Christine Allen, and Jeff Moore; and Acting Secretary Susan Mullendore. Absent: Sean Reed.

CONSENT AGENDA. Eads made a motion to approve the Consent Agenda, as submitted, seconded by Allen. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

1. Discussion and consideration of approving the minutes of the staff briefing, and regular meeting September 11, 2018, as submitted.
2. Discussion and consideration of supplemental budget adjustments to the Hospital Authority Fund for FY 2018-2019, increase: Hospital Authority Fund, expenses/Hospital Authority (90) \$2,317.

DISCUSSION ITEM.

1. **Discussion and consideration of a report from AllianceHeath regarding their Star Ratings pursuant to the Settlement Agreement as part of the Midwest City Memorial Hospital Authority (the Authority) V. Health Management Associates, Inc. et al; Case No. CJ-2014-667.** After CEO Clay Franklin spoke with Council, Eads made a motion to accept the report, seconded by Allen. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.
2. **Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives.** No action taken.

NEW BUSINESS/PUBLIC DISCUSSION. There was no new business or public discussion.

At 8:56 PM, Eads made a motion to recess the meeting, seconded by Byrne. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

The Trustees returned to the meeting at 8:57 PM.

EXECUTIVE SESSION.

1. Discussion and consideration of entering into executive session as allowed under 25 O.S., § 307(B)(4) to be briefed on potential pending litigation.

At 8:57 PM, Allen made a motion to go into executive session, seconded by Eads. Voting aye: Eads, Byrne, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Reed. Motion carried.

At 9:23 PM, Byrne left the meeting.

At 9:24 PM Moore made a motion to return to open session, seconded by Bowen. Voting aye: Eads, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Byrne and Reed. Motion carried.

Eads made a motion to authorize the Chairman to proceed as discussed in executive session, seconded by Bowen. Voting aye: Eads, Bowen, Allen, Moore, and Chairman Dukes. Nay: none. Absent: Byrne and Reed. Motion carried.

ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 9:25 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SUSAN MULLENDORE, Acting Secretary



Midwest City Memorial Hospital Authority

100 North Midwest Boulevard
Midwest City, Oklahoma 73110
(405) 739-1207 Fax (405) 739-1208 TDD (405) 739-1359
E-mail: ghenson@midwestcityok.org

J. Guy Henson
*General Manager/
Administrator*

Trustees

Matthew D. Dukes II
Daniel McClure Jr.
Pat Byrne
Rick Dawkins
M. Sean Reed
Christine Allen
Jeff Moore

Board of Grantors

Sherry Beaird
John Cauffiel
Marcia Conner
Pam Dimski
Dara McGlamery
Joyce Jackson
Charles McDade
Nancy Rice
Sheila Rose

MEMORANDUM

TO: Honorable Chairman and Trustees

FROM: Christy Barron, Treasurer/Finance Director

DATE: October 9, 2018

SUBJECT: Discussion and consideration of supplemental budget adjustments to the Sooner Rose TIF Fund for FY 2018-2019, increase: Sooner Rose TIF Fund, expenses/Hospital Authority (90) \$1,117,050.

The supplement is needed to budget construction of public utilities under second amendment of Sooner Rose Ph 2 development financing assistance agreement and interest payment for tax apportionment refunding bond.

Christy Barron
Finance Director

SUPPLEMENTS

October 9, 2018

Fund SOONER ROSE TIF (352)		BUDGET AMENDMENT FORM Fiscal Year 2018-2019			
<u>Dept Number</u>	<u>Department Name</u>	<u>Estimated Revenue</u>		<u>Budget Appropriations</u>	
		<u>Increase</u>	<u>Decrease</u>	<u>Increase</u>	<u>Decrease</u>
90	Hospital Authority			1,117,050	
		<u>0</u>	<u>0</u>	<u>1,117,050</u>	<u>0</u>

Explanation:
 To budget construction of public utilities under second amendment of Sooner Rose Ph 2 development financing assistance agreement (\$265,000) and interest payment for tax apportionment refunding bond (\$852,050). Funding to come from fund balance.



DISCUSSION ITEMS





Midwest City Memorial Hospital Authority
100 North Midwest Boulevard
Midwest City, Oklahoma 73110
Office (405) 739-1207/Fax (405) 739-1208
www.midwestcityok.org

MEMORANDUM

To: Honorable Chairman and Trustees

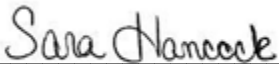
From: Sara Hancock, Secretary

Date: October 09, 2018

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

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

Action is at the discretion of the Authority.


Sara Hancock, Secretary



City Manager's Office
100 N. Midwest Boulevard
Midwest City, OK 73110
Office: (405) 739-1207
ghenson@MidwestCityOK.org
www.midwestcityok.org

MEMORANDUM

TO: Honorable Chairman and Memorial Hospital Authority Trustees

FROM: City Manager Guy Henson

DATE: October 9, 2018

SUBJECT: Consider and approve a Resolution authorizing and approving (i) a Joint Resolution with the Midwest City Chamber of Commerce, Trustor of the Authority, amending the Trust Indenture of the Authority, (ii) a Memorandum of Understanding with the Board of Grantors created by the Trust Indenture, (iii) payment of the attorney's fees of the Trustor, and (iv) authorizing the Chairman and General Manager to take actions in furtherance thereof.

The attached resolution was prepared by John Williams of Williams, Box, Forshee & Bullard, P.C., acting as counsel for the City and the Midwest City Memorial Hospital Authority ("Authority"). Please see attached correspondence from Mr. Williams explaining the proposed actions provided for in the Resolution.

Staff recommends approval.

J. Guy Henson, AICP
City Manager

WILLIAMS, BOX, FORSHEE & BULLARD, P.C.

ATTORNEYS AND COUNSELLORS

JOHN MICHAEL WILLIAMS
RICHARD D. FORSHEE
DAVID M. BOX
KEITH R. GIBSON
CARLA J. SHARPE
PAUL LEFEBVRE
MICHAEL D. O'NEAL
MASON J. SCHWARTZ

522 COLCORD DRIVE

OKLAHOMA CITY, OKLAHOMA 73102-2202

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TELECOPIER
(405) 236-5814

Of Counsel
DENNIS R. BOX
WILLIAM J. BULLARD

To: Chairman and Trustees of the Midwest City Memorial Hospital Authority
("Authority"); and Mayor and Council of City of Midwest City, Oklahoma

From: John Michael Williams

Date: October 5, 2018

Re: Resolutions to be considered by the Authority and the Council on October 9, 2018

A. The Authority will consider the attached Resolution on October 9, 2018 ("Resolution of October 9, 2018"), which includes three action items:

Part I. Approves a Joint Resolution with the Midwest City Chamber of Commerce, as Trustor of the Authority ("Trustor"), which approves a Second Amendment to Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority ("Second Amendment").

Part II. Approves a revised Memorandum of Understanding between the Authority and the Board or Grantors.

Part III. Authorizes and approves the payment of attorney's fees incurred and to be incurred by the Trustor in connection with the Joint Resolution and Memorandum of Understanding and in implementation of the provisions of same, to be in such amount and with such documentation as determined and required by the Chairman and the General Manager, and further authorize the Chairman to take actions in furtherance of the matters authorized by this Resolution of October 9, 2018.

B. Council will consider a Resolution that joins in and approves the Authority's Resolution of October 9, 2018, including approval of the Second Amendment as beneficiary of the Authority, with the Mayor authorized to execute the Second Amendment for and on behalf of the City.

RESOLUTION

WHEREAS, the Trustees of the Midwest City Memorial Hospital Authority (“Authority”) desire to approve the following Joint Resolution and Memorandum of Understanding and to authorize and approve the payment of attorney’s fees associated therewith of the Trustor of the Authority, the Midwest City Chamber of Commerce (“Trustor”), and to authorize the Chairman to take actions in furtherance of the forgoing, all as herein set forth.

PART I.

THEREFORE, BE IT RESOLVED, that the Trustees of the Authority hereby approve the following Joint Resolution (“Joint Resolution”), subject to approval of the Trustor, and authorize the Chairman to finalize same and to make such non-substantive changes thereto as may be recommended by Counsel to the Authority/City Attorney and outside counsel to the Authority, and to execute same for and on behalf of the Authority, to wit:

JOINT RESOLUTION

OF

THE TRUSTEES OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY (“AUTHORITY”), THE CITY COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA, BENEFICIARY OF THE AUTHORITY, AND THE MIDWEST CITY CHAMBER OF COMMERCE, TRUSTOR OF THE AUTHORITY

APPROVING

SECOND AMENDMENT TO AMENDED AND RESTATED TRUST INDENTURE OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY

WHEREAS, on April 8th, 1998, that certain Amended and Restated Trust Indenture (“Amended Trust Indenture”) of the Midwest City Memorial Hospital Authority (“Authority”) was adopted amending the original Trust Indenture of the Authority dated July 1st, 1961, for the use and benefit of the City of Midwest City, Oklahoma (“Beneficiary”), which was subsequently amended by the First Amendment to Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority in April, 2017 (“2017 Amendment”) (collectively, as amended, the “Indenture”); and

WHEREAS, the 2017 Amendment amended Paragraph 1(f) of Article III of the Amended Trust Indenture regarding the purposes of the Authority, which now reads in part as follows:

(f) To perform any other authorized and proper essential governmental function or act permitted by law to be performed by public trusts in the State of Oklahoma, including without limitation, to assist the Beneficiary, the United States, the State of Oklahoma, its municipalities, agencies, private entities and citizens in (i) promoting economic and community development, within and without the territorial limits of the City; (ii) developing additional employment which will benefit and strengthen the economy of the

City; (iii) developing or redeveloping areas determined by the Beneficiary to be unproductive, undeveloped, underdeveloped or blighted; (iv) fostering an improved economic climate within the Beneficiary; and (v) otherwise promoting the general welfare and prosperity of the Beneficiary, all in order to achieve maximum utilization of the Beneficiary's human, economic and natural resources; and,

WHEREAS, based in part on the foregoing language of Paragraph 1(f) of Article III of the Indenture, economic development is an authorized purpose of the Authority, and in furtherance thereof, the City Council of the Beneficiary and the Trustees of the Authority now desire to amend the Indenture with respect to funding of economic development; and,

WHEREAS, the Trustees of the Authority and the City Council of the Beneficiary, with the consent of the Trustor, the Midwest City Chamber of Commerce ("Trustor"), are all of the parties necessary to amend the Indenture and are therefore authorized to so do.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the authority of the Trustees of the Authority and the City Council of the Beneficiary, and with the consent of the Trustor, the Midwest City Chamber of Commerce, the Indenture is hereby amended, as follows:

The Fifth sentence of Article VI (1) of the Indenture is amended to read as follows, with new language underscored:

All funds expended from the Discretionary Funds shall be processed through the Board by the grant application process ("Grant Application Process"), except those determined by the Trustees to be necessary for administration of the Trust, and except that monies may be expended from Discretionary Funds for (i) promoting, financing and developing commercial and industrial projects or facilities including, without limitation, offices, warehouses, retail and wholesale marketing facilities, motel and hotel establishments and restaurants, along with projects benefitting Tinker Air Force Base and private sector contractors and suppliers of the United States Department of Defense, and (ii) promoting, financing and developing recreational, sports, cultural, tourism, and entertainment projects or facilities (collectively, "Economic Development") as determined by the Trustees, SUBJECT TO the following, provisions, limitations and requirements:

- (a) Notwithstanding anything contained in the Indenture to the contrary, Twenty-five percent (25%) of annual Discretionary Funds, ("Annual Grant Funds"), shall be annually processed through the Grant Application Process, with the Trustees authorized to expend the annual balance thereof for Economic Development and administration of the Trust ("Annual Economic Development and Trust Administration Funds"), provided that such percentage shall be reviewed for the purpose of possible adjustment and change no less frequently than every ten (10) years from and after September 1, 2018, provided further that any unexpended Annual Grant Funds shall be placed in a special account for use in subsequent years, but only for expenditures authorized by the Grant Application Process; and, unexpended Annual Economic Development and Trust Administration Funds shall be placed in a special account for use in subsequent years, but only for Economic Development and Trust Administration purposes.

- (b) Discretionary Funds authorized for expenditure for Economic Development shall not be used for annual operating expenses or salary expenses of the City, except for direct operating or salary expenses commonly recognized as reasonably necessary to advance Economic Development.
- (c) Unexpended Discretionary Funds existing on September 1, 2018, may be expended for Economic Development as determined by the Trustees, and need not be processed through the Grant Application Process.
- (d) The term “Discretionary Funds”, as set forth in the Amended Indenture, means the total of the two percent (2%) specifically excluded from the Compounded Principal as determined on June 30 of each year.

BE IT FURTHER RESOLVED by the Trustees of the Authority and the City Council of the Beneficiary, that prior funding by the Trustees in furtherance of the purposes of the Authority as set forth by the Indenture, including funding of economic development initiatives, and the procedures by which such funding was authorized, are hereby ratified and approved and the Indenture is amended to the extent necessary to accomplish same, all of which shall have retroactive effect.

BE IT FURTHER RESOLVED by the Trustees of the Authority, the City Council of the Beneficiary, and the Trustor, the Midwest City Chamber of Commerce, that after approval of this Joint Resolution, a comprehensive amendment and restatement of the Indenture as modified by this Second Amendment to Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority shall be prepared, approved and effectuated.

[End of Joint Resolution]

PART II.

BE IT FURTHER RESOLVED, that the Trustees of the Authority hereby approve the following Memorandum of Understanding (“Memorandum of Understanding”), and authorize the Chairman to finalize same and to make such non-substantive changes thereto as may be recommended by Counsel to the Authority/City Attorney and Outside Counsel to the Authority, and to execute same for and on behalf of the Authority, to wit:

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Memorandum of Understanding” or “MOU”), to be effective for the fiscal year beginning July 1, 2018, is entered into by and between the Trustees of the Midwest City Memorial Hospital Authority (“Trustees”), the Trust Board of Grantors (“BOG”) provided for by the Amended and Restated Trust Indenture of the Midwest City Memorial Hospital Authority fully approved on April 8, 1998, as amended, an Oklahoma public trust, the beneficiary of which is the City of Midwest City, Oklahoma (the “Trust Indenture”) and the Midwest City Chamber of Commerce, a corporation organized under the laws of the State of Oklahoma, as Trustor of the Trust Indenture (“Trustor”) (collectively the “Parties”) for the purpose of stating the intentions of the Parties with respect to the process for approval of Grants provided for by the Trust Indenture (“Grants”).

The Trustees awarded a Grant in March, 2018 for the Veterans' Memorial to be located at Midwest City High School in the approximate amount of Ninety Thousand Dollars (\$90,000), which gave rise to differing interpretations of the procedures to be followed for the approval of Grants. This Memorandum of Understanding is intended to state the intentions of the Parties with the respect to the procedures to be followed for the approval of future Grants, but is not to be construed as an amendment of either the Trust Indenture or the By-Laws and Operating Agreement of the BOG, and in the event of any conflict in the interpretation of those instruments by a court of competent jurisdiction, the terms of those instruments shall prevail.

NOW, THEREFORE, in furtherance of the Grant procedures set forth by the Trust Indenture, and to resolve differing interpretations of the procedures to be followed for the approval of Grants, it is the intention of the Parties that the following process shall be utilized for the approval of Grants:

1. The Trustees shall annually determine the budget and amount of funding available for Grants ("Annual Grant Funds") by September 1 of each year, which may be increased or decreased at any time by the Trustees, provided that even if increased or decreased, the Trustees may not make any Grants unless the same have been affirmatively recommended by the BOG.
2. The BOG shall receive and review applications for Grants ("Grant Applications") and by March 1 of each year shall affirmatively recommend or not affirmatively recommend to the Trustees such Grants applied for and meeting the requirements of the Trust Indenture and in such amounts as the BOG shall determine, which shall be within the amount of the Annual Grant Funds (those Grants affirmatively recommended by the BOG are herein called "BOG Affirmatively Recommended Grants"). The Trustees may not make any Grants unless the same have been affirmatively recommended by the BOG, but the Trustees may exercise unlimited discretion in approving or denying those Grants affirmatively recommended for funding by the BOG.
3. After receiving the BOG Affirmatively Recommended Grants, the Trustees may:
 - a. Approve or deny the BOG Affirmatively Recommended Grants, or
 - b. Approve or deny any of the individual BOG Affirmatively Recommended Grants, it being intended and provided for in the Trust Indenture that the Trustees may exercise line item vetoes and approvals of individual BOG Affirmatively Recommended Grants.
4. Supplemental Grant Process.
 - a. In the event that individual BOG Affirmatively Recommended Grants are denied by the Trustees, the BOG shall at the request of the Trustees review the Grant Applications for that year's grant cycle, and shall make additional affirmative recommendations within the amount of the Annual Grant Funds to the Trustees ("Supplemental BOG Affirmatively Recommended Grants").
 - b. After receiving the Supplemental BOG Affirmatively Recommended Grants, the Trustees may:

- i. Approve or deny the Supplemental BOG Affirmatively Recommended Grants, or
 - ii. Approve or deny any of the individual Supplemental BOG Affirmatively Recommended Grants, it being provided that the Trustees may exercise line item vetoes and approvals of individual Supplemental BOG Affirmatively Recommended Grants.
5. In the event that individual Supplemental BOG Affirmatively Recommended Grants are denied by the Trustees, if requested by the Trustees, the BOG and the Trustees shall repeat the Supplemental Grant Process described above, which Supplemental Grant Process may be repeated an unlimited number of times as desired by the Trustees. In the event no Supplemental BOG Affirmatively Recommended Grants are made and approved by the Trustees, the remaining Annual Grant Funds not awarded (“Undesignated Funds”) shall be added to the Discretionary Funds, as provided for and defined by the Trust Indenture, available to the Trustees for designation as Annual Grant Funds in future years, which Undesignated Funds may not be granted by the Trustees except by the Grant process as set forth in the Trust Indenture and in this MOU.

[End of Memorandum of Understanding]

PART III.

BE IT FURTHER RESOLVED, that the Trustees of the Authority hereby authorize and approve the payment of Attorney’s fees incurred and to be incurred by the Trustor in connection with the above Joint Resolution and Memorandum of Understanding and in implementation of the provisions of same, to be in such amount and with such documentation as determined and required by the Chairman and the General Manager, and further authorize the Chairman to take actions in furtherance of the matters authorized by this Resolution, each for and on behalf of the Authority.

PASSED AND APPROVED BY THE TRUSTEES OF THE MIDWEST CITY MEMORIAL HOSPITAL AUTHORITY this ____ day of October, 2018.

TRUSTEES OF THE MIDWEST CITY
MEMORIAL HOSPITAL AUTHORITY

MATHEW D. DUKES, Chair

ATTEST

SARA HANCOCK, Secretary







NEW BUSINESS/
PUBLIC DISCUSSION





ECONOMIC DEVELOPMENT COMMISSION AGENDA

-  The 7:00 PM meetings will be shown live on Channel 20.
-  The recorded video will be available on Youtube and the City's website within 48 hours at www.youtube@midwestcityok.org.
-  The meeting minutes and video can be found on the City's website in the Agenda Center: <https://midwestcityok.org/AgendaCenter>.
-  To make a special assistance request, call 739-1215 or email pmenefee@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.



MIDWEST CITY ECONOMIC DEVELOPMENT COMMISSION AGENDA

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

October 09, 2018 - 7:03 PM

- 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 approval of all Commissioners, or members of the audience wish to discuss an item, it will be removed and heard in regular order.
- 1.** Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of August 28, 2018, as submitted. (City Clerk - S. Hancock)
 - 2.** Discussion and consideration of the 3rd Quarter 2018 Economic Development Activity Report ending September 30, 2018. (Economic Development - R. Coleman)
 - 3.** Discussion of the Convention and Visitors Bureau Quarterly Activity Report for the period ending September 30, 2018. No action is necessary; this item is presented for informational and discussion purposes only.
 - 4.** Discussion and consideration of accepting the Midwest City Chamber of Commerce's quarterly report for the period ending September 30, 2018. (City Manager - G. Henson)
- C. **NEW BUSINESS/PUBLIC DISCUSSION.** The purpose of the "Public Discussion Section" of the Agenda is for members of the public to speak to the 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.**
- D. **ADJOURNMENT.**



CONSENT AGENDA



A notice for staff briefings of the Midwest City Economic Development Commission 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).

**MINUTES OF THE STAFF BRIEFING FOR MIDWEST CITY
ECONOMIC DEVELOPMENT COMMISSION MEETING**

August 28, 2018 - 6:00 PM

This regular meeting was held in the Midwest City Council Conference Room on the second floor of City Hall, 100 North Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma.

DISCUSSION.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the Special Economic Development Commission agenda for August 28, 2018.

No meeting was held.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary

A notice for the regular meetings of the Midwest City Economic Development Commission 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).

**MINUTES OF THE MIDWEST CITY
ECONOMIC DEVELOPMENT COMMISSION MEETING**

August 28, 2018 - 7:03 PM

This regular meeting was held in the Midwest City Council Chambers, 100 North Midwest Boulevard, Midwest City, County of Oklahoma, State of Oklahoma. Chairman Matt Dukes called the meeting to order at 8:19 PM with the following members present: Commissioners Susan Eads, Pat Byrne, Española Bowen, Sean Reed, Christine Allen, and Jeff Moore; and Secretary Sara Hancock. Absent: none.

Discussion Items.

1. **Discussion and consideration of approving the minutes of the special staff briefing, and regular meeting of July 24, 2018, as submitted.** Eads made a motion to approve the minutes, as submitted, seconded by Allen. Voting aye: Eads, Byrne, Bowen, Reed, Allen, Moore, and Chairman Dukes. Nay: none. Absent: None.

2. **Discussion and consideration of entering into a contract with the Midwest City Chamber of Commerce for Fiscal Year 2018-19 for \$3000 per month to implement economic development events in the city of Midwest City.** Byrne made a motion to approve the contract, as submitted, seconded by Allen. Voting aye: Eads, Byrne, Bowen, Reed, Allen, Moore, and Chairman Dukes. Nay: none. Absent: None.

New Business/Public Discussion.

There was no new business or public discussion.

Adjournment.

There being no further business, Chairman Dukes adjourned the meeting at 8:20 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary



Economic Development Department
100 N. Midwest Boulevard
Midwest City, OK 73110
Office: (405) 739-1218
rcoleman@MidwestCityOK.org

MEMORANDUM

TO: Midwest City Economic Development Commission

FROM: Robert Coleman, Director of Economic Development

DATE: October 9, 2018

SUBJECT: Discussion and consideration of the 3rd Quarter 2018 Economic Development Activity Report ending September 30, 2018.

No action is necessary; this item is presented for informational and discussion purposes only.

Please direct any question concerning the report to my office (405/739-1218).

A handwritten signature in cursive script, appearing to read "R. Coleman", is written above a horizontal line.

Robert Coleman
Director of Economic Development

Attachment: 3rd Quarter 2018 Economic Development Activity Report



MIDWEST CITY

O K L A H O M A

Third Quarter 2018 Economic Development Report

General Outlook

While national unemployment continues to hover around 4.3%, Oklahoma’s rate has dipped to just 3.7%. In fact, all of our 77 counties are reporting less joblessness versus the same time last year, and the Consumer Confidence Index remains very optimistic about the future. These factors set the stage on what could be an exceptional holiday season for local restaurants and retailers alike.

In fact, online magazine *Retail Dive* says holiday sales in the U.S. are poised to log a 4% year-over-year increase. Total retail sales (excluding automobiles and gasoline) in November and December might even top that, "given favorable economic conditions, such as an extremely low unemployment rate, wage growth and modest inflation," according to the report.

We are further encouraged by a survey from *Natural Insight* that estimates foot traffic in physical stores may increase by at least 6%, which ultimately translates to increased sales tax collections. The report cautioned that poor shopping weather or possible consumer price increases due to tariffs could pose negative influences.

The Sooner Rose Shopping & Entertainment Center welcomed Midwest City’s new 40,000 ft.² Burlington store to its ranks last month. September also marked the debut of the OKC Metro’s second Blaze Pizza at 7201 SE 29th ST, Suite 209 in Town Center Plaza. We anticipate a significant number of new restaurant openings during the month of October.

During the last quarter, we signed a contract to dispose of 13.25 acres of prime real estate in the Interstate 40 corridor. The potential buyer is a reputable developer of high quality shopping and mixed-use centers, most of which are found east of the Mississippi River. If the sale goes through, Midwest City could see some very interesting storefronts coming very soon!

Please contact my office at (405) 739-1218 with any question related to this report.

Remember to shop **early**, shop **often** and always shop in **Midwest City** when possible!

Respectfully,

Director of Economic Development

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Entertainment Update

The floor is in place, most of the vertical work has been completed and the new Midwest City Warren Theatre now has most of the roof in place. This is good news for the crews of Key Construction Company who have witnessed their fair share of inclement weather during one of the wettest summers on record. All totaled, there have been over 16 working days lost due to precipitation.

The unusual weather may have made for a soggy site but it has not dampened our citizens' enthusiasm for the much anticipated grand opening still slated for May 2019.

About 700 feet directly southeast of the theatre lies the building pad for the new Andy's Altitude 1291. The detention pond to serve Andy's was completed last month and we are in the process of finalizing the installation of City utility lines. We anticipate having the job wrapped up by October 15th, which is the forecasted closing date with the Allison family.

The Allisons feel certain that the 26,000 ft.² will be completed in time for the Warren's grand opening next spring.

Restaurant Update

In our last report, we estimated that the Wedge Pizzeria, the Drumroom, and Johnnie's Char-Broiler Express would all be opened by this time, but this has not been the case. We are counting on all of them to wrap up construction and be ready to serve by Halloween.

Fingers crossed.

The Hibachi Buffet, 2113 S Air Depot BL, was also supposed to be open by now. Neither the City nor the Owner anticipated the major defect in the fire suppression system that resulted in a flood, which effectively derailed the issuance of the certificate of occupancy by over a month.

Progress is moving along nicely on the 11,000 ft.²+ Fuse Buffet/Meiji Grill building underway in the Sooner Rose Shopping & Entertainment Center. The Community Development Department recently issued building permits for a new McDonald's adjacent to WinCo Foods. A new Taco Bell is slated for the west side of Town Center Plaza, and the former Judge's Char-Broiler on SE 29th ST will soon be replaced with Midwest City's second Del Rancho.

Retail Update

The Sooner Rose Shopping & Entertainment Center ("SRSEC") is abuzz with the recent opening of the Burlington Store and now all eyes are on Murphy Oil as it finishes what will be one of its finest examples in the OKC Metro Area. The SRSEC final plat was approved by City Council at its last meeting, and we are hopeful building plans for the "small shop" area will be filed in the near future. This structure will take up the remaining ground between Burlington and the Warren Theatre.

Industrial Update

The 2018 Oklahoma Brownfields Conference was held September 27th—28th in Oklahoma City. Presentations were delivered covering a variety of subjects related to economic development with many focused primarily on redeveloping sites that have environmental constraints. However, one of the most interesting seminars concerned Federally designated Opportunity Zones.

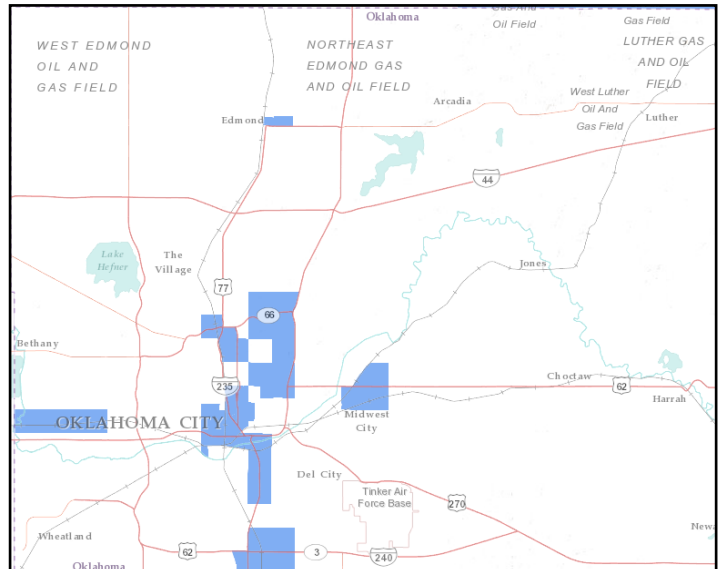
The Opportunity Zones ("OZ") program was established by Congress as part of the 2017 Tax Cuts and Jobs Act. They were designed to spur economic development by providing tax shelters for new investment where business start ups were few and far between. The new law allows investors to defer tax on any prior gains until the earlier of the date on which an investment is sold or exchanged, or December 31, 2026, so long as the gain is reinvested in a Qualified Opportunity Fund.

Industrial Update *(Continued from Page 2)*

If the investor holds the investment in the Opportunity Fund for at least ten years, the investor would be eligible for an increase in basis equal to the fair market value of the investment on the date that the investment is sold or exchanged.

States were asked to nominate potential OZs subject to formal certification by the U.S. Secretary of Treasury. On or about April 9, 2018, our Soldier Creek Industrial Park (“SCIP”) became one of only 115 Oklahoma locations approved for inclusion in a Federal Opportunity Zone. We are still awaiting formal legal requirements from the Federal government, but we see tremendous potential benefit by having SCIP included in this designation.

Private investors are still believed to be holding an estimated \$6 *Trillion* on the “sidelines” as they await attractive new financing opportunities. Many feel the OZ program will bring this capital back to the economy in the form of bricks and mortar, thereby creating new businesses and new jobs in areas that have seen few prospects since the 2008 Recession.



ABOVE: Oklahoma County’s OZ Map encompasses the Soldier Creek Industrial Park and includes the parts of Midwest City located between N Air Depot BL and N Midwest BL extending one-half mile south of NE 23rd ST. SCIP is also in an Enterprise Zone and is in an area that is also eligible for New Market Tax Credits.

Office Update

The Heller Group (“HG”) for over a year has staffed a small office on the SE corner of the Holiday Square Shopping Center. In late September it completed most of the remodeling work necessary to occupy an additional ± 8000 ft.² of office space at the north end of the east building. This expansion was necessary as HG plans to hire up to 200 more customer service representatives to handle a significant increase in its workload, which came as result of a new contract with a national firm.

City economic development representatives worked with the Mid-Del Technology Center and Rose State College to assist HG with its recruitment and training efforts. Many thanks to Community Development and Fire Department personnel who worked tirelessly to make sure everything was in order prior to occupancy.

New tenants are frequently arriving at the Mid-Town Office Park and it appears to be mostly occupied. The ribbon-cutting for the Regional Medical Laboratory, 1632 Midtown PL, occurred on August 23rd and we continued to field calls on undeveloped sites within the park.

New Incorporations

(Oklahoma Secretary of State Records)

JULY

BR Const. Services, L.L.C.	409 Delia ST
DDGO Real Estate	9316 Peachtree LN
Grassroots	9000 1/2 NE 10th ST
T.B.L. Trucking, L.L.C.	12005 Tuscany Ridge RD
Broom Brothers Mobile Car Wash	203 W Campbell DR
Cannabis Care of Oklahoma	8636 Hillridge DR
Crossroads Counseling Agency, L.L.C.	1390 S Douglas BL
OKC Soda Co.	10612 Tumilty AV
Zinnia Farmer Seed Co.	249 E Coe DR
Z-Dispensary, L.L.C.	1401 S Doulgas BL
Abby's Bookkeeping	1504 Loftin DR
Cal-Low Entertainment	1205 S Air Depot BL
R&D Ent, L.L.C.	9429 SE 29th ST, Suite #129
Ramsey-Johnson Productions, L.L.C.	11403 Village AV
Shape Properties	1205 S Air Depot BL, Suite #307
Voss Engineering	9712 Souther Oaks DR
All-Natural, L.L.C.	9617 Sonata CT
B-Step Creations, L.L.C.	415 S Post RD
D. Blue Jackson's Lawn Service, L.L.C.	1013 Jasmine LN
Fambam, L.L.C.	6125 SE 8th ST
Glory Electric, L.L.C.	1304 Alan LN
Jones Curved	552 Blue Sky DR
Outdoor Fun, L.L.C.	9605 3rd PL

AUGUST

Alonso's Tire Shop	1113 Bell DR
Barber's Touch	351 N Air Depot BL, Suite B
Blackboat Capital, L.L.C.	4416 Bonaparte DR
Bountiful Getaways, L.L.C.	10636 Songbird LN
KMC Transportation, L.L.C.	7901 NE 10th ST
Quite Contrary, L.L.C.	1401 S Douglas BL, Suite A
AOG Entertainment	520 S Highland AV
Azaan Investment, L.L.C.	10001 NE 10th ST
Bounce Back Health & Well, L.L.C.	1615 S Webster DR
Burd's Lawncare, L.L.C.	10224 NE 12th ST
Four-Twenty Farms, L.L.C.	910 Bell DR
Granny's Place, L.L.C.	9920 NE 7th ST
Healing Pineapple, L.L.C.	9429 SE 29th ST, Lot 106
J Skai Transportation, L.L.C.	1205 S Air Depot BL, Suite 336
Mounique Love & Confidence, L.L.C.	716 Lloyd DR
Sooner Weatherman, L.L.C.	11207 Larkin LN
Urban Relief, L.L.C.	10541 Willow Ridge RD

New Businesses and New Business Owners

Certificates of Occupancy/Change of Ownership (Community Development Department Records)

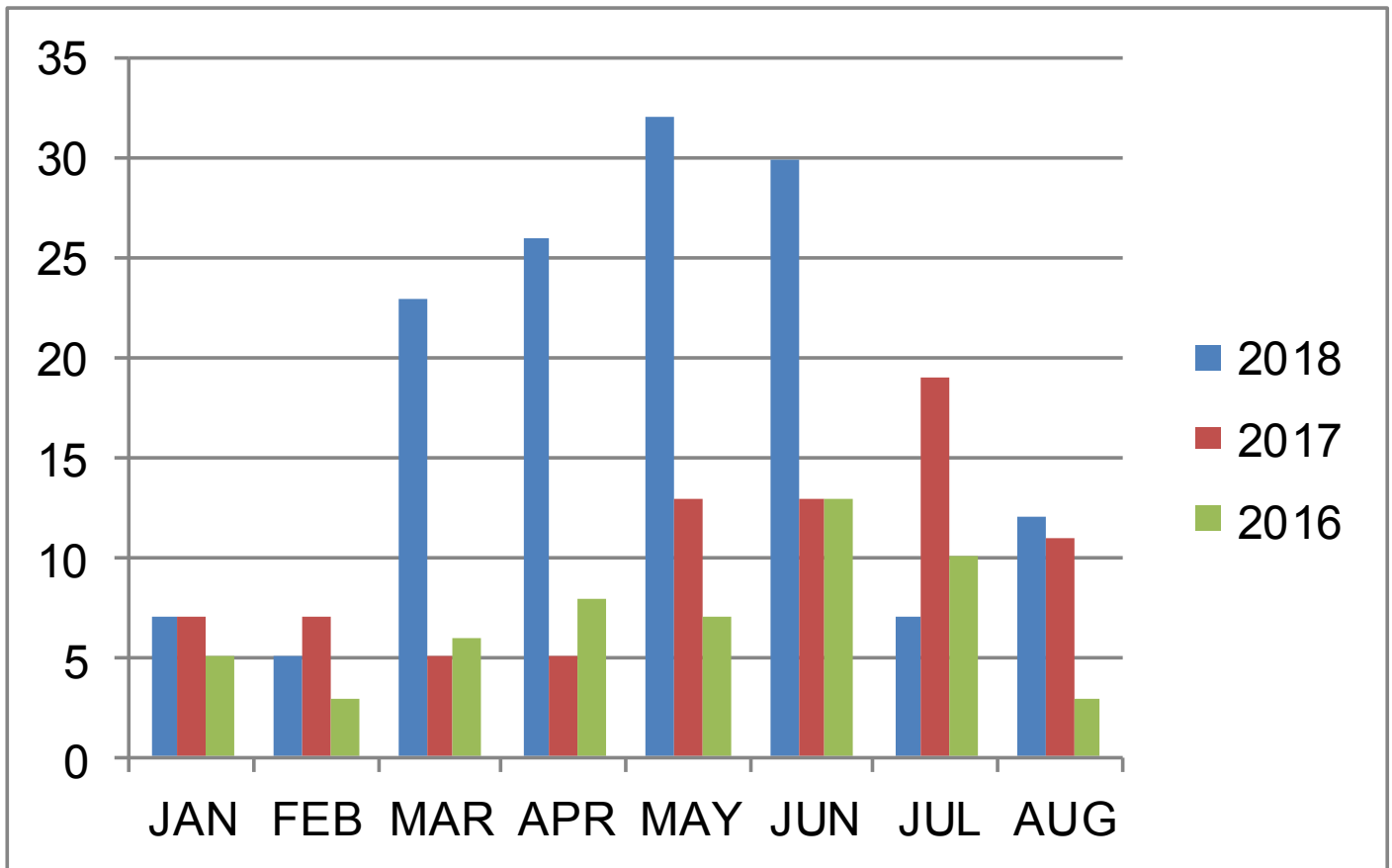
JULY

Vapor Boyz	1036 N Douglas BL
Kid's Club	10720 SE 15th ST
Number One Massage	1200 S Air Depot BL
Rice & Associates, P.C.	1401 S Douglas BL
Vape Vibes	1948 S Air Depot BL
Brooklyn Detail Plus	422 N Air Depot BL
Applebee's Neighborhood Grill & Bar	608 S Air Depot BL
CBD Plus U.S.A.	700 S Air Depot BL .
Race Communications, Inc.	805 Jet DR
The Drumroom & Wedge Pizzeria	2320 S Air Depot BL
Hibachi Buffet	2113 S Air Depot BL
Family Dollar	6212 E Reno AV

AUGUST

FNJ Canna	1044 N Douglas BL
Alonso's Tire Shop	1103 S Air Depot BL
Weststar Auto	1140 N Midwest BL
D-Crypt ideas	1265 N Air Depot BL, Bldg. H
Valvoline Instant Oil Change	1295 S Air Depot BL
Spirit Halloween	1401 Gateway PL
Mid-Del Youth & Family Center	2801 Parklawn DR, Suite 201
Timberlake Designs	2829 S Douglas BL
The Ridge	3834 N Oak Grove ST
Discovery Health & Wellness	7510 SE 15th ST
Fred's Paintless Repair	8414 SE 18th ST
Prime mart	8420 NE 10th ST
Trailer Trash Vintage Boutique	8801 SE 29th ST, Suite A
OKC Speech, L.L.C.	9065 Harmony DR
CBD	9834 NE 23rd ST

Single-Family Housing Update



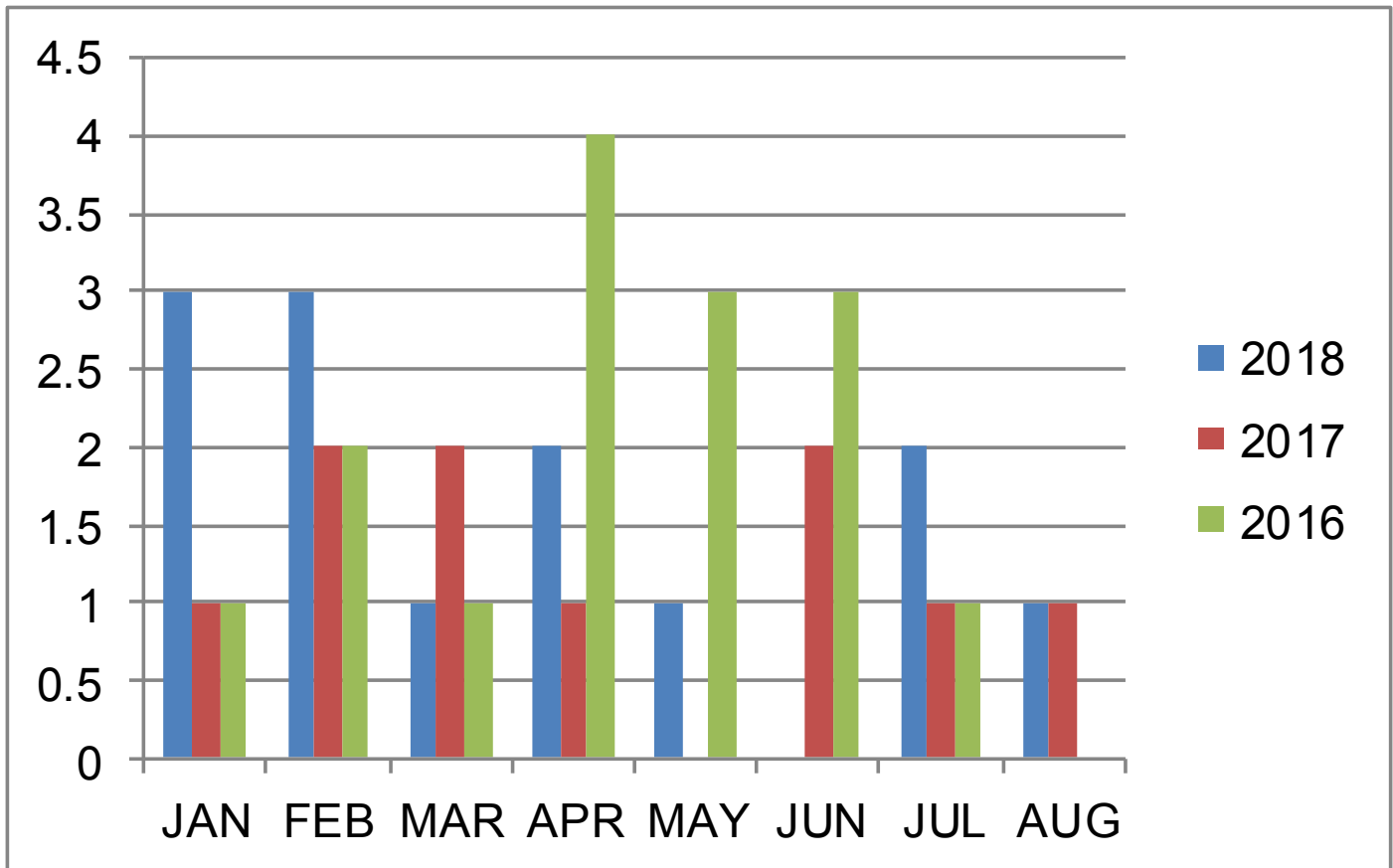
Over 140 new single-family residential permits issued thus far in 2018 with four reporting months left in the year. This is already larger than the number issued in 2017 (122) or 2016 (86).

While the number of housing starts is escalating, the average value of each is somewhat static. Staff has been working diligently with a local developer who is interested in building an upscale, mixed use development near SE 29th ST. We are a long ways from finalizing a deal, but the proposed neighborhood could be a “game changer” in the local housing market.

Discussion continues with a Blanchard-based development company that desires to build single-family, two-family and multi-family units on the north side of the city. A zoning amendment for the addition was approved at the September 25th City Council meeting and the preliminary plat is expected soon. The same group may also pursue the benefit of a Tax Increment Finance district to assist with infrastructure costs.

Midwest City’s population could easily top 60,000 by the completion of the 2020 U.S. Decennial Census, provided construction continues at this pace.

Commercial Building Activity Update



There were over \$4 million in new commercial construction starts during the third quarter of the year, which included:

Open Flame Coffee Coffee Co.	307 S Air Depot BL	\$ 500,000
U.S. Employees Federal Credit Union	9244 E Reno AV	\$1,699,000
Murphy Oil Co.	5655 SE 15th ST	\$2,000,000

We are hoping the Ljunghammar family's investment in the Open Flame Coffee Roastery becomes a catalyst for additional new investment on the north end of S Air Depot BL. The last restaurant development in the area, Taco Casa (2016), seems to be doing very well but a cloud of uncertainty hangs over another establishment.

Golden Corral Buffet & Grill restaurant, 617 S Air Depot BL is reportedly committed to a new location on the Del City side of S Sooner RD near the Sooner Rose Shopping & Entertainment Center. This could leave another 10,359 ft.² of abandoned restaurant space in a corridor that already has four empty spaces. We are continuing to work with the owners to fill all of them.

A building permit for Midwest City's fourth Taco Bell was issued on the last remaining space in Town Center Plaza. It will be erected on Boeing DR directly east of Raising Cane's Chicken Fingers. There are no indications Taco Bell will shutter its location at 300 S Air Depot BL, but we will be keeping an eye on that situation.



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MEMORANDUM

TO: Honorable Chairman and Commissioners
Midwest City Economic Development Commission

FROM: J. Guy Henson, City Manager

DATE: October 9, 2018

SUBJECT: Discussion of the Convention and Visitors Bureau Quarterly Activity Report for the period ending September 30, 2018. No action is necessary; this item is presented for informational and discussion purposes only.

The Convention and Visitors Bureau has provided the attached report.

J. Guy Henson, AICP
City Manager



Convention & Visitors Bureau Activities:

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, tradeshows, 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.

- **BUICK CLUB OF AMERICA (BCA)**

Preplanning for the upcoming June 2019 visit is going well. Pete and his committee has come for fam tours and planning sessions. The Sheraton is host hotel and filled up very quickly and room pick up at the other hotels are steady. Progress continues and going as expected. Weekly updates will continue with Vaughn Sullivan.

- **Group Business** – The CVB is currently working with a number of groups booked at the Sheraton Midwest City Hotel at the Reed Conference Center. 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 in grooming accounts, secure repeat bookings, and to offer groups special attention they do not get in other cities. Current bookings, status and value amounts as of September 21, 2018:

9 - Definite Bookings - \$ 401,000

3 - Tentative Bookings - \$ 299,000

3 - Prospect Bookings - \$ 83,000

Total: \$ 783,000

(The CVB has a detailed breakdown of group business upon request. It lists group names, dates and meeting planner names. Due to the nature of the industry, this list is NOT for public posting.)*

- **CVB Marketing Campaigns**

- **Tourism video** – has been added to visitmidwestcity.com website. We have experienced a few opportunities to send direct to prospects.
- **Digital**
 - **E- newsletter** – Total E-newsletter monthly distribution is over 2500 constant contacts. Each month email addresses from the OTRD monthly report are added.
 - **Website** – www.visitmidwestcity.com Online request form for visitors guide directly to CVB.

- **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 daily.
 - **Cross promote** – Rose State College activities, Hudiburg Chevrolet Center shows & events, Parks & Recreation Activities & Special Events, Shopping, dining and Hotels
 - **Print**
 - The CVB, in partnership with the Parks & Recreation Department have recently taken advantage of several special events cross promotion marketing opportunities. We have had a greater presence in the **Midwest City Beacon**, Choctaw/ Harrah Times & Mustang Times as of late. We have fostered a relationship with MWC Beacon Sales whereas we are a first call for special advertising rates.
 - **Journal Record Bundle** The significantly discounted rates provide a broad scope of advertising opportunities that span multi-departments. The CVB and the Parks & Recreation special events teams benefit most by creatively working together to further maximize our reach by collaborating on all marketing efforts. The discounted package provides an opportunity to feature Midwest City from an economic development perspective in the Location Oklahoma sight selection magazine.
 - The package includes premier placement advertisements in the following publications:
 - Meeting Planner Guide
 - Living in Oklahoma Guide
 - Location Oklahoma – Oklahoma’s site Selection Guide (Econ Develop)
 - Tinker Take Off – Six (6) Full page co-op opportunities as well as 11 half (1/2) page ads in the Tinker Take Off Newspaper
 - Online Weblinks
 - Base Directory and Map presence
 - **FCMA Frontier Country Marketing Assn** – Member, annual travel guide and participates in networking marketing events.
 - **OTRD – Oklahoma Tourism & recreation Department** MWC advertisement in State Travel Guide, Visitors Guide distribution at all state Welcome Centers and online request.
 - **OSAE – Oklahoma Society of Association Executives** – Member and Sponsor (joint sponsorship with the Sheraton Hotel), ad quarterly meeting planner magazine. The CVB and Sheraton joint hosted an exhibit booth at the July Conference tradeshow hosted in Norman. OSAE is the state’s premier organization for meeting planner networking and showcasing meeting facilities and hotels.
 - **OTIA- Oklahoma Travel Industry Association-** Member & Sponsor. The CVB exhibited at this event in May.
- **Cross Promotion & Marketing-** The CVB continues to work close with the Parks & Recreation Dept., the Public Information Office, Rose State College/ Hudiburg Chevrolet Center and the Chamber of Commerce to ensure the overall brand message & public impression of Midwest City is conveyed as the ideal place 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** – The CVB continues to serve as a marketing partner capacity to Midwest City special events. All available resources are utilized to promote all Midwest City special events within the designated market segments.
- **We are preparing for a busy summer (May / June) next year (2019). We will have the MIO Festival, the 2019 Star Spangled Salute Air Show and the 2019 Buick Club all back to back.**



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www.midwestcityok.org

MEMORANDUM

TO: Honorable Chairman and Commissioners
Midwest City Economic Development Commission

FROM: J. Guy Henson, City Manager

DATE: October 9, 2018

SUBJECT: Discussion of the Chamber of Commerce Quarterly Activity Report for the period ending September 30, 2018. No action is necessary; this item is presented for informational and discussion purposes only.

The Midwest City Chamber of Commerce has provided the attached report.

J. Guy Henson, AICP
City Manager

Midwest City Chamber of Commerce
Quarterly Report
October 1, 2018

The following is a quarterly report of the Midwest City Chamber of Commerce staff's economic development activities for the quarter ending September 30, 2018.

Meetings and Events:

Wednesday, July 11, 2018: Chamber Staff met with TAP Project Manager, Rose State College, and Tinker AFB personnel regarding the 2018 TAP Conference.

Friday, July 13, 2018: Chamber Director, Mayor, City Manager, Economic Development Director, and 2018 President met for monthly City and Chamber update meeting.

Monday, July 16, 2018: Chamber Staff, TAP Project Manager, Rose State College, and Tinker AFB personnel met with Reed Center Staff regarding the 2018 TAP Conference.

Tuesday, July 24, 2018: Chamber Director attended the City Council meeting to give Chamber's Economic Development Quarterly Report.

Wednesday, July 25, 2018: Chamber Director attended the Quarterly Economic Development Commission meeting at City Hall.

Wednesday, July 25, 2018: Chamber Staff met with TAP Project Manager, Rose State College, and Tinker AFB personnel regarding the 2018 TAP Conference.

Friday, July 27, 2018: Chamber staff, 2017 Chamber President and 2018 Chamber President met with Brig Gen Christopher Hill, Commander, Oklahoma City Air Logistics Complex regarding 2018 and 2019 TAP Conferences.

Monday, July 30, 2018: Chamber Director and 2018 Chamber President attended a luncheon at Tinker Business & Industrial Park.

Wednesday, August 1, 2018: Chamber staff and TAP Project Manager met with Reed Center Staff regarding 2018 TAP Conference.

Thursday, August 2, 2018: Chamber hosted a breakfast forum with US Senator Jim Inhofe.

Friday, August 3, 2018: Chamber Director, Mayor, City Manager, Economic Development Director, and 2018 President met for monthly City and Chamber update meeting.

Thursday, August 9, 2018: Chamber Staff met with TAP Project Manager, Rose State College, and Tinker AFB personnel regarding the 2018 TAP Conference.

Monday, August 13, 2018: Chamber staff, TAP Project Manager, Rose State College, Tinker AFB personnel set up the Reed Center for the 2018 TAP Conference.

Tuesday, August 14 to Thursday, August 16, 2018: Tinker and the Primes: Assuring our Future through Agility. Over 1,000 in attendance representing six countries and 37 states. Seventy-three companies and organizations participated as exhibitors and sponsors. Over 400 attended the VIP reception Tuesday night, including Tinker Leadership. The opening session keynote speaker was Brig Gen Christopher Hill, Commander, Oklahoma City Air Logistics Complex.

Tuesday, August 28, 2018: Chamber Director attended the City Council meeting regarding the Chamber and City's contracts for Economic Development and Youth Excel.

Friday, September 7, 2018: Chamber Director, Mayor, City Manager, Economic Development Director, and 2018 President met for monthly City and Chamber update meeting.

Monday, September 10, 2018: Chamber Staff met with TAP Project Manager, Rose State College, and Tinker AFB personnel regarding notes and survey responses from the 2018 TAP Conference.

Tuesday, September 11, 2018: Chamber staff hosted coffee and donuts at the Oklahoma Municipal League Golf tournament which was held at John Conrad Golf Course.

The Chamber Executive Board of Directors supported a Resolution in favor of the City's G.O. Bond Election for various City improvements.

The 2019 Tinker and the Primes Conference, August 13-15, 2019, event has inquiries and commitments from several organizations interested in exhibiting at the 14th annual event.

Chamber staff continues to provide information, referrals, and support necessary for the continued efforts of Economic Development.

Respectfully,

Bonnie Cheatwood
Executive Director
Midwest City Chamber of Commerce



NEW BUSINESS/
PUBLIC DISCUSSION

