



MIDWEST CITY

MEETING AGENDAS FOR

October 23, 2018

STAFF BRIEFING

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

October 23, 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, and Memorial Hospital Authority for October 23, 2018.



CITY OF MIDWEST CITY COUNCIL AGENDA

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

October 23, 2018 – 7:00 PM

- A. CALL TO ORDER.
- B. OPENING BUSINESS.
- Invocation by Public Works Director Vaughn Sullivan
 - Pledge of Allegiance by Midwest City High School Jr ROTC Cadets
 - Community-related announcements and comments
 - Mayoral Proclamations: Retiree James Long; "Extra Mile Day" on November 1; "Toll the Bells" for Veterans on November 11; and "Girls in Aviation".
- 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 October 9, 2018, as submitted. (City Clerk - S. Hancock)
 2. Discussion and consideration of accepting the City Manager's Report for the month of September, 2018. (Finance - C. Barron)
 3. Discussion and consideration of supplemental budget adjustments to the following funds for FY 2018-2019, increase: Grants Fund, revenue/Intergovernmental (62) \$44,000; expenses/Police (62) \$44,000. Risk Fund, revenue/Miscellaneous (00) \$1,986; expenses/Risk Insurance (29) \$383,986. Workers Comp Fund, expenses/Risk Insurance (29) \$1,660,000. (Finance - C. Barron)
 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. (Human Resources - C. Wilson)
 5. Monthly Neighborhood Services report for September 2018. (Neighborhood Services - M. Stroh)
 6. Discussion and consideration of approving the First Amendment to the Sooner Rose Phase III Development Financing Assistance Agreement with Allison's Fun, Inc. (Economic Development - R. Coleman)
 7. Discussion and consideration of accepting a Permanent Utility Easement for the construction of a public water main extension located at and across 9721 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)

8. 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. (Information Technology - R. Rushing)

D. DISCUSSION ITEMS.

1. (PC – 1971) Discussion and consideration of approval of the Final Plat of Nider Addition described as a part of the SE/4 of Section 31, T12N, R1W, addressed as 10712 NE 4th Street. (Community Development - B. Harless)
2. (PC –1972) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 3 T-11-N, R-2-W, located at 1114 S. Air Depot, Suite 2. (Community Development - B. Harless)
3. (PC – 1973) Public hearing with discussion and consideration of approval of an ordinance to rezone from R-6, Single Family Detached Residential to R-2F, Two Family Attached Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property described as Lot 9, of the Beach Acres Addition, addressed as 8707 NE 10th Street. (Community Development - B. Harless)
4. (PC –1974) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 24 T-12-N, R-2-W, located at 9205 NE 23rd Street, Suites 3 & 4. (Community Development - B. Harless)
5. (PC –1975) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Drinking Establishment: Sit-Down, Alcoholic Beverages in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 3 T-11-N, R-2-W, located at 904 S. Air Depot Blvd. (Community Development - B. Harless)
6. (PC – 1976) Discussion and consideration of approval of the Preliminary Plat of Florence Estates for the property described as a part of the NE/4 of Section 1, T-11-N, R-1-W, located in the 400 block of S. Post Road. (Community Development - B. Harless)
7. Discussion and Consideration of an update regarding ongoing OG&E Street Lighting maintenance issues. (Public Works Director - V. Sullivan)
8. Discussion and consideration of 1) purchasing Public Safety P25 Communications Equipment in the amount of \$89,975.60 from the Oklahoma State Wide Contract #SW1053 including the purchase of supporting miscellaneous communications equipment not on state contract in the amount of \$3,376.58 from Stolz Telecom LLC, and 2) a resolution for the City Council of the City of Midwest City relating to the expenditure of \$89,975.60 for the purchase of Public Safety P25 Communications

Equipment under the Oklahoma State Wide Contract #SW1053 for 2018-2019 with Harris Corporation acting through Stolz Telecom LLC as the authorized dealer including the purchase of supporting miscellaneous communications equipment not on state contract in the amount of \$3,376.58 from Stolz Telecom LLC; indicating the official action of the City Council for the reimbursement of such expenditure by the issuance of tax exempt general obligation bonds of the City of Midwest City, previously authorized at an election held for that purpose on August 28, 2018 authorizing the purchase.(Information Technology - R. Rushing)

- [9.](#) Discussion and consideration of the reappointment of Earl Foster, Dean Hinton, and Christine Allen to the ADA Transition Plan Committee for additional three-year terms. (Community Development - B. Harless)

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. EXECUTIVE SESSION.

- [1.](#) Discussion and consideration of 1) entering into executive session as allowed under 25 O.S. § 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups; and 2) in open session, authorizing the city manager to take action as appropriate based on the discussion in executive session. (City Manager - G. Henson)

G. FURTHER INFORMATION.

- [1.](#) Minutes of the October 2, 2018 Board of Adjustment meeting. (Community Development - B. Harless)
- [2.](#) Discussion and Consideration to approve an Ordinance Amending the Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-11; Time of Regular Scheduled Meetings of Council; and Providing for Repealer and Severability. (City Clerk - S. Hancock)

H. 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

October 9, 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 6:00 PM with the following members present: Councilmembers Española Bowen, *Sean Reed, and Jeff Moore; and City Clerk Sara Hancock. Absent: Susan Eads, Pat Byrne, and Christine Allen.

DISCUSSION.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the City Council for October 9, 2018. Council and Staff made community-related announcements and discussed individual agenda items.

* Councilmember Reed left the meeting at 6:05 PM and the meeting was recessed due to a lack of a quorum. At 6:06 PM, Councilmember Reed returned to the meeting and they continued.

Mayor Dukes adjourned the meeting at 6:29 PM.

ATTEST:

MATTHEW D. DUKES II, Mayor

SARA HANCOCK, City Clerk

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).

City Council Minutes of the City of Midwest City

October 9, 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 7:01 PM with the following members present: Councilmembers Española Bowen, Sean Reed, and Jeff Moore; and City Clerk Sara Hancock. Absent: Susan Eads, Pat Byrne, and Christine Allen.

Opening Business. Public Works Director Vaughn Sullivan opened with the invocation, followed by the Pledge of Allegiance led by Carl Albert High School Jr. ROTC Cadets Gavin Avery and Brandon Taber. Council made community-related announcements. Mayor Dukes presented proclamations to retiree Joel Warner.

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

1. Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of September 25, 2018, as submitted.
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.
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.
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.
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.
6. Discussion and consideration of approving and entering into a Memorandum of Understanding with the Oklahoma Office of Homeland Security for 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.

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.

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.** Reed made a motion to delete the emergency clause and amend Ordinance 3347, as otherwise submitted, seconded by Bowen. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.
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.** Reed made a motion to approve Resolution 2018-23, as submitted, seconded by Bowen. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.
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 Beldaire Drive.** Bowen made a motion to approve Resolution 2018-22, as submitted, seconded by Moore. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.
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.** Reed made a motion to delete the emergency clause and approve Ordinance 3352, as otherwise submitted, seconded by Bowen. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.
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.** Reed made a motion to delete the emergency clause and title identifying it as an emergency ordinance and approve Ordinance 3353, as otherwise submitted, seconded by Moore. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.

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.**
Bowen made a motion to approve the proposed phases, as submitted, seconded by Moore. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.
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.** No action was taken.
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.** Reed made a motion to approve Resolution 2018-21 and the MOU, as submitted; authorize the payment; and authorize the Chairman and General Manager to take action as needed, seconded by Moore. Voting aye: Bowen, Reed, Moore, and Mayor Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.

New Business/Public Discussion.

Mark Clemonson spoke with the Council.

Adjournment.

There being no further business, Mayor Dukes adjourned the meeting at 7:32 PM.

ATTEST:

MATTHEW D. DUKES II, Mayor

SARA HANCOCK, 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 23, 2018

Subject: Discussion and consideration of accepting the City Manager's Report for the month of September, 2018.

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

Downtown Redevelopment (194) decreased because of the payments to:
A-Tech Paving <\$109,815>

Hotel/Conference Center (195) had an operational loss of \$54,993 in September.

Golf (197) had an operational gain of \$32,270 in September.

Capital Improvement Revenue Bond (250) decreased due to the payments for:
2011 semi-annual debt service interest (Hotel/Conf Center) <\$413,075>
2011A semi-annual debt service interest (Sewer) <\$599,506>

MWC Hospital Authority (425) activities for September:
Compounded Principal (9010) – div. & unrealized gain on investment \$157,740
Discretionary (9050) – div. & unrealized gain on investment \$32,476

This item is at Council's discretion.

Christy Barron
Finance Director

City of Midwest City
Financial Summary by Fund
for Period Ending September, 2018
(Unaudited)

Fund Number	Fund Description	Assets	Liabilities	6-30-18 Fund Balance	Revenues	Expenditures	Gain or (Loss)	Fund Balance
9	GENERAL GOVERNMENT SALES TAX	2,470,990	-	2,364,357	617,409	(510,776)	106,633	2,470,990
10	GENERAL	5,016,877	(137,749)	4,924,165	9,561,632	(9,606,668)	(45,036)	4,879,129
11	CAPITAL OUTLAY RESERVE	930,277	-	924,939	5,338	-	5,338	930,277
13	STREET AND ALLEY FUND	1,377,145	-	1,237,093	149,664	(9,612)	140,052	1,377,145
14	TECHNOLOGY FUND	182,191	-	263,115	95,573	(176,496)	(80,924)	182,191
15	STREET LIGHT FEE	1,241,229	-	1,103,255	149,811	(11,837)	137,974	1,241,229
16	REIMBURSED PROJECTS	642,524	(184,121)	580,104	25,382	(147,084)	(121,702)	458,402
17	29TH & DOUGLAS PROPERTY	5,500,248	-	5,500,144	104	-	104	5,500,248
20	MWC POLICE DEPARTMENT	2,696,583	-	2,477,841	3,931,636	(3,712,894)	218,742	2,696,583
21	POLICE CAPITALIZATION	576,842	-	411,574	200,207	(34,939)	165,268	576,842
25	JUVENILE FUND	45,213	-	55,803	11,948	(22,539)	(10,591)	45,213
30	POLICE STATE SEIZURES	65,688	-	65,811	628	(750)	(123)	65,688
31	SPECIAL POLICE PROJECTS	82,692	-	78,654	4,974	(936)	4,037	82,692
33	POLICE FEDERAL PROJECTS	66,225	-	66,543	225	(542)	(318)	66,225
34	POLICE LAB FEE FUND	15,762	-	16,064	4,024	(4,327)	(302)	15,762
35	EMPLOYEE ACTIVITY FUND	20,267	-	20,717	487	(937)	(450)	20,267
36	JAIL	128,810	-	120,161	27,571	(18,922)	8,649	128,810
37	POLICE IMPOUND FEE	200,168	-	208,443	17,691	(25,966)	(8,275)	200,168
40	MWC FIRE DEPARTMENT	1,780,516	(4)	1,530,845	3,072,657	(2,822,990)	249,667	1,780,512
41	FIRE CAPITALIZATION	688,300	-	615,372	149,560	(76,632)	72,928	688,300
45	MWC WELCOME CENTER	352,923	(149)	345,044	58,613	(50,883)	7,730	352,774
46	CONV / VISITORS BUREAU	189,031	-	170,847	96,042	(77,858)	18,184	189,031
50	DRAINAGE TAX FUND	14,955	-	14,670	285	-	285	14,955
60	CAPITAL DRAINAGE IMP	495,372	-	484,549	116,405	(105,582)	10,823	495,372
61	STORM WATER QUALITY	1,048,251	-	1,022,326	198,000	(172,075)	25,926	1,048,251
65	STREET TAX FUND	1,393,858	(10,115)	1,294,577	118,832	(29,666)	89,165	1,383,742
70	EMERGENCY OPER FUND	646,316	-	666,108	136,573	(156,364)	(19,792)	646,316
75	PUBLIC WORKS ADMIN	337,406	-	323,195	251,584	(237,372)	14,212	337,406
80	INTERSERVICE FUND	379,994	-	324,335	672,427	(616,768)	55,659	379,994
81	SURPLUS PROPERTY	354,350	(276,017)	75,599	13,274	(10,541)	2,733	78,332
115	ACTIVITY FUND	343,153	(267)	361,252	26,835	(45,200)	(18,365)	342,886
123	PARK & RECREATION	618,011	-	560,631	139,556	(82,177)	57,379	618,011
141	COMM. DEV. BLOCK GRANT	12,289	(6,260)	6,029	182,632	(182,632)	-	6,029
142	GRANTS/HOUSING ACTIVITIES	158,595	(4,167)	154,840	61,179	(61,590)	(412)	154,429
143	GRANT FUNDS	62,310	(2,310)	60,000	39,249	(39,249)	-	60,000

City of Midwest City
Financial Summary by Fund
for Period Ending September, 2018
(Unaudited)

Fund Number	Fund Description	Assets	Liabilities	6-30-18 Fund Balance	Revenues	Expenditures	Gain or (Loss)	Fund Balance
157	CAPITAL IMPROVEMENTS	2,668,725	-	2,533,542	145,983	(10,800)	135,183	2,668,725
172	CAP. WATER IMP-WALKER	915,895	-	775,403	141,164	(672)	140,492	915,895
178	CONST LOAN PAYMENT REV	2,812,023	-	2,640,106	223,403	(51,487)	171,917	2,812,023
184	SEWER BACKUP FUND	81,041	-	80,576	465	-	465	81,041
186	SEWER CONSTRUCTION	3,675,559	(175,000)	3,396,171	381,605	(277,217)	104,388	3,500,559
187	UTILITY SERVICES	462,633	(924)	430,911	290,931	(260,133)	30,798	461,709
188	CAP. SEWER IMP.-STROTH	466,539	-	387,633	106,110	(27,203)	78,907	466,539
189	UTILITIES CAPITAL OUTLAY	2,466,863	(62,601)	2,212,408	233,843	(41,990)	191,854	2,404,262
190	MWC SANITATION DEPARTMENT	2,244,841	-	2,532,079	1,552,710	(1,839,948)	(287,238)	2,244,841
191	MWC WATER DEPARTMENT	2,284,913	-	1,964,796	1,807,613	(1,487,496)	320,117	2,284,913
192	MWC SEWER DEPARTMENT	987,092	(48)	1,059,189	1,380,033	(1,452,177)	(72,145)	987,044
193	MWC UTILITIES AUTHORITY	921,706	-	916,418	5,288	-	5,288	921,706
194	DOWNTOWN REDEVELOPMENT	2,811,872	(5,491)	2,937,767	28,217	(159,602)	(131,385)	2,806,382
195	HOTEL/CONFERENCE CENTER	631,735	(566,470)	130,617	1,167,910	(1,233,263)	(65,353)	65,264
196	HOTEL 4% FF&E	847,921	-	820,955	46,717	(19,750)	26,966	847,921
197	JOHN CONRAD REGIONAL GOLF	173,485	(4,054)	121,184	340,734	(292,486)	48,248	169,432
201	URBAN RENEWAL AUTHORITY	54,838	-	57,066	319	(2,547)	(2,228)	54,838
202	RISK MANAGEMENT	1,253,547	(37)	1,718,668	230,618	(695,777)	(465,158)	1,253,510
204	WORKERS COMP	2,528,886	-	2,563,722	266,905	(301,741)	(34,836)	2,528,886
220	ANIMALS BEST FRIEND	66,607	-	73,944	7,662	(15,000)	(7,338)	66,607
225	HOTEL MOTEL FUND	-	-	-	169,571	(169,571)	-	-
230	CUSTOMER DEPOSITS	1,489,631	(1,489,631)	-	8,494	(8,494)	-	-
235	MUNICIPAL COURT	44,614	(44,614)	-	255	(255)	-	-
240	L & H BENEFITS	2,304,361	(52,274)	2,215,453	2,222,808	(2,186,173)	36,635	2,252,088
250	CAPITAL IMP REV BOND	3,538,860	(51,938,123)	(49,026,543)	3,770,869	(3,143,589)	627,280	(48,399,263)
269	2002 G.O. STREET BOND	460,669	-	458,027	2,641	-	2,641	460,669
310	DISASTER RELIEF	1,335,378	(165,130)	1,157,477	88,888	(76,116)	12,772	1,170,249
340	REVENUE BOND SINKING FUND	-	-	-	1,432,788	(1,432,788)	-	-
350	G. O. DEBT SERVICES	113,627	-	124,438	9,362	(20,173)	(10,811)	113,627
352	SOONER ROSE TIF	8,233,401	-	8,318,025	71,495	(156,119)	(84,624)	8,233,401
353	ECONOMIC DEV AUTHORITY	50,656,024	(50,043,425)	349,514	317,797	(54,712)	263,085	612,599
425-9010	MWC HOSP AUTH-COMP PRINCIPAL	93,594,107	(8,015,656)	82,962,227	4,443,967	(1,827,743)	2,616,224	85,578,451
425-9020	MWC HOSP AUTH-LOAN RESERVE	2,991,445	(491,445)	2,500,000	14,964	(14,964)	-	2,500,000
425-9050	MWC HOSP AUTH-DISCRETIONARY	13,512,412	(12,901)	10,958,390	2,729,247	(188,125)	2,541,122	13,499,512
425-9060	MWC HOSP IN LIEU OF/ROR/MISC	5,900,974	(167,201)	5,783,307	575,888	(625,420)	(49,532)	5,733,775
	TOTAL	242,667,586	(113,856,182)	121,582,471	44,355,270	(37,126,334)	7,228,935	128,811,406



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 23, 2018

Subject: Discussion and consideration of supplemental budget adjustments to the following funds for FY 2018-2019, increase: Grants Fund, revenue/Intergovernmental (62) \$44,000; expenses/Police (62) \$44,000. Risk Fund, revenue/Miscellaneous (00) \$1,986; expenses/Risk Insurance (29) \$383,986. Workers Comp Fund, expenses/Risk Insurance (29) \$1,660,000.

The first supplement is needed to budget 2019 Oklahoma Highway Safety Grant from Oklahoma Highway Safety Office. The second supplement is needed to budget OMAG Public Works Safety Equipment Grant. The third and fourth supplements are needed to budget prior years' case reserves for general liability and workers compensation in Risk Fund and Workers Comp Fund.

Christy Barron
Finance Director

SUPPLEMENTS
October 23, 2018

Fund GRANTS (143)		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>
62	Intergovernmental	44,000			
62	Police			44,000	
		<u>44,000</u>	<u>0</u>	<u>44,000</u>	<u>0</u>
Explanation: To budget Fiscal Year 2019 Oklahoma Highway Safety Grant from Oklahoma Highway Safety Office.					

Fund RISK (202)		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	Miscellaneous	1,986			
29	Risk Insurance			1,986	
		<u>1,986</u>	<u>0</u>	<u>1,986</u>	<u>0</u>
Explanation: To budget OMAG Public Works Safety Equipment Grant to be used to purchase safety equipment for various City departments.					

Fund RISK (202)		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>
29	Risk Insurance			382,000	
		<u>0</u>	<u>0</u>	<u>382,000</u>	<u>0</u>
Explanation: To budget prior years' general liability case reserves according to actuarial report. Funding to come from fund balance.					

Fund WORKERS COMP (204)		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>
29	Risk Insurance			1,660,000	
		<u>0</u>	<u>0</u>	<u>1,660,000</u>	<u>0</u>
Explanation: To budget prior years' workers compensation case reserves according to actuarial report. Funding to come from fund balance.					



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

Memorandum

TO: Honorable Mayor and Council

FROM: Catherine Wilson, Human Resources Director

DATE: October 23, 2018

RE: 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.

This item is placed on the agenda at the request of the Council. Attached to this memo is information regarding the current financial condition of the City Employees' Health Benefits Plan for the month of September 2018 which is the third (3) period of the FY 2018/2019.

This is a staff update

Catherine Wilson, Human Resources Director

FISCAL YEAR 2018-2019	<u>Jul -18</u>	<u>Aug - 18</u>	<u>Sep - 18</u>	<u>Oct - 18</u>	<u>Nov - 18</u>	<u>Dec - 18</u>	<u>Jan - 19</u>	<u>Feb - 19</u>	<u>Mar - 19</u>	<u>Apr - 19</u>	<u>May - 19</u>	<u>Jun - 19</u>
PLAN INCOME												
Budgeted (MTD)	590,806.00	886,209.00	590,806.00	590,806.00	590,806.00	590,806.00	590,806.00	590,806.00	886,209.00	590,806.00	590,806.00	590,806.00
Actual (MTD)	580,003.00	778,717.00	869,305.00									
Budgeted (YTD)	590,806.00	1,477,015.00	2,067,821.00									
Actual (YTD)	580,003.00	1,358,720.00	2,228,025.00									
PLAN CLAIMS/ADMIN COSTS	<u>Jul -18</u>	<u>Aug - 18</u>	<u>Sep - 18</u>	<u>Oct - 18</u>	<u>Nov - 18</u>	<u>Dec - 18</u>	<u>Jan - 19</u>	<u>Feb - 19</u>	<u>Mar - 19</u>	<u>Apr - 19</u>	<u>May - 19</u>	<u>Jun - 19</u>
Budgeted (MTD)	569,824.00	854,736.00	569,824.00	569,824.00	569,824.00	569,824.00	569,824.00	569,824.00	854,736.00	569,824.00	569,824.00	569,824.00
Actual (MTD)	697,154.00	533,729.00	955,290.00									
Budgeted (YTD)	569,824.00	1,424,560.00	1,994,384.00									
Actual (YTD)	697,154.00	1,230,883.00	2,186,173.00									
EXCESS INCOME vs. EXPENDITURES	<u>Jul -18</u>	<u>Aug - 18</u>	<u>Sep - 18</u>	<u>Oct - 18</u>	<u>Nov - 18</u>	<u>Dec - 18</u>	<u>Jan - 19</u>	<u>Feb - 19</u>	<u>Mar - 19</u>	<u>Apr - 19</u>	<u>May - 19</u>	<u>Jun - 19</u>
Budgeted (MTD)	20,982.00	31,473.00	20,982.00	20,982.00	20,982.00	20,982.00	20,982.00	20,982.00	31,473.00	20,982.00	20,982.00	20,982.00
Actual (MTD)	-117,151.00	244,988.00	-85,985.00									
Budgeted (YTD)	20,982.00	52,455.00	73,437.00									
Actual (YTD)	-117,151.00	127,837.00	41,852.00									
FISCAL YEAR 2017-2018	<u>**Jul -17**</u>	<u>Aug - 17</u>	<u>Sep - 17**</u>	<u>**Oct - 17**</u>	<u>Nov - 17</u>	<u>Dec - 17</u>	<u>**Jan - 18**</u>	<u>Feb - 18</u>	<u>Mar - 18**</u>	<u>Apr - 18</u>	<u>**May - 18**</u>	<u>Jun - 18</u>
PLAN INCOME												
Budgeted (MTD)	583,812	583,812	875,718	583,812	583,812	583,812	583,812	583,812	875,718	583,812	583,812	583,812
Actual (MTD)	549,884	581,809	762,314	573,509	575,591	584,948	639,389	575,734	780,330	582,690	593,056	585,557
Budgeted (YTD)	583,812	1,167,624	2,043,342	2,627,154	3,210,966	3,794,778	4,378,590	4,962,402	5,838,120	6,421,932	7,005,744	7,589,556
Actual (YTD)	549,884	1,131,693	1,894,007	2,467,516	3,043,107	3,628,055	4,267,444	4,843,178	5,623,508	6,206,198	6,799,254	7,384,811
PLAN CLAIMS/ADMIN COSTS	<u>**Jul -17**</u>	<u>Aug - 17</u>	<u>Sep - 17</u>	<u>**Oct - 17**</u>	<u>Nov - 17</u>	<u>Dec - 17</u>	<u>**Jan - 18**</u>	<u>Feb - 18</u>	<u>Mar - 18</u>	<u>Apr - 18</u>	<u>**May - 18**</u>	<u>Jun - 18</u>
Budgeted (MTD)	583,489	583,489	875,235	583,489	583,489	583,489	583,489	583,489	875,235	583,489	583,489	583,489
Actual (MTD)	570,148	531,432	564,791	564,182	535,313	709,157	594,992	427,810	594,358	566,711	655,998	551,006
Budgeted (YTD)	583,489	1,166,978	1,731,769	2,295,951	2,831,264	3,540,421	4,135,413	4,563,223	5,157,581	5,724,292	6,380,290	6,931,296
Actual (YTD)	570,148	1,101,580	1,666,371	2,230,553	2,765,866	3,475,023	4,070,015	4,497,825	5,092,183	5,658,894	6,314,892	6,865,898
EXCESS INCOME vs. EXPENDITURES	<u>**Jul -17**</u>	<u>Aug - 17</u>	<u>Sep - 17</u>	<u>**Oct - 17**</u>	<u>Nov - 17</u>	<u>Dec - 17</u>	<u>**Jan - 18**</u>	<u>Feb - 18</u>	<u>Mar - 18</u>	<u>Apr - 18</u>	<u>**May - 18**</u>	<u>Jun - 18</u>
Budgeted (MTD)	323	323	483	323	323	323	323	323	483	323	323	323
Actual (MTD)	-20,264	50,377	197,523	9,327	40,278	-124,209	44,397	147,924	185,972	15,979	-62,942	34,551
Budgeted (YTD)	323	646	311,573	331,203	379,702	254,357	243,177	399,179	680,539	697,640	625,454	658,260
Actual (YTD)	-20,264	30,113	227,636	236,963	277,241	153,032	197,429	345,353	531,325	547,304	484,362	518,913

Sept. 3/FY 2019: \$2,247,629

Sept. 3/FY 2018: \$2,145,248

Sept. 3/FY 2017: \$1,830,366

Sept., 3/FY 2016: \$1,889,039

AUGUST AND MARCH HAVE 3 PAYROLLS

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



The City Of Midwest City
Neighborhood Services Department
Neighborhoods In Action • Code Enforcement • Neighborhood Initiative

MEMO

To: Tim Lyon, Assistant City Manager

From: Mike S. Stroh, Neighborhood Services Director

Date: October 23, 2018

Subject: Monthly Neighborhood Services report for September 2018

In September 2018, the Code Enforcement Division had 6 officers for the month and the 3 Neighborhood Initiative Coordinators working in the mornings. The Coordinators were only clearing cases. They opened 804 new cases, cleared 838 cases, contracted 122 properties, and wrote 23 new citations. This makes 7,029 cases for the year and we currently have 639 open cases.

Here is a breakdown of all the violations worked for the month.

	September 2017	Total 2017	September 2018	Total 2018
Tall Grass & Weeds	179	1,297	370	2,368
Rubbish	31	546	47	644
Trash & Debris	85	1,133	123	1,414
Other Nuisance	85	1,383	177	1,114
Structures	15	643	47	777
Vehicles	25	283	37	457

This shows a comparison between 2017 and 2018 of the total cases worked by each ward.

	September 2017	Total 2017	September 2018	Total 2018
Ward 1	111	1,485	227	2,308
Ward 2	67	932	93	744
Ward 3	83	880	170	1,203
Ward 4	19	612	85	599
Ward 5	117	966	92	1,362
Ward 6	28	369	137	815

For the total in the Tall Grass & Weeds we only count the one notice type.

For the total in the Rubbish we only count the one notice type.

For the total in the Trash & Debris we only count the one notice type.

For the total in the Other Nuisance we count thirty-three notice types;
Alcoholic Beverages, Assistance to Another Officer, Beer License, Coin Amusement Devices, Collection/Donation Boxes-Debris, Collection/Donation Boxes-Maintenance, Collection/Donation Boxes-Registered, Computer Work, Courtesy Notice, Family Amusement License, Garage Sale-Permit Required, Graffiti, Health License, Litter, Misc. Violation, Nuisance Yard, Personal Storage Units (Commercial), Personal Storage Units (Residential), PM-Sewer, PM-Utilities Required-Water, Polycarts, Pool and Billiard Halls, Sight Triangle, Solicitor-Permit Required, Sports Equipment, Temporary Signs, Thank You Cards, Trim Trees, Utilities Required-Sanitation, Zoning-Group Residential, Zoning-Merchandise For Sale, and Zoning-C-3.

For the total in the Structures we count thirteen notice types;
Address Numbers, PM-Accessory Structure, PM-Blighting Influence, PM-Boarded Dwellings, PM-Condemned Structure, PM-Exterior Paint, PM-Garage Doors, PM-General Exterior, PM-Open and Unsecure, PM-Roofs & Drainage, PM-Stairways and Porches, PM-Swimming Pools, Spas & Hot Tubs, PM-Vacant (Dilapidated) Structures, and PM-Windows and Glazing.

For the total in the Vehicle we count six notice types;
Commercial Soft Surface, Handicap Parking Violation, Inoperative Vehicle, Parking in Fire Lane, Parking or Storing Commercial Vehicles, and Soft Surface Parking.

Mike S. Stroh

Mike S. Stroh, Neighborhood Services Director



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

MEMORANDUM

TO: Honorable Mayor and Council

FROM: Robert Coleman, Director of Economic Development

DATE: October 23, 2018

RE: Discussion and consideration of approving the First Amendment to the Sooner Rose Phase III Development Financing Assistance Agreement with Allison's Fun, Inc.

Allison's Fun on April 24th entered into an agreement with the City/Authority to develop a 25,000 square foot entertainment center on 3.04 acres along Crosby Boulevard. On or about August 1st, unbeknownst to Staff Allison's transferred the contract to the responsibility of a new entity, Fun Park MWC Land Development, L.L.C. ("Fun Park").

Mr. Kyle Allison said the U.S. Small Business Administration is requesting a letter from the Authority acknowledging and approving the reassignment of these rights. Section 10.1 of the DFAA allowed Allison's to reassign the contract to an entity owned or controlled by Allison's without additional approval of the Midwest City Memorial Hospital Authority ("Authority"), but the City Attorney feels Fun Park is an entirely new company that is NOT under control of Allison's Fun.

The attached SR3 Entertainment DFAA 1st Amendment sets to formally acknowledge the reassignment by all parties. Approval of same will allow Fun Park to move forward with processing its loan with hopes of closing immediately and commencing construction shortly thereafter.

Staff recommends approval.

Robert Coleman
Director of Economic Development

Attachment: 1st Amendment

STATE OF OKLAHOMA

**SOONER ROSE PHASE III – ENTERTAINMENT
FIRST AMENDMENT TO DEVELOPMENT
FINANCING ASSISTANCE AGREEMENT**

COUNTY OF OKLAHOMA

THIS SOONER ROSE PHASE III – ENTERTAINMENT FIRST AMENDMENT TO DEVELOPMENT FINANCING ASSISTANCE AGREEMENT (this “Amendment”) is entered into as of the ____ day of October, 2018 (the “Effective Date”), by and between the Midwest City Memorial Hospital Authority, an Oklahoma public trust (the “Authority”), the City of Midwest City, Oklahoma, a municipal corporation of the State of Oklahoma (the “City”), and Allison’s Fun Incorporated (“Allison’s”), an Oklahoma corporation, and Fun Park MWC Land Development (“Fun Park”), an Oklahoma limited liability corporation.

RECITALS

WHEREAS, the Authority, City and Allison’s entered into that certain Sooner Rose III – Entertainment Development Financing Assistance Agreement, dated April 24, 2018 (the “Entertainment DFAA”), associated with the redevelopment and gentrification of an approximate 3.04-acre parcel of property located immediately adjacent to the third phase of the Sooner Rose Shopping Center located at the northeast quadrant of the intersection of Southeast 15th Street and Buena Vista Avenue, defined as the “Entertainment Property” in the Entertainment DFAA; and

WHEREAS, pursuant to the Entertainment DFAA, Allison’s intended to acquire the Entertainment Property from the Authority to develop the Project, as defined in the Entertainment DFAA; and

WHEREAS, Allison’s requests to transfer and reassign its obligations, liabilities, rights, title and interests to Fun Park, and the Authority agrees to accept this transfer as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Recitals.** The Recitals set forth above are true and correct and are hereby incorporated by reference.
2. **Fun Park’s Obligations.** Fun Park assumes all obligations, liabilities, rights, title and interests as outlined in the April 24, 2018 Sooner Rose III Entertainment Development Finance Assistance Agreement.
3. **Authority’s Obligation.** The Authority formally recognizes and accepts Fun Park as the new assignee.
4. **No Further Amendments.** Except as otherwise provided herein, the Entertainment DFAA shall remain in full force and effect.

[REAMINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

Approved and agreed to by the Authority on the Effective Date.

ATTEST:

Sara Hancock, Secretary

**MIDWEST CITY MEMORIAL HOSPITAL
AUTHORITY**, a public trust

Matthew D. Dukes, II, Chairman

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

Heather M. Poole, Attorney for the Authority

Approved and agreed to by Allison's on the Effective Date.

Allison's Fun, an Oklahoma corporation

By: _____
Russell Allison, President

Approved and agreed to by Fun Park on the Effective Date.

Fun Park MWC Land Development, an
Oklahoma limited liability corporation

By: _____
Kyle Allison, President

Approved and agreed to by the City on the Effective Date.

ATTEST:

Sara Hancock, City Clerk

CITY OF MIDWEST CITY, OKLAHOMA, a
municipal corporation of the State of Oklahoma

Matthew D. Dukes II, Mayor

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

Heather M. Poole, City Attorney



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 23rd, 2018

Subject: Discussion and consideration of accepting a Permanent Utility Easement for the construction of a public water main extension located at and across 9721 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 Crest Baptist Church, 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

corporation, a/k/a Southeast Twenty Ninth Street Baptist Church, to me known to be the identical

person(s) who executed the within and foregoing instrument and acknowledged to me that

Gary Stevens, Ken Rice & Chuck Proence,

_____ 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 the

free and voluntary act and deed of Crest Baptist Church, an Oklahoma non profit corporation,

a/k/a Southeast Twenty Ninth Street Baptist Church.

WITNESS, my hand and seal this 10th day of September, 2018

My Commission expires: 2/5/2020


NOTARY PUBLIC

Approved by City Attorney _____ Date: _____

Approved by City Council _____ Date: _____

RETURN TO: City Clerk 100 N Midwest Boulevard Midwest City OK 73110

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) Southside Addition to Marion Oklahoma being more fully described as:

Beginning at point 1000 feet east and 13 feet north of the of Southwest Corner of said Block Two (2); thence north and parallel with the west line of said Marion Addition a distance of 19 feet; thence east and parallel with the south line of said Marion Addition a distance of 228 feet; thence south and parallel with said west line a distance of 19 feet; thence west and parallel with said south line to the point or place of beginning.



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

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ryan Rushing, Information Technology Director

DATE: October 23, 2018

SUBJECT: 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.

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

Staff recommends approval

Ryan Rushing, Information Technology Director

CPU			
INVENT #	MIS#	MANUFACTOR	SERIAL NUMBERS
	2463	Lenovo	ES12893469
	959	Dell Optiplex 3010	65GNBZ1
	958	Dell Optiplex 3010	BLGQBZ1
	946	Dell Optiplex 3010	4GVZHX1
	795	Dell Optiplex 390	F267ZV1
	773	Dell Optiplex 390	4HGV5V1
	583	Dell Optiplex 960	4R16PJ1
MONITORS			
INVENT #	MIS #	MANUFACTURE	SERIAL NUMBERS
	514	Dell	CN-06H6FX-74445-217-549L
	391	Dell	CN-0U853F-72872-96M-1471
	564	Dell	CN-06H6FX-74445-251-C85M
MISCELLANEOUS			
Quantity	MIS #	Hardware Type	Serial Number
1		Cisco 6500	800-25233-06 BQ
1	817	GD 6000	ZZSJC1209ZZ0021
4		Allworx Phone (Bad)	N/A
1		CyberPower UPS	BAD
6		APC UPS	bad



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 23, 2018

Subject: (PC – 1971) Discussion and consideration of approval of the Final Plat of Nider Addition described as a part of the SE/4 of Section 31, T12N, R1W, addressed as 10712 NE 4th Street.

Executive Summary: This item is a request to approve a final plat to subdivide a single parcel into three (3) individual parcels for single family development. The preliminary plat was approved in August 2018. As this application meets the requirements of the Subdivision Regulations and is consistent with the approved preliminary plat, staff recommends approval of the Nider Addition Final Plat.



Dates of Hearing:

Planning Commission –
October 2, 2018

City Council – October
23, 2018

Council Ward: Ward 3,
Española Bowen

Owner/Applicant:
Charles and Susan Nider

Engineer: Ross Morris

Proposed Use: Three
(3) single family
residential lots

Size:

The area of request has a

frontage along NE 4th Street of approximately 240 ft. and a depth of approximately 175 ft, containing an area of approximately .96 acres.

Zoning Districts:

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

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

Land Use:

Area of Request – site of one single family residence

North, South, East and West – single family residences

Municipal Code Citation:

38-19 Final Plat

38-18.1. *Purpose*

The purpose of a Final Plat is to ensure consistency with standards of the Subdivision Ordinance pertaining to the adequacy of public facilities, provide for public improvements to serve the subdivision and that all other requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

History:

1. This area has been zoned single-family residential since the adoption of the 1985 zoning code and has never been platted.
2. The Nider Addition Preliminary Plat was approved on August 28, 2018.
3. The Planning Commission recommended approval of this item October 2, 2018.

Engineer's Comments:

Public Improvements

The Subdivision Regulations pertaining to this application require the applicant complete the installation of the required public improvements or provide the City a letter of credit / surety bond covering the installation's costs.

The applicant requested a waiver to the street and sidewalk improvements associated with this development. The waiver was granted, therefore there are no improvements associated with this application.

Drainage across the property will be minimally impacted with the addition of the one residential lot to the area of request. The property will still utilize the bar ditch along N.E. 4th Street and overland flow to drain the property. No public drainage improvements were required with this application.

Easements and Right-of-Way

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

Fire Marshal's Comments:

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

October 23, 2018

Staff Comments:

The purpose of this final plat is to split the existing .96 acre lot into three (3) individual lots for single family residential development. The proposed lots will have frontage along NE 4th Street.

All of the proposed lots are approximately 14,000 square feet in area.

The City Council approved the waiver to the requirement of half street and sidewalk improvements. There being no other public improvements necessary, the applicant was able to submit this application for the Nider Addition Final Plat.

As noted in the preliminary plat report, the Park Land Review Committee voted to approve the request by the applicant to pay a fee in lieu of a park land dedication. Staff and the applicant agreed upon a value of the land which was used to calculate the required fee which was \$148.06. The applicant submitted that fee with the final plat application.

The Final Plat as submitted is consistent with the approved Preliminary Plat and does meet the requirements of the Subdivision Regulations. Staff recommends approval.

Action Required: Approve or reject the final plat of the Nider Addition located on the property as noted herein, subject to the staff comments and found in the October 23, 2018 agenda packet and made a part of PC- 1971 file.

A handwritten signature in black ink, appearing to read "Billy Harless", written in a cursive style.

Billy Harless, AICP
Community Development Director

KG



The City of
MIDWEST CITY
 COMMUNITY DEVELOPMENT DEPARTMENT
 ENGINEERING DIVISION

Applicant: _____
 Phone Number: _____
 Address: NIDER ADOTTION

Final Plat Requirements/Checklist - Engineering

PC-1971

The final plat shall be accompanied by a statement signed by the registered engineer preparing the plat that he has, to the best of his ability, designed the subdivision in accordance with the latest subdivision regulations and in accordance with the ordinances and regulations governing the subdivision of land.

38-19	Items to accompany the Final Plat	
38-19.3	The applicant shall furnish with the application to the city a current title commitment identifying all person having an ownership interest in the property subject to the final plat and the final plat shall be signed by each owner effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the final plat.	✓
38-19.4 38-19.9(a)(1)	The final plat and all accompanying data shall conform to the approved preliminary plat or as the preliminary plat may have been subsequently amended. See section 38-18.10 for amending preliminary plat following approval.	✓
38-19.9(a)(2)	All conditions imposed at the time of approval of the preliminary plat, as applicable, have been satisfied.	✓
38-19.9(a)(3)	The construction plans conform to the requirements of section 38-27 and have been approved by the city engineer.	N/A
38-19.9(a)(4)	Where public improvements have been installed, the improvements conform to the approved construction plans and have been approved for acceptance by the city engineer.	N/A
38-19.9(a)(5)	The final layout of the subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance.	✓
38-19.9(a)(6)	The final plat conforms to design requirements and construction standards as set forth in the Engineering Standards Manual and construction details.	✓
38-19.9(a)(7)	The final plat conforms to the director of community development's subdivision application checklist, which will include a site development plan.	N/A
38-19.5(a)(1) 38-31.4(b)	A final inspection has been done after the completion of all improvements.	N/A
38-19.5(a)(1) 38-31.4(c)	Letter of final acceptance from City Engineer notifying the applicant of the city's intended acceptance contingent on the approval of the final plat.	N/A
38-19.5(b) 38-65.151	Record drawings (as-builts) of all installed or constructed improvements of a development.	N/A
Administrative 38-19.9(a)(7) 38-19.10(a)(2)(c)	A digital copy of the as-builts	N/A
38-19.5(c) 38-31.6	Maintenance bond as required by City Engineer (10% of improvement cost, 1 year for utilities, 2 years for drainage, 5 years for streets and drainage under streets)	N/A



The City of
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 COMMUNITY DEVELOPMENT DEPARTMENT
 ENGINEERING DIVISION

38-19	Final Plat	
Administrative 38-19.9(a)(7) 38-19.10(a)(2)(c)	A digital copy of the final plat	✓
Administrative 38-19.9(a)(7)	North arrow, scale, date, and site location map	✓
Administrative 38-19.9(a)(7)	The total number of lots	✓
Administrative 38-19.9(a)(7)	The total area of development	✓
Administrative 38-19.9(a)(7)	The location of proposed lots, areas in Acres and Square Feet, and dimensions.	✓
Administrative 38-19.9(a)(7)	The location of property lines, existing and proposed easements, and retaining wall easements	✓
Administrative 38-19.9(a)(7)	The location, width, and name of all existing or platted streets or other public ways (i.e. railroad and state-owned) within or immediately adjacent to the tract.	✓
Administrative 38-19.9(a)(7)	The legal metes and bounds of the property being developed.	✓
Administrative 38-19.9(a)(7)	The street layout and right of ways including bike trails, horse trails, or other supplementary movement systems.	✓
38-19.9(a)(7) 38-45.4(c)	All existing arterial streets and such collector and local streets as may be necessary for convenience of traffic circulation and emergency ingress and egress.	✓
Engineering Comments and Recommendations:		
Associated Departments (Fire, Stormwater, and Utilities) Comments and Recommendations:		



The City of
MIDWEST CITY
 COMMUNITY DEVELOPMENT DEPARTMENT
 CURRENT PLANNING DIVISION

Applicant: Nider Addition
 Phone Number: _____
 Address: _____

Final Plat Requirements/Checklist – Planning

38-48.7(B)(1)	Limits-of-No-Access	
38-48.7(B)(1)	Where access to arterial streets has been limited by the Planning Commission, a "Limits-of-No-Access" note shall be placed on the final plat.	<u>NONE</u>
38-49.3(E)	City review and approval of plans for amenities shall be required prior to issuance of a Letter of Final Acceptance for the subdivision improvements.	<u>NO amenities</u>
38-50.3	HOA Establishment Procedures	<u>Sect. 38-50.2 HOA NOT required as subdivision doesn't contain any of the following elements:</u>
38-50.3(A)(1)	The declaration, covenants and other necessary documents establishing the HOA shall be submitted to the City for review by the City Attorney for conformance with this and other applicable ordinances prior to submission of the final plat and prior to issuance of a Letter of Final Acceptance for the development.	<u>Amenity</u>
38-50.3(A)(2)	HOA documents should include descriptions of any amenities, Private Streets, stub streets, thoroughfare screening, 100-year Floodplains or tributaries, and other areas for which the HOA is responsible for maintenance and shall outline the organization of the HOA.	<u>100-yr Floodplain</u>
38-50.3(B)(1)	All HOA documents shall be reviewed by the City Attorney prior to recordation of the final plat.	<u>Private Street</u>
38-50.3(B)(2)	The Applicant shall reimburse the City for all related legal costs, as established by the City Clerk's Office for review of the HOA documents.	<u>Thoroughfare screening</u>
38-50.3(B)(3)	This reimbursement shall be paid in full prior to recordation of the final plat.	<u>Detention/Retention pond</u>
38-50.3(C)(1)	All HOA documents shall be recorded at the County prior to the recordation of the final plat.	<u>Private Park</u>
38-50.3(C)(2)	Two copies of the recorded documents shall be submitted to the Director of Community Development for City records within five days following recordation.	
38-50.3(D)	An additional phase to an existing subdivision is not required to establish a separate and distinct HOA provided that:	
38-50.3(D)(1)	The existing recorded HOA documents are amended to incorporate the area of the new subdivision phase and to adopt the responsibility of its amenities, Private Streets, 100-year Floodplains and tributaries, thoroughfare screening, and other areas for which the HOA is responsible for maintenance.	
38-50.3(D)(2)	The Applicant shall provide a draft of the amended covenants to the City Attorney for review prior to the recordation of the plat.	
38-50.5	General HOA Governance and Requirements – The following shall be set forth in the HOA documents:	



The City of
MIDWEST CITY
 COMMUNITY DEVELOPMENT DEPARTMENT
 CURRENT PLANNING DIVISION

38-50.5(A)(1)	A statement that membership in the HOA is mandatory for all owners of property within the subdivision;	NA
38-50.5(A)(2)	A listing of all required maintenance responsibilities and, where possible, the lot number(s), legal descriptions, street name(s), etc. as shown on the approved plat for areas to be the responsibility of the HOA;	A vertical blue line with a checkmark at the bottom.
38-50.5(A)(3)	By-laws related to the governance of the HOA;	
38-50.5(A)(4)	Covenants for maintenance assessments, which shall run with the land;	
38-50.5(A)(5)	Responsibility for liability insurance and local taxes;	
38-50.5(A)(6)	Statement that the authority for enforcement of HOA rules and regulations is solely the responsibility of the HOA and is not the responsibility of the City;	
38-50.5(A)(7)	Authority for the HOA to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, increase dues, charge special assessments and to place liens against property for failing to pay dues and assessments;	
38-50.5(A)(8)	Provision that no amendment of the HOA documents relating to maintenance of amenities, private streets, 100-year Floodplains or tributaries, thoroughfare screening any other HOA-maintained area or facility, or related reserve funds shall occur without prior City approval;	
38-50.5(A)(9)	Written release of liability for maintenance to benefit the City, written indemnification of the City outlining that under no circumstances shall the City be liable to the HOA or any property owner or their respective heirs, executors, administrators, devisees, personal representatives, successors or assigns for any damages, injuries (including death) and/or liability resulting from any amenity on the private streets, within or adjacent to any 100-year Floodplain or tributary associated with any thoroughfare screening or common landscaping, or from any other HOA-owned and maintained area or facility;	
38-50.5(A)(10)	Written assurance of funds based on an accredited cost projection analysis within a specific reserve account of the HOA for the maintenance and removal of amenities as determined by the City;	
38-50.5(A)(11)	Written consent giving the City the authority to take the actions for violations as set forth in the Subdivision Code.	
38-50.5(A)(12)	Other city requirements as applicable.	
38-50.6	HOA Development Regulations shall comply with the following regulations:	
38-50.6(A)	HOA documents shall not overrule the landscaping or other provisions of the Zoning Ordinance by penalizing or restricting water conserving landscapes, or by requiring landscape materials that do not comply with Zoning landscape requirements;	
38-50.6(B)(1)	Where amenities are proposed in conjunction with a development, the Applicant shall comply with the regulations for amenities in the Subdivision Regulations.	



The City of
MIDWEST CITY
 COMMUNITY DEVELOPMENT DEPARTMENT
 CURRENT PLANNING DIVISION

38-50.6(B)(2)	All developments that require the provision of common open space shall submit covenants to maintain open space recreational areas and other commonly owned facilities for review with the final plat application.	NA
38-50.6(C)	For single-family and two-family residential developments, the 100-year Floodplain may be owned and maintained by and HOA. The final plat shall reflect and the HOA's documents shall provide:	
38-50.6(C)(1)	City access for emergency vehicles, equipment and personnel, and for the improvement and maintenance of the 100-year Floodplain in the event they are not being properly maintained and;	
38-50.6(C)(2)	The HOA shall reimburse the City for all costs incurred by the City for maintenance.	
38-50.6(D)(1)	The HOA shall own and be responsible for the maintenance of Private Streets and appurtenances and shall provide for payment of dues and assessments required to maintain the Private Streets and appurtenances.	
38-50.6(D)(2)	The HOA documents shall state that if Private Streets are converted to public streets, the reserve fund shall become the property of the City.	
38-50.6(D)(3)	The HOA's documents shall specify the following:	
38-50.6(D)(3)(a)	That the streets within the development are private, that they are owned and maintained by the HOA, and that the City has no obligation to maintain, repair or reconstruct the private streets.	
38-50.6(D)(3)(b)	A statement that the City may, but is not obligated to, inspect private streets and require repairs necessary to insure that the same are maintained to City standards.	
38-50.6(D)(3)(c)	A statement that the HOA may not be dissolved without prior written consent of the City Council, which consent shall not be withheld by the City if it determines that an adequate reserve fund exists and the streets and alleys are in satisfactory condition as determined by the City.	
38-50.6(D)(4)	The HOA's documents shall note that certain City services may not be provided in Private Street developments.	
38-50.6(D)(4)(a)	The services that may not be provided include, but are not limited to: police enforcement of traffic and parking ordinances and preparation of accident reports.	
38-50.6(D)(5)	The HOA's documents shall contain a provision that requires the HOA to provide unrestricted access to emergency vehicles, utility personnel, the U.S. Postal Service and governmental employees, agents or representatives in the performance of their official duties. All access gates shall be designed and constructed in accordance with emergency access design standards.	
38-50.6(E)(1)	The HOA shall own and be responsible for the maintenance of all required screening walls and fences, landscaping, landscape edges and landscape irrigation systems and shall provide for payment of dues and assessments required to maintain such improvements.	
38-50.6(E)(2)	The HOA documents shall state that the City has no obligation to maintain or reconstruct the screening walls and fences, landscaping, landscape edges and irrigation systems in the event of damage to such improvements.	
38-50.6(E)(3)	The HOA documents shall state that the City may but is not obligated to inspect screening walls and fences, landscaping, landscape edges and	



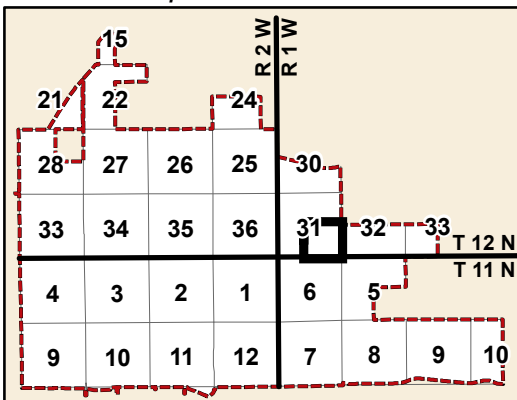
The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT
CURRENT PLANNING DIVISION

	landscape irrigation systems and that the City may require maintenance and repairs necessary to ensure that such improvements are maintained to City standards.	NA
38-52.5	Minimum Park Improvements	
38-52.5(A)	Neighborhood and linear parks shall be improved by the developer prior to a Letter of Final Acceptance being issued by the City.	NA
38-52.7	Completion of Land Dedication and Improvements	
38-52.7(A)	Park land shall be dedicated to the City concurrently with the filing of an approved Final Plat or Replat.	NA
38-52.7(B)	All improvements, if applicable, shall be completed prior to approval of the Final Plat or Replat.	
38-53.7(B)	Tree Mitigation Plan	
38-53.7(I)	Replacement trees shall be planted prior to the approval of a Final Plat and shall be installed using best management practices.	NA < 5 acres

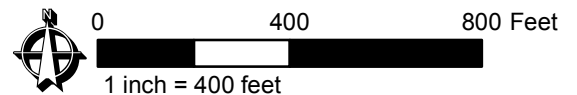
Additional Notes:



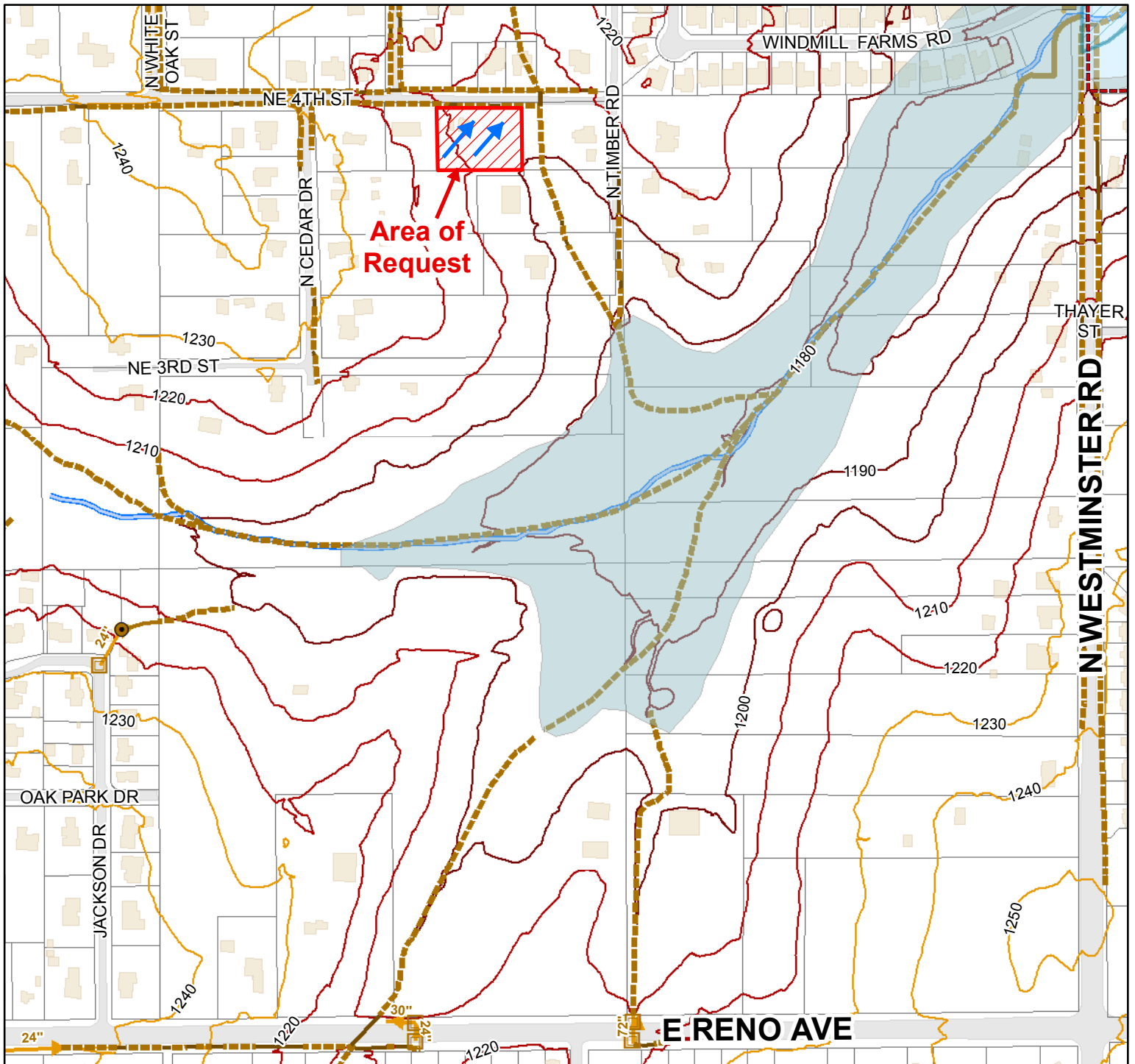
Locator Map



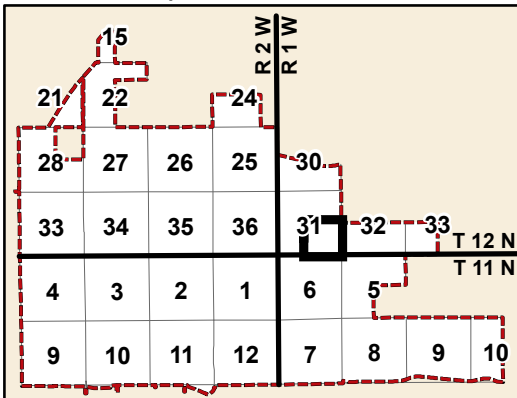
2017 DOP (AERIAL) VIEW FOR PC-1971 (SE/4, Sec. 31, T12N, R1W)



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Locator Map



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

2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway

**DRAINAGE
LOCATION MAP FOR
PC-1971**

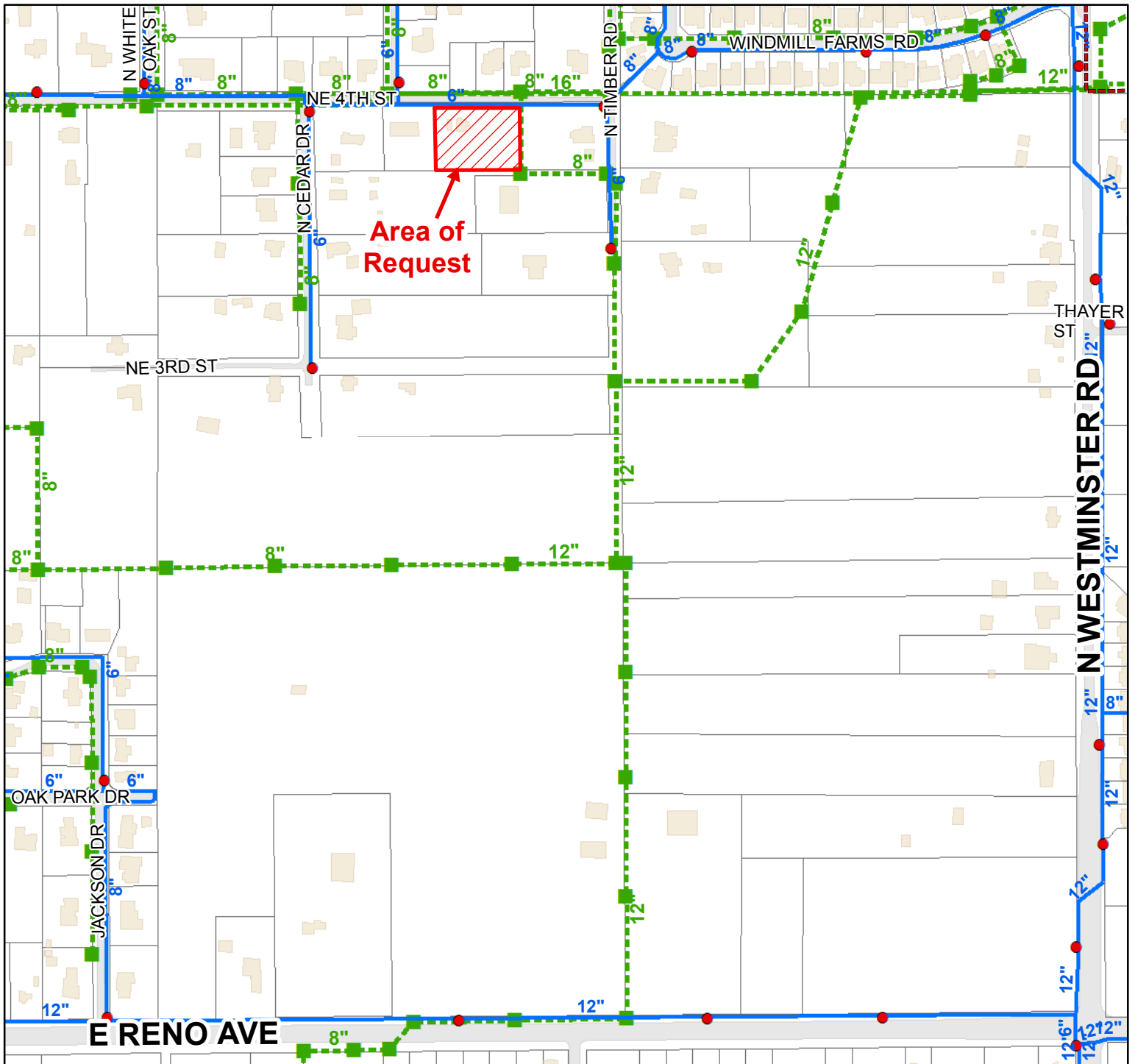
(SE/4, Sec. 31, T12N, R1W)



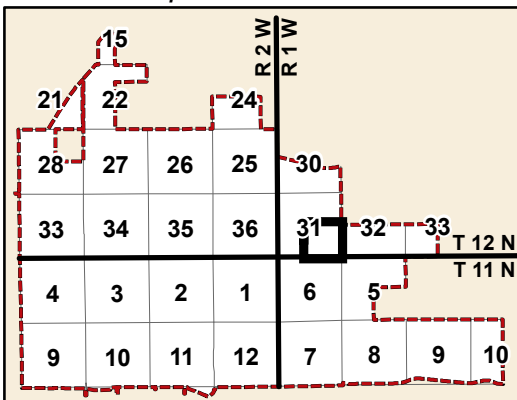
0 400 800 Feet

1 inch = 400 feet

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Locator Map



Water/Sewer Legend

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

**WATER/SEWER LINE
LOCATION MAP FOR
PC-1971
(SE/4, Sec. 31, T12N, R1W)**



0 400 800 Feet

1 inch = 400 feet

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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
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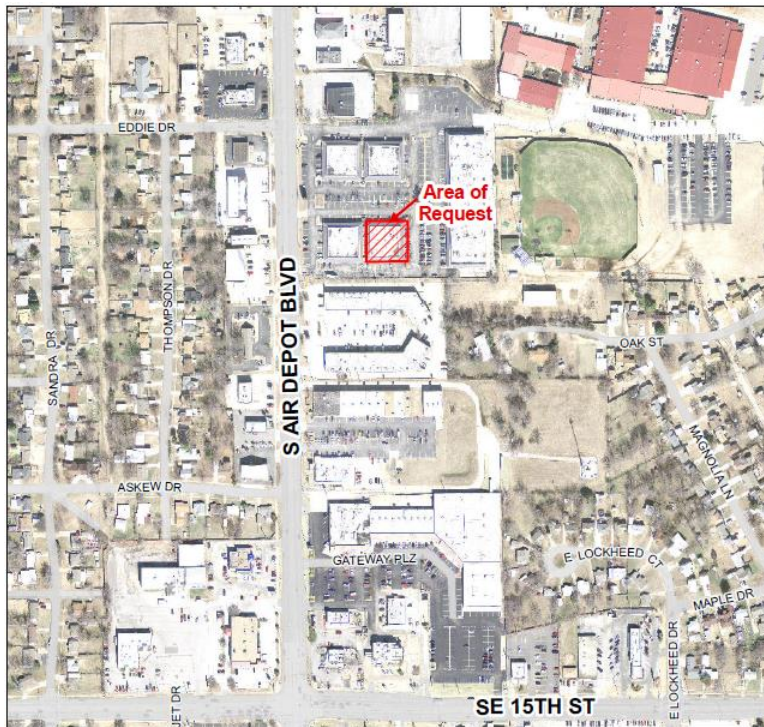
TO: Honorable Mayor and City Council

FROM: Billy Harless, Community Development Director

DATE: October 23, 2018

SUBJECT: (PC –1972) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 3 T-11-N, R-2-W, located at 1114 S. Air Depot, Suite 2.

Executive Summary: The Holiday Square Shopping Center is currently zoned C-3, Community Commercial. The current use located at 1114 S. Air Depot, Suite 2 within the shopping center is Los Vaqueros restaurant. This restaurant has had a City license to serve low-point beer, however, with the updates to Oklahoma State law and the Midwest City Zoning Ordinance, restaurants may no longer be licensed for only low-point beer. Staff reached out to the manager of Los Vaqueros and let him know that his current zoning would no longer allow him to sell beer at the restaurant when state law goes into effect on October 1, 2018. In order to continue to sell beer, the applicant must apply for a Special Use Permit to allow the use of eating establishment: sit-down, alcoholic beverages permitted. No other changes are proposed for the existing restaurant. Please



note, this Special Use Permit only applies to 1114 S. Air Depot, Suite 2, not the entire Holiday Square Shopping Center. If the restaurant expands to another suite or moves within the shopping center, another SUP will be required. 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 23, 2018

COUNCIL WARD: Ward 2, Pat Byrne

OWNER:

Mark Hyde, Manager of Hilltop Village, LLC

APPLICANT:

Alexis Velasco

PROPOSED USE:

Eating Establishment: Sit-Down, Alcoholic Beverages Permitted

DEVELOPMENT PROPOSED BY COMPREHENSIVE PLAN:

Area of Request – OR, Office Retail
North, South, East and West – OR, Office Retail

ZONING DISTRICTS:

Area of Request – C-3, Community Commercial
North, South, East and West – C-3, Community Commercial

LAND USE:

Area of Request – Los Vaqueros Mexican Restaurant
North – Department of Rehabilitation Services
South – Allstate office
East – Dance studio/Batting cages
West – Daycare

COMPREHENSIVE PLAN CITATION:

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

MUNICIPAL CODE CITATION:

2.20 Community Commercial

2.20.1. General Description

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

Business uses will most often be found in a wide variety of commercial structures, normally on individual sites with separate ingress, egress, and parking. Because of the varied uses permitted, it is important to be separated as much as possible visually and

physically from any nearby residential areas and to limit the harmful effects of increased traffic, noise, and general nonresidential activity which will be generated.

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

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 C-3, with the adoption of the 1985 Zoning Map and remains so designated on the 2010 Zoning Map.
2. The Planning Commission recommended approval of this item October 2, 2018.

STAFF COMMENTS:

Engineering Staff Comments:

No comments necessary as there are no proposed changes to the structure, land or utilities 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:

As noted in the Executive Summary, this Special Use Permit is required as state law and Midwest City Zoning Ordinance no longer recognize low-point beer licensing. This restaurant has served Midwest City residents and guests for many years. Management would like to continue to serve beer and possibly alcoholic beverages to patrons and in order to do so, this SUP is required.

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 business to continue to operate at the same or greater level than 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 C-3 zoning district regulations as it is located in a commercial shopping center and mostly surrounded by commercial uses.
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. The area of request is already zoned C-3 and the traffic generated from this use would likely not change much from the existing daily traffic.
5. Utility, drainage, parking, loading, signs, lighting access and other necessary public facilities are all existing and will not be affected by this proposed use.

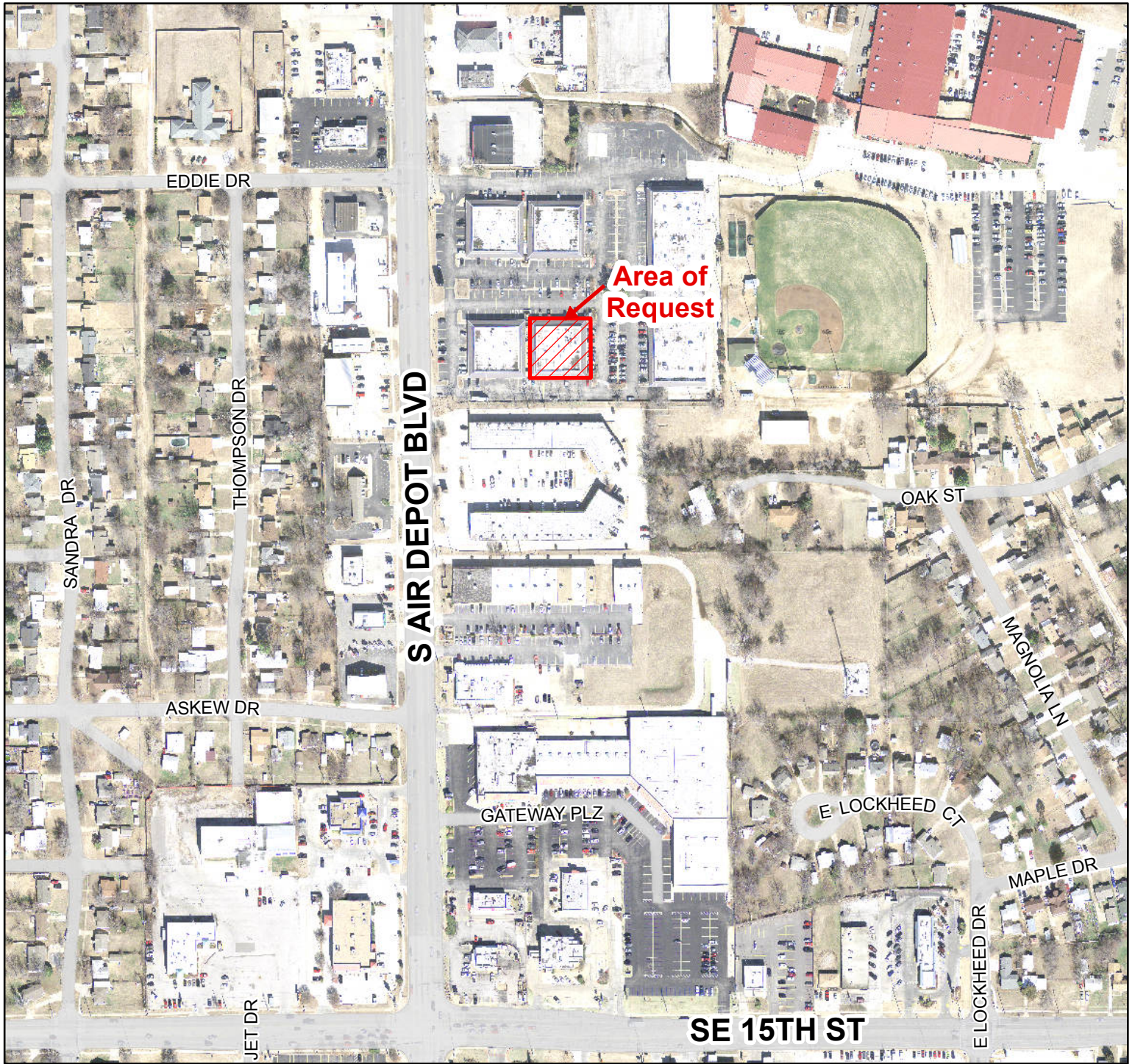
Based on the information above, staff recommends approval of this Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages Permitted at 1114 S. Air Depot Blvd., Suite 2.

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 23, 2018, agenda packet and made a part of PC- 1972 file.

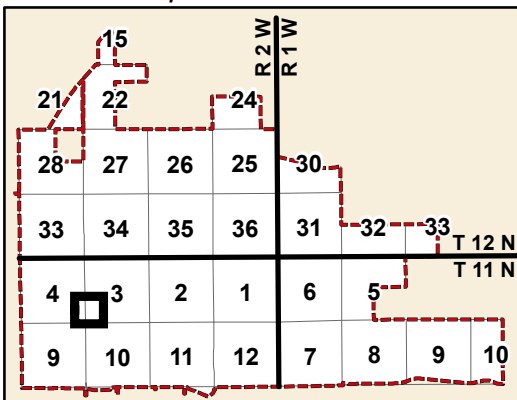
A handwritten signature in black ink, appearing to read "Billy Harless".

Billy Harless, AICP
Community Development Director

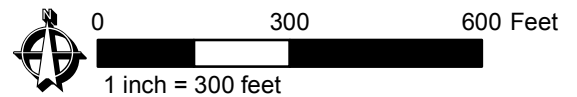
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Locator Map



2017 DOP (AERIAL) VIEW FOR PC-1972 (SW/4, Sec. 3, T11N, R2W)



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2 **RESOLUTION NO. _____**

3 **A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW EATING ES-**
4 **TABLISHMENT: SIT-DOWN, ALCOHOLIC BEVERAGES PERMITTED AND DIRECT-**
5 **ING AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP TO REFLECT**
6 **THE RECLASSIFICATION OF THE PROPERTY’S ZONING DISTRICT; AND**
7 **PROVIDING FOR REPEALER AND SEVERABILITY**

8 **WHEREAS**, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described
9 property with a classification of **C-3, Community Commercial**:

10 A part of the SW/4 of Section 3, T-11-N, R-2-W, located at 1114 S. Air Depot Blvd.
11 Suite 2, Midwest City, OK.

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

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

16 That the above described property located in Midwest City, Oklahoma be and is
17 hereby granted a Special Use Permit to allow the use of **Eating Establishment: Sit-**
18 **Down, Alcoholic Beverages Permitted.**

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

21 **THE CITY OF MIDWEST CITY, OKLA-**
22 **HOMA**

23 _____
24 **MATTHEW D. DUKES III, Mayor**

25 **ATTEST:**

26 _____
27 **SARA HANCOCK, City Clerk**

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

29 _____
30 **Heather Poole, Interim City Attorney**



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

Billy Harless, Community Development Director

ENGINEERING DIVISION
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Julie Shannon, Comprehensive Planner
BUILDING INSPECTION DIVISION
Building Official
GIS DIVISION
Kathy Spivey, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: October 23, 2018

Subject: (PC – 1973) Public hearing with discussion and consideration of approval of an ordinance to rezone from R-6, Single Family Detached Residential to R-2F, Two Family Attached Residential and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to MDR, Medium Density Residential for the property described as Lot 9, of the Beach Acres Addition, addressed as 8707 NE 10th Street.

Executive Summary

This is a request to rezone a single parcel to R-2F, two-family residential, for the development of a single duplex structure. There are no City records that indicate that any structure has ever been built on this lot. The land was recently donated to the current owner, Changepointe Ministries with the intention of allowing the church to sell the lot. The current owners have had many prospective buyers but all have wanted to build a duplex on the lot. The owners are requesting this zoning change in order to build one (1) residential structure with two (2) dwelling units. No variances are requested to any part of the Zoning Ordinance. If this zoning is approved, the structure will be required to adhere to the required setbacks, coverage, exterior construction requirements along with all other regulations for the R-2F zoning district. In order to meet the lot size standards, the structure must front onto NE 10th Street, however, staff would recommend that access to the structure be from Beach Ave. Staff recommends approval.



Dates of Hearing: Planning
Commission – October 2, 2018 City
Council – October 23, 2018

Council Ward: Ward 5, Christine C.
Price Allen

Owner/Applicant: Changepointe
Ministries

Proposed Use: Duplex – One
structure, two dwelling units

Size:
The area of request has a frontage
along NE 10th St. of 80' and a depth
of 200', containing an area of approximately 16000 square feet, more or less.

Development Proposed by Comprehensive Plan:

Area of Request – LDR, Low Density Residential

North, South, East and West – LDR, Low Density Residential

Zoning Districts:

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

North, East and West – R-6, Single Family Detached Residential

South – R-6, Single Family Detached Residential with a Special Use Permit

Land Use:

Area of Request – vacant

North, East and West – single family residences

South – Fire Station

Comprehensive Plan Citation:

Medium Density Residential Land Use

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

Municipal Code Citation:

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

2.8.1 General Description

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

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

History:

1. The Beach Acres Addition was created in 1949.
2. This area was zoned single family residential with the adoption of the 1985 and the 2010 Zoning Ordinances.
3. The Planning Commission recommended approval of this item October 2, 2018.

Staff Comments

Fire Comments:

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

Engineering Comments:

Note: This application is for a residential rezoning of an existing residential lot. No engineering improvements are required with this application.

Water Supply and Distribution

A ten (10) inch public water main is located on the south side of N.E. 10th Street in the street right-of-way extending along the south side of the area of request. A six (6) inch public water main is located on the east side of Beach Avenue in the street right-of-way extending along the west side of the area of request

Extension of the water supply to serve this property is not required as outlined in Municipal Code 43-32.

Connection to the public water supply system for domestic service is a building permit requirement per Municipal Code 43-32 for all new buildings.

Sanitary Sewerage Collection and Disposal

An eight (8) inch public sewer main is located in a dedicated fifteen (15) foot public utility easement located along the east side of the area of request.

Public sanitary sewer line improvements are not required with this application.

Connection to the public sanitary sewer system for service is a building permit requirement per Municipal Code 43-109 for all new buildings.

Streets and Sidewalks

Access to the area of request is available from N.E. 10th Street and Beach Avenue. N.E. 10th Street is classified as a secondary arterial in the 2008 Comprehensive Plan. N.E. 10th Street is a four (4) lane, 52-foot wide, curbed, asphalt concrete roadway. Current code requires a total street right-of-way width of one hundred (100) feet for secondary arterials and presently, N.E. 10th Street has one hundred (100) feet of right-of-way adjacent to and parallel to the of the area of request. Beach Avenue is classified as a local road in the 2008 Comprehensive Plan. Beach Avenue is a two (2) lane, 26-foot wide, asphalt concrete roadway. Current code requires a total street right-of-way width of fifty (50) feet for local streets and presently, Beach Avenue has fifty (50) feet of right-of-way adjacent to and parallel to the of the area of request.

Right of way grants to the city are not required with this application.

Street improvements are not required with this application.

Sidewalk improvements are not required with this application.

Drainage and Flood Control, Wetlands, and Sediment Control

Drainage across the area of request is via overland flow from the north east to the south west. Currently, the area of request is undeveloped. None of the area of request is affected by flood zone AE (the 100-year floodplain) as shown on the effective Flood Insurance Rate map (FIRM) number 40109C0310H, dated December 12, 2009.

Underground drainage improvements and curb inlets are located along N.E. 10th Street and drain the lot to the west. The application will not have an impact on the adjacent properties with regards to drainage. Drainage and detention improvements are not required with this application.

All development on the proposed tracts must conform with the applicable requirements of Municipal Code Chapter 13, "Drainage and Flood Control."

Easements and Right-of-Way

No additional rights-of-way and/or easements are required with this application.

Planning Comments:

In recent months, several prospective buyers of this property have come to the Community Development office to inquire with staff about building a duplex or multiple duplexes on this lot. This lot is currently platted and is unable to be subdivided without variances. Each person who has inquired about splitting the lot was advised that because the lot is 80' in width, it cannot be split horizontally or vertically and still meet the area standard requirements for either the single-family or two-family residential districts. Staff has also advised those who have inquired about splitting the lot that staff would most likely not support variance request to the lot width or depth requirements.

The owners of the property met with staff on August 13 to discuss options for this lot. Staff explained to the owners as with the others who have inquired about the lot that it cannot be split without variances to the area standard requirements of the Zoning Ordinance. They stated that they are having trouble selling the lot for single-family residential development but they have had inquiries about two-family residential use. Staff pulled a copy of the plat and looked at the lot dimensions with the owners and if the lot remains as is there is enough room to build one duplex structure with two dwelling units. No variances to the area standards would be required but the property would need to be zoned from R-6, Single-Family Detached Residential to R-2F, Two-Family Attached Residential in order to build a duplex.

If approved, the future residential structure must front onto NE 10th as the required minimum lot depth in the R-2F district is 100'. Staff would recommend that no more than one driveway be allowed onto NE 10th. A driveway onto Beach would be allowed.

All other requirements of the zoning ordinance must be met including the exterior construction standards.

Staff recommends approval subject to the comments noted within this report.

Action Required: Approve or reject the ordinance to rezone to R2-F, Two Family Residential and the resolution to amend the Comprehensive Plan to MDR, Medium Density Residential for the property as noted herein, subject to the staff comments and recommendations as found in the October 23, 2018, agenda packet, and as noted in PC – 1973 file.



Billy Harless, AICP
Community Development Director
KG

From: drmarklallen <drmarklallen@yahoo.com>
To: Kellie Gilles <kgilles@MidwestCityOK.org>
Date: 9/17/2018 7:56 AM
Subject: Re: Lot 9, Beach Acres zoning variance request

Good morning Kellie, In reference to our recent phone conversation, I need to correct an error in my original email that you noticed. I previously stated our desire was to build 2 single houses. This is inaccurate. We would like to gain approval for a "single duplex" to be built on the lot. One structure. But a duplex. Please correct this in your records. I apologize for the inconvenience. Thank you.
Mark Allen

Sent from my Sprint Samsung Galaxy S7 edge.

----- Original message -----
From: Kellie Gilles <kgilles@MidwestCityOK.org> Date: 9/6/18 11:49 AM (GMT-06:00)
To: drmarklallen@yahoo.com Subject: Re: Lot 9, Beach Acres zoning variance request
Hi Mr. Allen,

I received the email and I will add it to the agenda item. Thank you for sending it.

Kellie Gilles
Current Planning Manager
City of Midwest City
405-739-1223

>>> drmarklallen <drmarklallen@yahoo.com> 9/6/2018 11:47 AM >>>

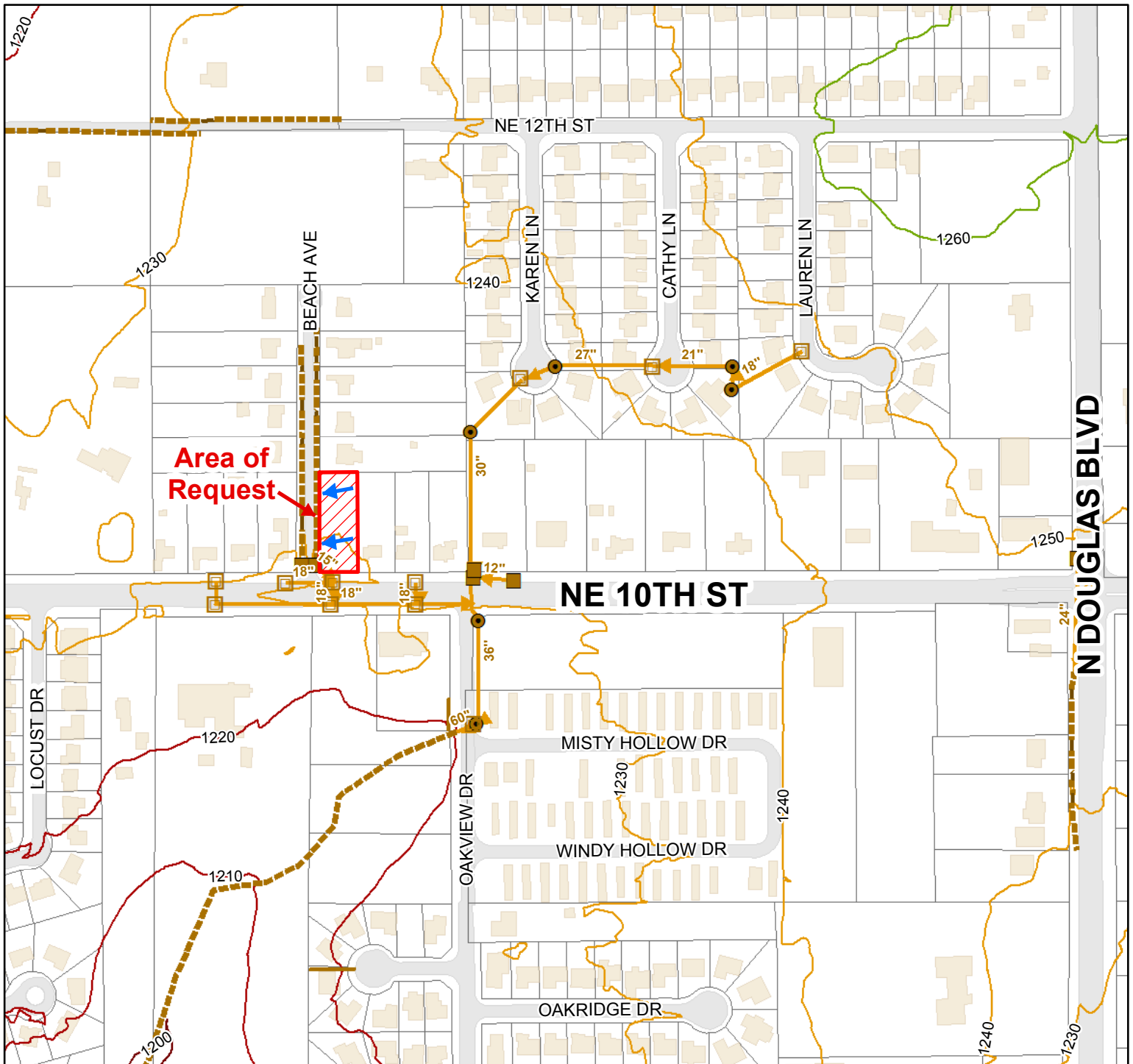
Good morning Kellie, Per our request to gain a zoning variance on Lot 9, Beach acres in Midwest City, you have asked that I share our experiences in attempting to sell the lot. First, Changeointe Ministries was donated this property. The former owners were long time friends, and wanted to give this property to assist us in accomplishing some other projects. Selling it was the original intention. It was not for Changeointe to develop it. After listing the lot for a significant discount from a recent appraisal to liquidate quickly, we received numerous calls. However, the majority of calls were from builders, developers, or investment groups wanting to build a duplex on the large, 80'x200' lot. Current zoning is for single family homes. Kellie, after meeting and talking with you, we found a way that there could be a workable solution. We would like for this to be considered, and allow someone to build 2 quality, new structures that would only increase property values, and create visually pleasing homes that would look much nicer than a vacant lot. Thank you for your time and consideration.

Sincerely,

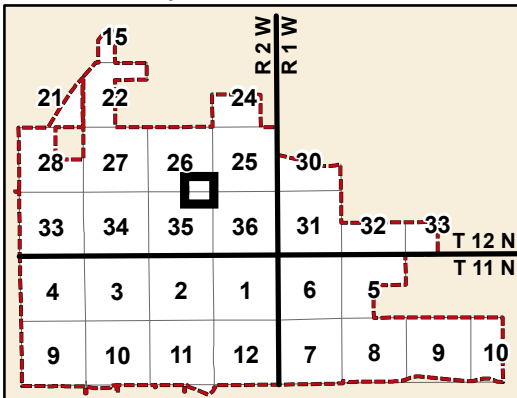
Dr. Mark L. Allen

P.S. Would you please send me a confirmation of receiving this email? Thanks.

Sent from my Sprint Samsung Galaxy S7 edge.



Locator Map



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

2009 FEMA Floodplains

- 500-yr floodplain
- 100-yr floodplain
- 2009 FEMA Floodway

**DRAINAGE
LOCATION MAP FOR
PC-1973**

(SE/4, Sec. 26, T12N, R2W)



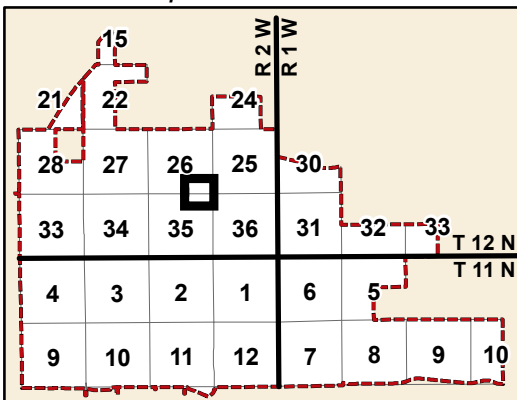
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1 inch = 300 feet

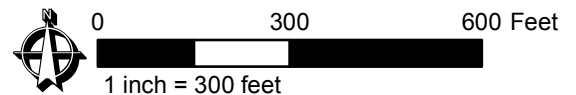
THIS MAP IS A GENERAL INFORMATION PUBLIC RESOURCE. THE CITY OF MIDWEST CITY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE INFORMATION PROVIDED ON THIS MAP. ANY PARTY'S USE OR RELIANCE ON THIS MAP OR ANY INFORMATION ON IT IS AT THAT PARTY'S OWN RISK AND WITHOUT LIABILITY TO THE CITY OF MIDWEST CITY, ITS OFFICIALS OR ITS EMPLOYEES FOR ANY DISCREPANCIES, ERRORS OR VARIANCES THAT MAY EXIST.



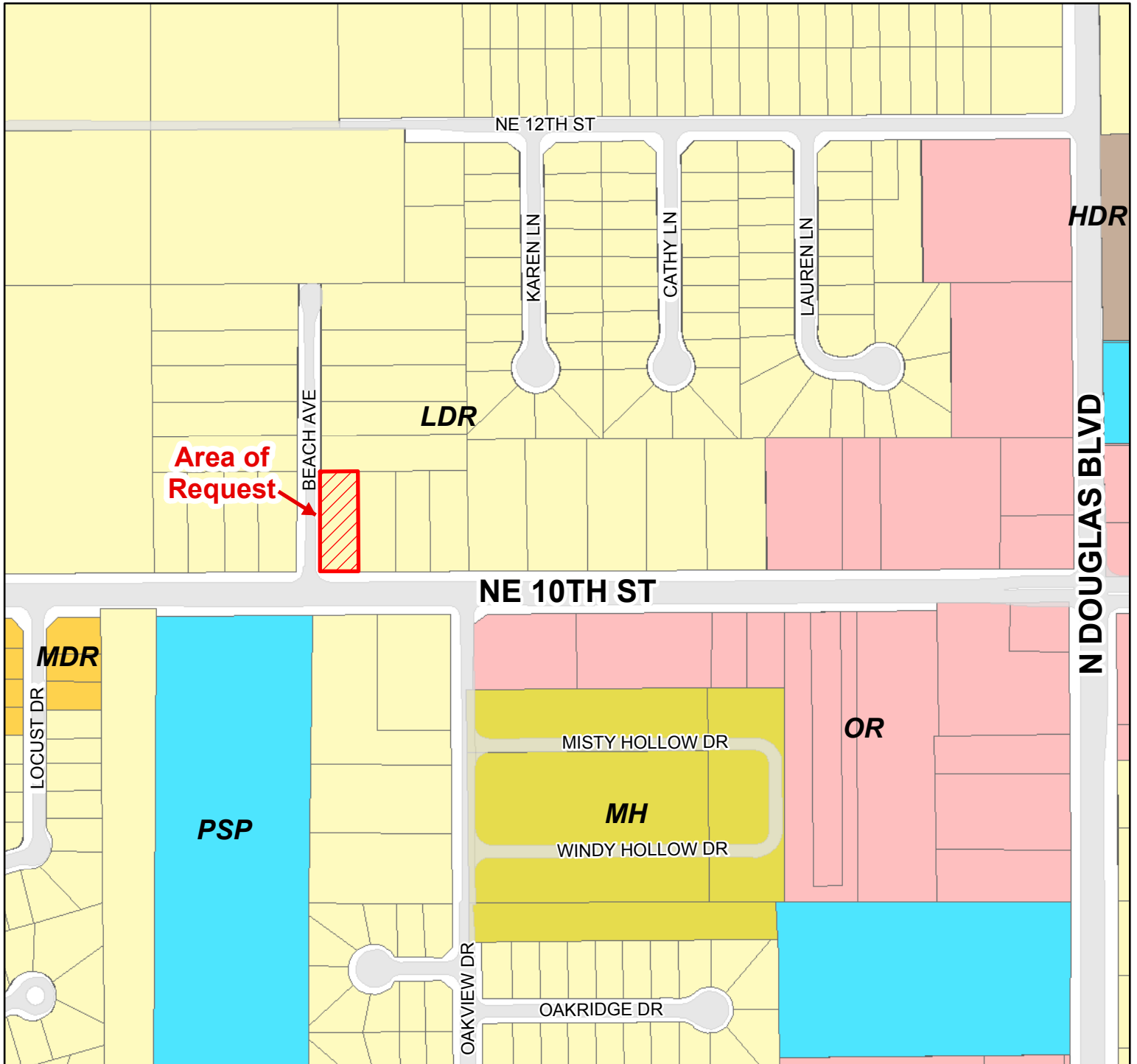
Locator Map



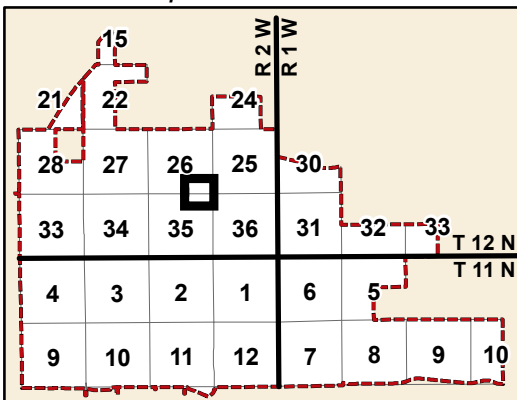
2017 DOP (AERIAL) VIEW FOR PC-1973 (SE/4, Sec. 26, T12N, R2W)



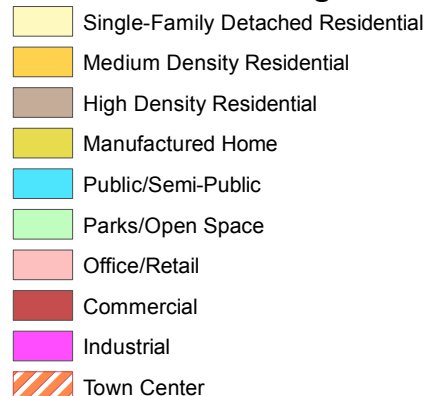
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Locator Map



Future Land Use Legend



FUTURE LAND USE MAP FOR PC-1973

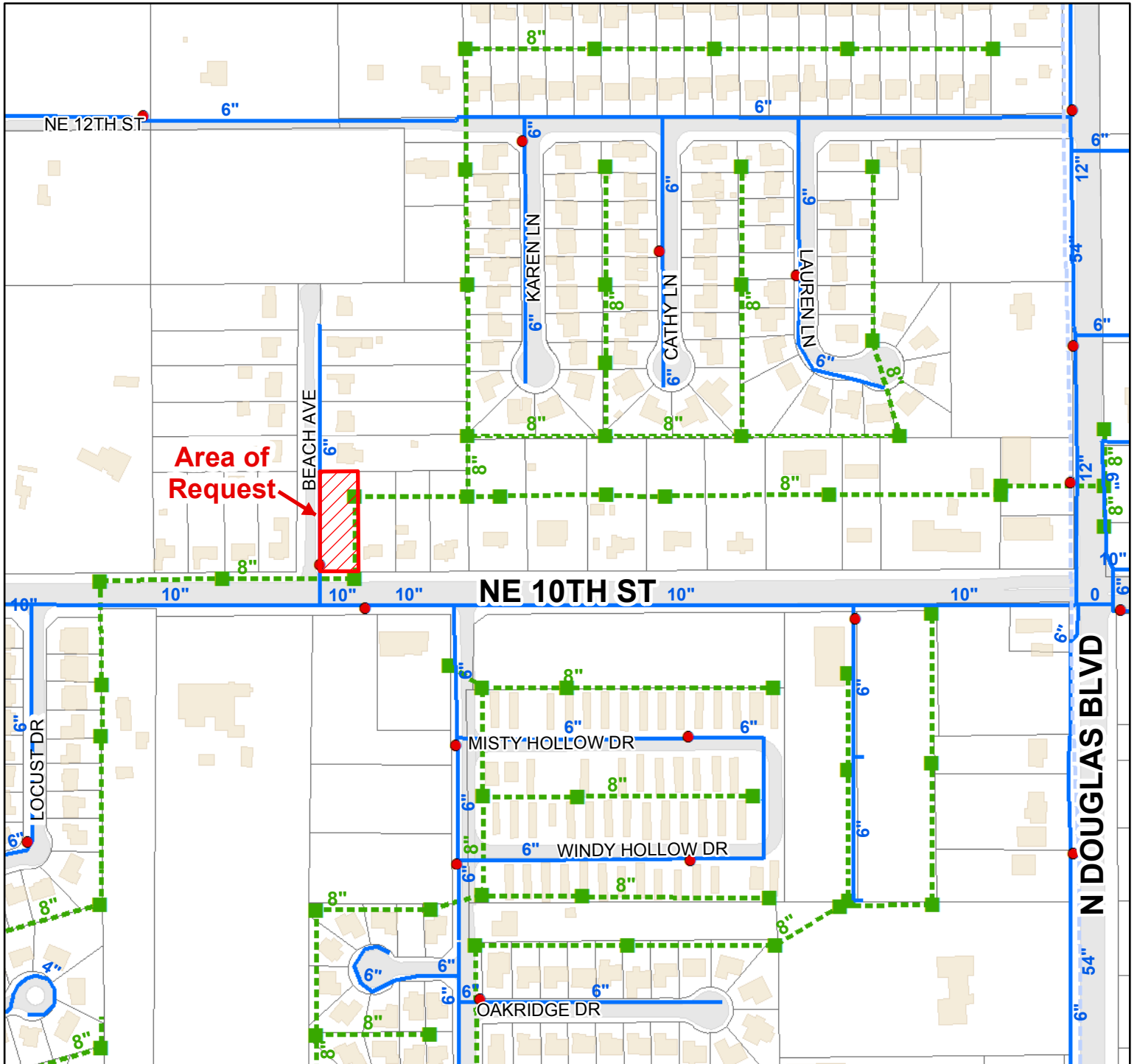
(SE/4, Sec. 26, T12N, R2W)



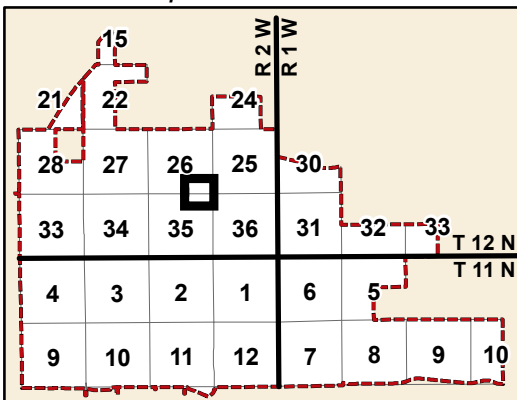
0 300 600 Feet

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Locator Map



Water/Sewer Legend

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

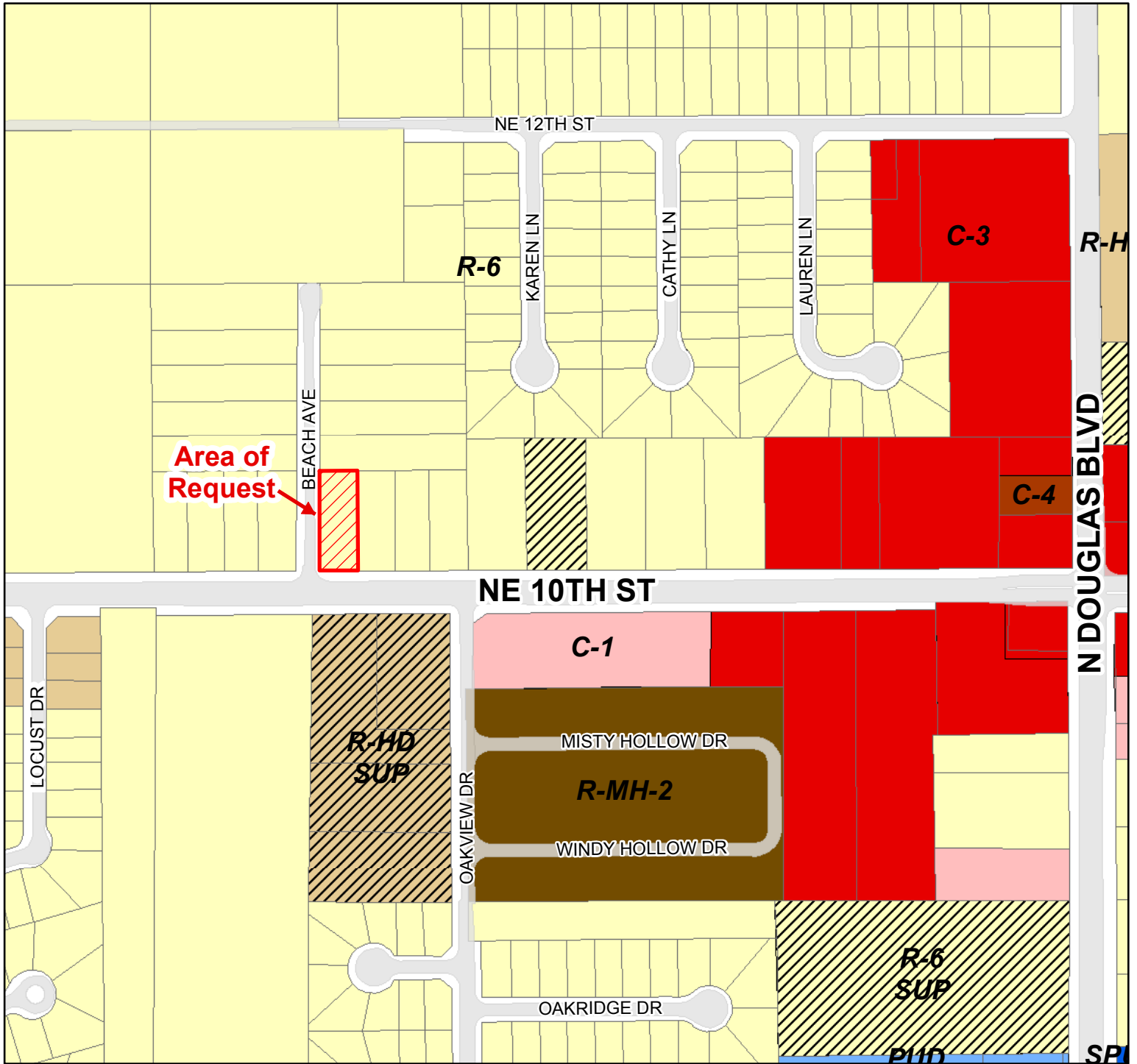
WATER/SEWER LINE LOCATION MAP FOR PC-1973 (SE/4, Sec. 26, T12N, R2W)



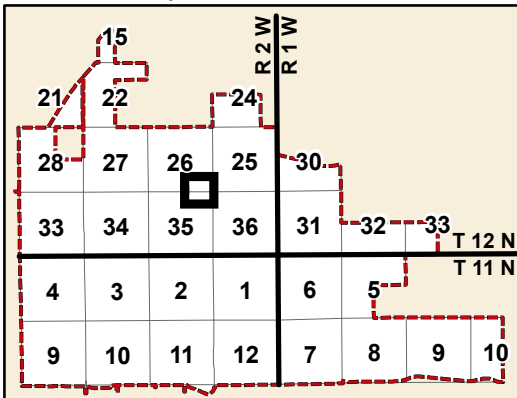
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Locator Map



Current Zoning Legend

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

ZONING MAP FOR PC-1973

(SE/4, Sec. 26, T12N, R2W)



0 300 600 Feet
1 inch = 300 feet

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RESOLUTION NO. 2018-_____

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

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

Lot 9 of the Beach Acres Addition located in the SE/4 of Section 26, T-12-N, R-2-W of the Indian Meridian, Oklahoma County, Oklahoma, addressed as 8707 NE 10th Street.

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

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

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

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

1 **PC-1973**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE RECLASSIFYING THE ZONING DISTRICT OF THE PROPERTY**
4 **DESCRIBED IN THIS ORDINANCE TO R-2F, TWO FAMILY ATTACHED RESIDEN-**
5 **TIAL, AND DIRECTING AMENDMENT OF THE OFFICIAL ZONING DISTRICT**
6 **MAP TO REFLECT THE RECLASSIFICATION OF THE PROPERTY'S ZONING**
7 **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 R-2F, Two Family Attached Residential, subject to the conditions contained in the PC-1973
file, and that the official Zoning District Map shall be amended to reflect the reclassification of
the property's zoning district as specified in this ordinance:

12 Lot 9 of the Beach Acres Addition located in the SE/4 of Section 26, T-12-N, R-2-W, of
13 the Indian Meridian, Oklahoma County, Oklahoma and addressed as 8707 NE 10th Street.

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

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

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

19 **THE CITY OF MIDWEST CITY, OKLA-**
20 **HOMA**

21 _____
22 **MATTHEW D. DUKES II, Mayor**

23 **ATTEST:**

24 _____
25 **SARA HANCOCK, City Clerk**

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

27 _____
28 **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 23, 2018

SUBJECT: (PC –1974) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 24 T-12-N, R-2-W, located at 9205 NE 23rd Street, Suites 3 & 4.

Executive Summary: The Silver Creek Crossing Strip Center is currently zoned C-3, Community Commercial. The current use located at 9205 NE 23rd St. within the strip center is Brielle's Bistro restaurant. This restaurant has had a City license to serve low-point beer, however, with the updates to Oklahoma State law and the Midwest City Zoning Ordinance, restaurants may no longer be licensed for only low-point beer. Staff reached out to the manager/owner of Brielle's Bistro and let him know that his current zoning would no longer allow him to sell beer at the restaurant when state law goes into effect on October 1, 2018. In order to continue to sell beer, the applicant must apply for a Special Use Permit to allow the use of eating establishment: sit-down, alcoholic beverages permitted. No other changes are proposed for the existing restaurant. Please



note, this Special Use Permit only applies to 9205 NE 23rd Street, Suites 3 & 4, not the entire Silver Creek Crossing Strip Center. If the restaurant expands to another suite or moves, another SUP will be required. 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 23, 2018

COUNCIL WARD: Ward 5, Christine C. Price Allen

OWNER:

Kristi Brewer-Campbell

APPLICANT:

Richard Brown

PROPOSED USE:

Eating Establishment: Sit-Down, Alcoholic Beverages Permitted

DEVELOPMENT PROPOSED BY COMPREHENSIVE PLAN:

Area of Request – COMM, Commercial

South, East and West – COMM, Commercial

North – LDR, Low Density Residential

ZONING DISTRICTS:

Area of Request – C-3, Community Commercial

East and West – C-3, Community Commercial

North – R-6, Single Family Detached Residential

South – C-4, General Commercial

LAND USE:

Area of Request – Brielle's Bistro

North – Vacant – single family homes further north

South – Car sales lot

East – Domino's Pizza

West – Barber shop

COMPREHENSIVE PLAN CITATION:

Commercial Land Use

Areas designated for commercial land use are intended for a variety of commercial uses and establishments with outside storage, display and sales. Examples of such uses include automobile-related services, manufactured home sales, self-storage units, welding shops and pawn shops. Commercial uses often locate along major thoroughfares not because they need the visibility, as retail uses generally do, but because they need accessibility.

MUNICIPAL CODE CITATION:

2.20 Community Commercial

2.20.1. General Description

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

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

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

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 C-3, with the adoption of the 1985 Zoning Map and remains so designated on the 2010 Zoning Map.
2. The Planning Commission recommended approval of this item October 2, 2018.

STAFF COMMENTS:

Engineering Staff Comments:

No comments necessary as no changes are proposed to the structure, land or utilities 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:

As noted in the Executive Summary, this Special Use Permit is required as state law and Midwest City Zoning Ordinance no longer recognize low-point beer licensing. This restaurant has served Midwest City residents and guests for almost one year. Management would like to continue to serve beer and possibly alcoholic beverages to patrons and in order to do so, this SUP is required.

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 business to continue to operate at the same or greater level than 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 C-3 zoning district regulations as it is located in a commercial center along an arterial street and mostly surrounded by commercial uses.
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. The area of request is already zoned C-3 and the traffic generated from this use would likely not change much from the existing daily traffic.
5. Utility, drainage, parking, loading, signs, lighting access and other necessary public facilities are all existing and will not be affected by this proposed use.

Based on the information above, staff recommends approval of this Special Use Permit to allow the use of Eating Establishment: Sit-Down, Alcoholic Beverages Permitted at 9205 NE 23rd Street, Suites 3 & 4.

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 23, 2018, agenda packet and made a part of PC- 1974 file.

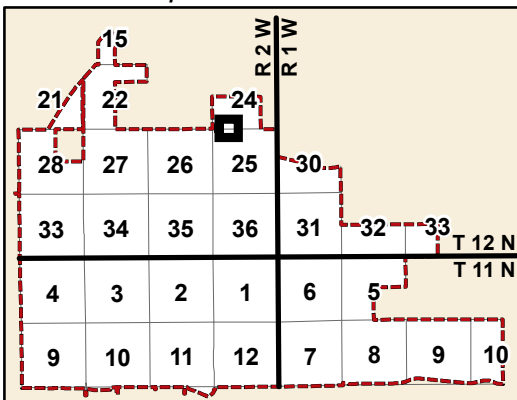
A handwritten signature in black ink, appearing to read "Billy Harless".

Billy Harless, AICP
Community Development Director

KG



Locator Map



2017 DOP (AERIAL) VIEW FOR PC-1974 (SW/4, Sec. 24, T12N, R2W)



0 200 400 Feet
1 inch = 200 feet

THIS MAP IS A GENERAL INFORMATION PUBLIC RESOURCE. THE CITY OF MIDWEST CITY MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE AS TO THE CONTENT, ACCURACY, TIMELINESS OR COMPLETENESS OF ANY OF THE INFORMATION PROVIDED ON THIS MAP. ANY PARTY'S USE OR RELIANCE ON THIS MAP OR ANY INFORMATION ON IT IS AT THAT PARTY'S OWN RISK AND WITHOUT LIABILITY TO THE CITY OF MIDWEST CITY, ITS OFFICIALS OR ITS EMPLOYEES FOR ANY DISCREPANCIES, ERRORS OR VARIANCES THAT MAY EXIST.

1 **PC-1974**

2 **RESOLUTION NO. _____**

3 **A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW EATING ES-**
4 **TABLISHMENT: SIT-DOWN, ALCOHOLIC BEVERAGES PERMITTED AND DIRECT-**
5 **ING AMENDMENT OF THE OFFICIAL ZONING DISTRICT MAP TO REFLECT**
6 **THE RECLASSIFICATION OF THE PROPERTY'S ZONING DISTRICT; AND**
7 **PROVIDING FOR REPEALER AND SEVERABILITY**

8 **WHEREAS**, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described
9 property with a classification of **C-3, Community Commercial**:

10 A part of the SW/4 of Section 24, T-12-N, R-2-W, located at 9205 NE 23rd Street, Suites
11 3 and 4, Midwest City, OK.

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

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

16 That the above described property located in Midwest City, Oklahoma be and is
17 hereby granted a Special Use Permit to allow the use of **Eating Establishment: Sit-**
18 **Down, Alcoholic Beverages Permitted.**

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

21 **THE CITY OF MIDWEST CITY, OKLA-**
22 **HOMA**

23 _____
24 **MATTHEW D. DUKES III, Mayor**

25 **ATTEST:**

26 _____
27 **SARA HANCOCK, City Clerk**

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

29 _____
30 **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 23, 2018

SUBJECT: (PC –1975) Public hearing with discussion and consideration of approval of a resolution for a Special Use Permit to allow the use of Drinking Establishment: Sit-Down, Alcoholic Beverages in the C-3, Community Commercial district, for the property described as a part of the SW/4 of Section 3 T-11-N, R-2-W, located at 904 S. Air Depot Blvd.

Executive Summary: This parcel is currently zoned C-3, Community Commercial. The applicant is proposing to open the Eskimo Hut in the currently vacant building located at 904 S. Air Depot. The primary use at this location will be mixing and selling alcoholic beverages for off-site consumption. A tasting room will also be available. The business will receive wine from a supplier and the wine will be mixed on-site with various flavors per customer order. The final product is then put into a plastic wine bag and heat sealed shut. The bag has a tamper-evident twist cap allowing the customer to take the product with them when they leave. 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 23,
2018

COUNCIL WARD: Ward 2,
Pat Byrne

OWNER:
Don Lewellen

APPLICANT:
TeJay Botchlet

PROPOSED USE:
Eskimo Hut – primary use is
mixing and selling frozen
alcoholic beverages for off-site consumption with a tasting room as an accessory use.

DEVELOPMENT PROPOSED BY COMPREHENSIVE PLAN:

Area of Request – OR, Office Retail
North, South, East and West – OR, Office Retail

ZONING DISTRICTS:

Area of Request – C-3, Community Commercial
North, South, East and West – C-3, Community Commercial

LAND USE:

Area of Request – vacant building
North – Morris Law Office
South – vacant building
East – warehouse
West – multi-tenant commercial building

COMPREHENSIVE PLAN CITATION:

Office/Retail Land Use

Retail land uses areas are intended to provide for a variety of retail trade, personal, and business services and establishments. Retail establishments generally require greater visibility than do other types of non-residential land uses (e.g., office, commercial).

Office uses include professional offices for lawyers, doctors, realtors, and other professionals. Office land uses are generally appropriate in all other non-residential areas of the City. Office development should be compatible with any adjacent residential area.

MUNICIPAL CODE CITATION:

2.20 Community Commercial

2.20.1. General Description

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

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

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

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 C-3, with the adoption of the 1985 Zoning Map and remains so designated on the 2010 Zoning Map.
2. The Planning Commission recommended approval of this item October 2, 2018.

STAFF COMMENTS:

Engineering:

No comments necessary as no changes are proposed for the structure, land or utilities.

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 contains an existing 2,536 square foot building. The applicant is planning to open a business called the Eskimo Hut at this location. Wine will be shipped to this location and customers will be able to choose from a variety of flavors that will be mixed with the wine to make flavored, frozen alcoholic beverages. These will be sold in containers similar to boxed wine and are intended for off-site consumption.

Customers 21 years old and over will be able to go into the tasting room taste a 2 oz. sample of the day. Although the on-site consumption of alcoholic beverages will be minimal and is not the primary use of the building, a Special Use Permit is still required.

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 is making efforts to create new business activity within the community. This building has sat vacant for many months. Allowing this new business will eliminate a vacant space and contribute to the sales tax in Midwest City.
2. The proposed use is in harmony with the general purpose and intent of the C-3 zoning district regulations as it is located along an arterial street and mostly surrounded by commercial uses.
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. The area of request is already zoned C-3 and the traffic generated from this use would likely not change much from the existing daily traffic.
5. Utility, drainage, parking, loading, signs, lighting access and other necessary public facilities are all existing and will not be affected by this proposed use.

Included in this report is a statement from the applicant explaining the business in more detail.

Based on the information above, staff recommends approval of this Special Use Permit to allow the use of Drinking Establishment: Alcoholic Beverages Permitted at 904 S. Air Depot Blvd.

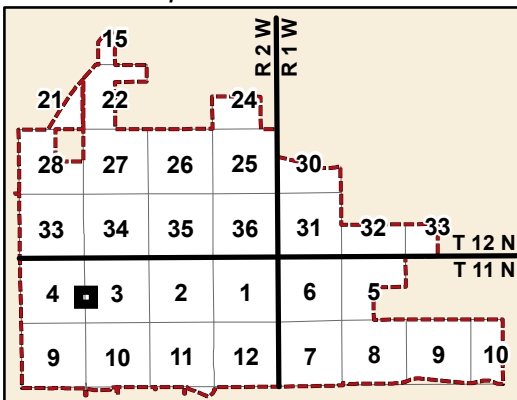
Action Required: Approve or reject the resolution for a Special Use Permit for the property as noted herein, subject to the staff comments and recommendations as found in the October 23, 2018, agenda packet and made a part of PC- 1975 file.



Billy Harless, AICP
Community Development Director
KG



Locator Map



2017 DOP (AERIAL) VIEW FOR PC-1975 (SW/4, Sec. 3, T11N, R2W)



0 150 300 Feet

1 inch = 150 feet

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1 **PC-1975**

2 **RESOLUTION NO. _____**

3 **A RESOLUTION APPROVING A SPECIAL USE PERMIT TO ALLOW DRINKING**
4 **ESTABLISHMENT: SIT-DOWN, ALCOHOLIC BEVERAGES AND LOW-POINT BEER**
5 **PERMITTED 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 **WHEREAS**, the Zoning Map of Midwest City, Oklahoma, 2010, shows the following described
9 property with a classification of **C-3, Community Commercial**:

10 Unplatted part of the SW/4 of Section 3, T-11-N, R-2-W, S 70' of W 260' if S ½ of
11 NW/4 of the NW/4 or the SW/4, addressed as 904 S. Air Depot Blvd., Midwest City, OK

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

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

16 That the above described property located in Midwest City, Oklahoma be and is
17 hereby granted a Special Use Permit to allow the use of **Drinking Establishment: Sit-**
18 **Down, Alcoholic Beverages Permitted.**

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

21 **THE CITY OF MIDWEST CITY, OKLA-**
22 **HOMA**

23 _____
24 **MATTHEW D. DUKES II, Mayor**

25 **ATTEST:**

26 _____
27 **SARA HANCOCK, City Clerk**

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

29 _____
30 **HEATHER POOLE, City Attorney**

From: TeJay Botchlet <tbotchlet@yahoo.com>
To: Kellie Gilles <kgilles@MidwestCityOK.org>
Date: 9/12/2018 1:21 PM
Subject: Re: Eskimo Hut

Sure

Wine is recieved directly from our supplier. The wine comes in 3 gallon bags packed in a cardboard box. The wine is transferred into a 35 gallon poly tank and mixed with Eskimo Hut products. The product is then delivered to a Saniserv 704 frozen cocktail beverage freezer. Employees will use a plastic mixing cup for the appropriate amount of product (500ml, 1L, 4L). Then mix in the correct flavors. The finished product is then put into a plastic wine bag and heat sealed shut. The bag has a tamper-evident twist cap. The bag is a completely sealed container for the customer to take with them.

The tasting area is used for customers to taste a 2oz sample of the day.

If you would like more detail I can elaborate on any part of this. Thank you for your help.

TeJay

On Wednesday, September 12, 2018, 11:15:55 AM CDT, Kellie Gilles <kgilles@MidwestCityOK.org> wrote:

Hi TeJay,

I'm working on our staff report for your Special Use Permit. I know in my own words what you plan to do at the location but can you send me a few lines about the operation just so I get it accurate in our staff report? I know that wine will be delivered to the location, mixed and sold for off-site consumption with the tasting room as an accessory use. Wine will not be produced at this location.

Thank you in advance for your help.

Kellie Gilles
Planning Manager
Community Development
City of Midwest City
405-739-1223

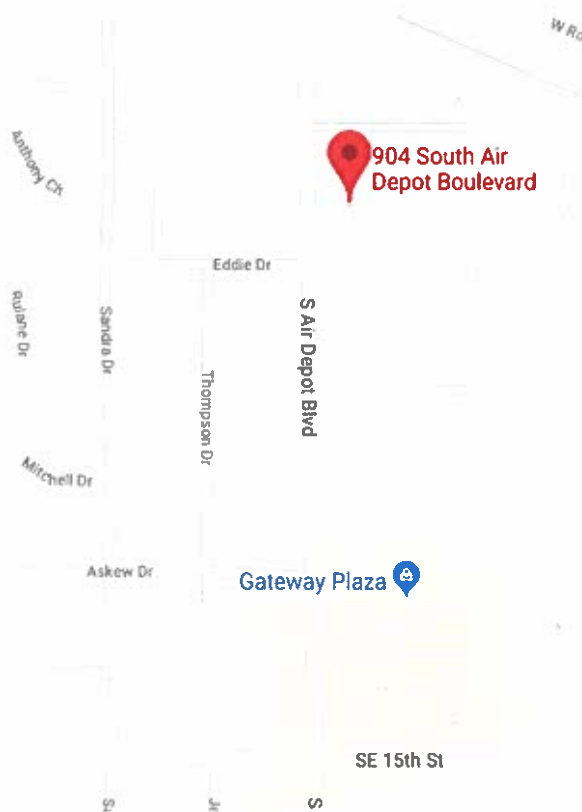
Description of Premise

General Location and Premise

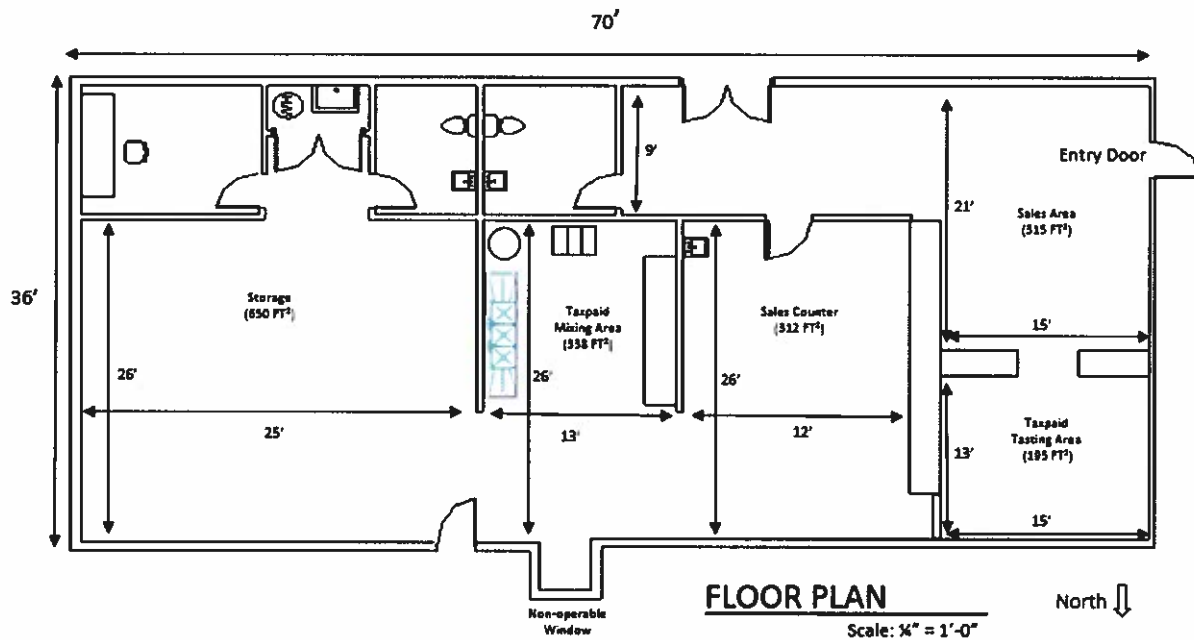
Street Address: 904 S. Air Depot Blvd
Midwest City, OK 73110

Legal Description: UNPLTD PT SEC 03 11N 2W 000 000 PT SW4 SEC 3 11N 2W S70FT OF W260FT OF S 1/2 OF NW4 OF NW4 OF SW4

The building is located approximately ½ mile north of the intersection of 15th street and Air Depot. The building is a masonry structure building with brick veneer and a glass store front with a total of 2,536 square feet. The building is a single story stand-alone building. The building has its own utilities, front entrance and rear entrance. .



Building Description- Below is the floor plan with measurements. The building is 70' deep and 36' wide with a 4' by 4' cropout comprising a total of 2,536 square feet.



The leased space is 2,536 square feet of which 195 square feet is the tax paid tasting area and 338 square feet is the tax paid mixing area. The taxpaid mixing area and taxpaid tasting area separated by the sales counter. The main point of entry, for patrons, is the main door which opens to the parking lot on the west side of the building. This door provides public access to the Sales Area. This area is where Patrons can order products off a menu and where the POS stations are located. The taxpaid tasting area, sales area, and one bathroom are the only parts of the building that will be open to the public.

Along the south wall of the sales area approximately 25' from the front of the building is located double steel doors that lock. There is no loading dock, but this door will allow easy and convenient delivery to the mixing area. A second door, located on the north side of the building and is the main point of entry for staff. Along the north side of the building is located a 4' by 4' crop out previously used as a drive-thru. The drive-thru window will remain locked and secure so it will not open.

The Taxpaid Mixing area will be centrally located in the building separated by the sales area and will house the mixing equipment. Located in the southeast corner of the mixing room will be a 160 gallon cone bottom polyethylene tanks on stands. Three Saniserv 704 model frozen beverage machines will be located along the south wall. The taxpaid wine is mixed in the 160 gallon poly tanks and then piped directly to the autofill lids on the Saniserve 704 model beverage machines. Along the east wall of the mixing room is a three compartment sink with left and right drain boards. Along the west wall are 2 stainless steel work tables with an adjustable under shelf for the flavors and stainless steel shelving unit for storage of flavors. The taxpaid wine will be served in the taxpaid tasting area, and will not ever return to the mixing area. The public tasting area is west of the sales counter, thus providing full separation from the mixing room. The access door to the Sales Counter area located in the hall on the south side of the Sales Counter area will be locked. Only staff will be allowed into the mixing area.

Taxpaid Mixing Area POB, located 29' east from the northwest corner of the leased area, thence 26' south, thence 13' east, thence 26' north, thence 13' west to return to POB.

Taxpaid Tasting Area POB, located in the northwest corner of the leased area, thence 15' east, thence 13' south, thence 15' west, thence 13' north to return to the POB

Sales Area POB, located in the southwest corner of the leased area, thence 21' north, thence 15' east, thence 21', thence 15' west to return to POB.

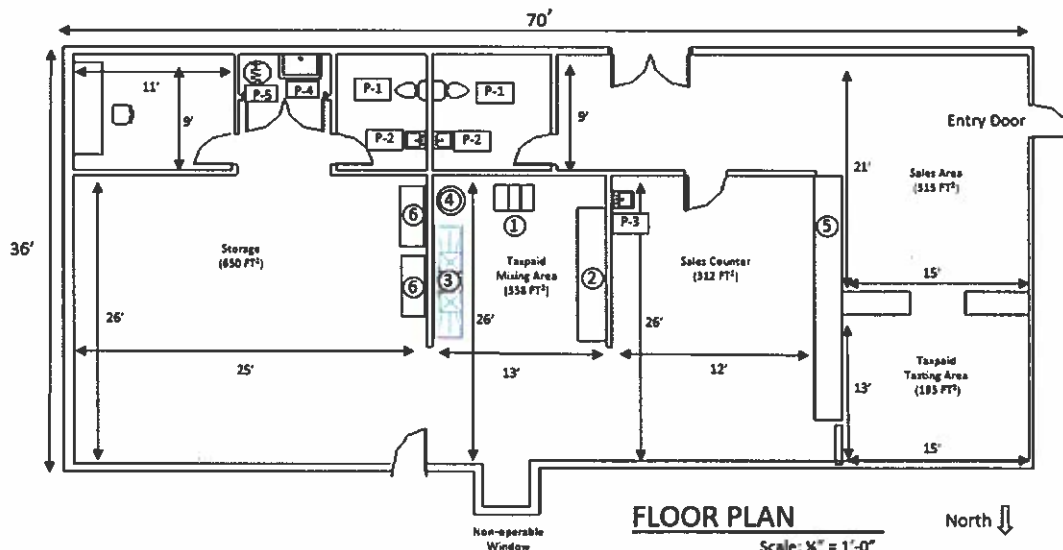
Sales Counter area POB, located 15' west and 9' north from the southeast corner of the leased area, thence 26' north, thence 12' east, thence 26' south, thence 12' west to return to the POB.

Storage POB, located in the northeast corner of the leased area, thence 26' south, thence 25' west, thence 26' north, thence 25' east to return to the POB.

Office POB, located in the southeast corner of the leased area, thence 7' 8" west, thence 10' north, thence 7' 8" east, thence 10' south to return to POB. The door to the office remains locked and is only accessible by staff.

Equipment Schedule and Specifications

- | | |
|--|---|
| ① Saniserv 704-FREEZER Frozen Cocktail Beverage Freezer, 1-Head, 35-qt | P-1 Tank Type, Floor Mounted Water Closet with Elongated Bowl, split Seat and ADA bars |
| ② Regency 30" x 72" 16-Gauge 304 Stainless Steel Commercial Work Table with Undershelf | P-2 Wall Hung, White Porcelain, Hand Wash Sink with Faucet |
| Regency 94" 16-Gauge Stainless Steel Three | P-3 Regency 17" x 15" Wall Mounted Hand Sink with Gooseneck Faucet |
| ③ Compartment Commercial Sink with 2 Drainboards - 18" x 24" x 14" Bowls | P-4 Regency 25" 16-Gauge Stainless Steel One Compartment Floor Mop Sink - 20" x 16" x 6" Bowl |
| ④ 35 Gallon Inductor Cone Bottom Tank | P-5 Performance 30 Gal. Tall 6 Year 3800/3800-Watt Elements Electric Tank Water Heater |
| ⑤ Point of Sale System and Cash Register | |
| Regency 24" x 60" NSF Stainless Steel Shelf Kit | |
| ⑥ with 74" Posts | |



Security Statement

Frozen Mesa Winery, LLC will employ security features and safeguards to prevent unlawful entry into the winery premises and to prevent public access to the mixing area and office

Digital cameras will be installed in multiple strategic locations throughout the winery and outdoor areas. These cameras will be attached to a DVR to record video whenever movement is detected. The cameras will be placed in locations within the mixing area, tasting area, sales area, hallway, office and above POS devices to record all transactions. Cameras will be installed so all entries and exits are covered by video and any movement into and/or out of the doors will be recorded. Sensors will be installed on all doors to detect entry into the building, as well as to notify owners of unauthorized entry.

There are no operable windows in the facility and both the entrance door and service door will be secured with dead-bolt locks with locking door handles. The door between the hallway and the sales counter will be locked during operating hours. The only people with keys to access these doors will be the owners and staff. There will also be signage indicating that the mixing area is off limits to the public and only employees may enter.



The City of
MIDWEST CITY
COMMUNITY DEVELOPMENT DEPARTMENT

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CURRENT PLANNING DIVISION
Kellie Gilles, Manager
COMPREHENSIVE PLANNING
Julie Shannon, Comprehensive Planner
BUILDING INSPECTION DIVISION
Christine Allison, Building Official
GIS DIVISION
Kathy Spivey, GIS Coordinator

To: Honorable Mayor and City Council

From: Billy Harless, Community Development Director

Date: October 23, 2018

Subject: (PC – 1976) Discussion and consideration of approval of the Preliminary Plat of Florence Estates for the property described as a part of the NE/4 of Section 1, T-11-N, R-1-W, located in the 400 block of S. Post Road.

Executive Summary: A PUD and Preliminary Plat for the area of request were denied in November and December of 2017 due to concerns about drainage. Since that time, the applicant and his engineer have provided additional information to staff to review and brought forth a new PUD application to the Planning Commission and City Council in July of 2018. The new application reduces the density by one (1) lot – going from eight (8) proposed lots to seven (7) with an additional area designated for detention. The PUD was approved in 2018, allowing the applicant to move forward and submit a preliminary plat application. The initial drainage improvements design report and site maps have been submitted to and reviewed by staff and outside consultants. After review of the submittal staff and the consultants found that the submittal does not meet the design standards of the Subdivision Regulations. Staff recommends that the item be tabled until a revised drainage study is submitted. Staff has made the applicant aware of this and the applicant has asked that the item be tabled to a further meeting. The Subdivision Regulations require that the Planning Commission act on preliminary plats within 60 days of the filing date of the application. The applicant has requested to waive the 60 day action.

The Planning Commission tabled this item to their November 6, 2018 meeting. Staff recommends that this application be tabled to the November 27, 2018 City Council meeting.

Billy Harless, AICP
Community Development Director

KG



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 23, 2018
Subject: Discussion and Consideration of an update regarding ongoing OG&E Street Lighting maintenance issues.

As you may recall, Staff and a special Council sub-committee (Reed, Byrne and Eads) met with OG&E to discuss street lights. On March 13, 2018, we provided an update on progress associated with the action items agreed to between the council and OG&E personnel.

Since the previous update, Staff has been corresponding with OG&E regarding the repair log spreadsheet as lighting work orders have been generated. OG&E has been updating the spreadsheet and sending it back to the City of MWC within 5 business days with pertinent updates. If a particular work order is not updated with a status it indicates work is in progress and no update is available.

OG&E has periodically patrolled the lights on the spreadsheet as a quality audit. GIS Officials from OG&E have been working with the MWC GIS department to resolve data base issues. The objective is to vet the GIS data from both city and OG&E to validate the true inventory on our monthly lighting bill.

OG&E representatives will also give a short presentation on their new LED light program.

Please let me know if I can provide additional information.

A handwritten signature in black ink that reads "Vaughn K. Sullivan". The signature is written in a cursive, flowing style.

Vaughn K. Sullivan, Public Works Director

Cc: Tim Lyon, Assistant City Manager



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

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Ryan Rushing, Information Technology Director

DATE: October 23, 2018

SUBJECT: Discussion and consideration of 1) purchasing Public Safety P25 Communications Equipment in the amount of \$89,975.60 from the Oklahoma State Wide Contract #SW1053 including the purchase of supporting miscellaneous communications equipment not on state contract in the amount of \$3,376.58 from Stolz Telecom LLC, and 2) a resolution for the City Council of the City of Midwest City relating to the expenditure of \$89,975.60 for the purchase of Public Safety P25 Communications Equipment under the Oklahoma State Wide Contract #SW1053 for 2018-2019 with Harris Corporation acting through Stolz Telecom LLC as the authorized dealer including the purchase of supporting miscellaneous communications equipment not on state contract in the amount of \$3,376.58 from Stolz Telecom LLC; indicating the official action of the City Council for the reimbursement of such expenditure by the issuance of tax exempt general obligation bonds of the City of Midwest City, previously authorized at an election held for that purpose on August 28, 2018 authorizing the purchase.

As you may recall, the City of Midwest City Police and Fire departments recently moved all communications to the Midwest City MOSAIC radio system in an effort to provide for more reliable radio communications. One of the limitations of the MOSAIC radio system is that the majority of the equipment is located at a single tower site. In order to overcome this issue Midwest City IT staff has worked with Stolz Telecom LLC to purchase recently deployed Public Safety P25 Communications equipment for a secondary site that includes a 7-channel single-site P25 700 MHz trunking radio system to be placed at the Tribune Broadcasting Oklahoma City, LLC tower site otherwise know as the "KFOR Tower Site." This is a tremendous opportunity for Midwest City and supports our overall communications plan while extending coverage and adding redundancy to the MOSAIC System.

Staff recommends approval.

RESOLUTION NO. 2018-_____

A RESOLUTION FOR THE CITY COUNCIL OF THE CITY OF MIDWEST CITY RELATING TO THE EXPENDITURE OF \$89,975.60 FOR THE PURCHASE OF PUBLIC SAFETY P25 COMMUNICATIONS EQUIPMENT UNDER THE OKLAHOMA STATE WIDE CONTRACT #SW1053 FOR 2018-2019 WITH HARRIS CORPORATION ACTING THROUGH STOLZ TELECOM LLC AS THE AUTHORIZED DEALER AND THE PURCHASE OF SUPPORTING MISCELLANEOUS COMMUNICATIONS EQUIPMENT NOT ON STATE CONTRACT IN THE AMOUNT OF \$3,376.58 FROM STOLZ TELECOM LLC; INDICATING THE OFFICIAL ACTION OF THE CITY COUNCIL FOR THE REIMBURSEMENT OF SUCH EXPENDITURE BY THE ISSUANCE OF TAX EXEMPT GENERAL OBLIGATION BONDS OF THE CITY OF MIDWEST CITY, PREVIOUSLY AUTHORIZED AT AN ELECTION HELD FOR THAT PURPOSE ON AUGUST 28, 2018 AUTHORIZING THE PURCHASE.

WHEREAS, it is necessary that the City of Midwest City purchase public safety p25 communications equipment and various other equipment; and

WHEREAS, State of Oklahoma, after providing ample opportunity for competitive bidding as required by the City of Midwest City's Purchasing and Bid Regulations, awarded a contract for public safety p25 communications equipment to Harris Corporation and Stolz Telecom LLC as the authorized dealer for fiscal year 2018-2019; and

WHEREAS, Harris Corporation and Stolz Telecom LLC are reputable and stable companies that can provide reliable equipment needed by the City of Midwest City; and

WHEREAS, Harris Corporation and Stolz Telecom LLC have indicated a willingness to charge the City of Midwest City the same or a lower price for public safety p25 communications equipment it purchases as is charged to the Oklahoma State Wide Contract # SW1053 for said equipment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Midwest City:

1. That it accepts and adopts Oklahoma State Wide Contract for public safety p25 communications equipment under the same terms and conditions;

2. That the City of Midwest City hereby awards the purchase of public safety p25 communications equipment and the purchase of supporting miscellaneous communications equipment not on state contract for fiscal year 2018-2019 to Harris Corporation through authorized dealer Stolz Telecom LLC in the amount of \$89,975.60; and

3. The City Council of the City of Midwest City hereby declares its official intent to reimburse this expenditure by the issuance of tax exempt general obligation bonds of the City, previously authorized at an election held for that purpose on August 28, 2018.

4. That, it being immediately necessary for the preservation of the peace, health and safety of the City of Midwest City and its inhabitants, this resolution shall take effect and be in full force from and after its passage as provided by law.

PASSED and APPROVED by the City of Midwest City this 23rd day of October, 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, City Attorney



Stolz Telecom LLC
 6825 Camille Avenue
 Oklahoma City, OK 73149
 (405) 632-2262
 OKSales@StolzTele.com
 http://www.stolztele.com

ESTIMATE

ADDRESS

Allen Stephenson
 Midwest City Information
 Technology Department
 100 N Midwest Blvd
 Midwest City, OK 73110

SHIP TO

Allen Stephenson
 Midwest City Information
 Technology Department
 100 N Midwest Blvd
 Midwest City, OK 73110

ESTIMATE # 4201

DATE 10/03/2018

EXPIRATION DATE 10/31/2018

SHIP VIA

Field Service

CONTRACT

NASPO 06913

ITEM	QTY	PRICE	TOTAL
OMACS 7-Channel High Availability P25 Site			
1 - TBA40K4-PA00	7	4,876.96	34,138.72
Base Station Conventional Reciter 762-870MHz			
1a - TBAS056	7	0.00	0.00
SFE Key - P25 Trunking Operation (TB91/94) - List \$5573			
1b - TBAS050	7	0.00	0.00
SFE Key - P25 Common Air Interface (CAI) (TB91/94) - List \$4867			
1c - TBAS067	7	0.00	0.00
SFE Key - Transceiver Networking (TB91/94) - List \$788			
2 - TBA90K2-0000	7	1,800.32	12,602.24
TB8100/9100 Power Amplifier 762-870M 100W			
3 - TBA30A0-0100	7	1,014.08	7,098.56
TB8000/9000 Power Management Unit AC aux12			
4 - T01-00024-BAAA	2	4,290.00	8,580.00
TND P25 Site Controller SA AC Standard w/power cord			
4a - TNAS510	1	0.00	0.00
License TaitNet P25 - Site Controller Phase 1 - List \$17670			
4b - TNAS516	7	0.00	0.00
License TaitNet P25 - System Transceiver Resource - List \$2865			
5 - CP00732	1	1,959.20	1,959.20
AM-017465-001 700 – 800 MHz Tower Top Amplifier			
6 - CP00921	1	1,986.40	1,986.40
SV-CG2D 700 – 800 MHz RMC			
7 - CP01241	1	5,400.00	5,400.00

ITEM	QTY	PRICE	TOTAL
AS-CB2J 700 MHz, 4 Channel Combiner w/ DPM – 150 KHz spacing			
7 - CP01243	1	4,606.86	4,606.86
AS-CB2H 700 MHz, 4 Channel Combiner expansion			
			Subtotal: 76,371.98
8 - RFSLCF158-50JA-A7	630	4.74	2,986.20
CA-015471-001 1-5/8" CELLFLEX Low-Loss Foam			
9 - RFSLCF78-50JA-A7	830	2.14	1,776.20
CA-015474-001 7/8" CELLFLEX Low-Loss Foam			
10 - RFSLCF12-50J-P7	660	1.10	726.00
CA-015468-001 1/2" CELLFLEX Low-Loss Foam Coax Cable			
11 - DB810E-PS	2	2,369.32	4,738.64
AN-009170 764-869 MHz Omni Antenna			
			Subtotal: 10,227.04
GSA Items			
12 - MX64-HW	1	617.12	617.12
Cloud Managed Security Appliance - Content Filtering, Intrusion Prevention, Anti-phishing, Web Content Filtering - 5 Port - 10/100/1000Base-T Gigabit Ethernet - 25 VPN - USB - 5 x RJ-45 - Manageable - Power Supply - Desktop, Wall Mountable APPL GS-35F-400CA			
13 - LIC-MX64-ENT-5YR	1	577.99	577.99
Enterprise License and Support, 5 Years - Meraki MX64 Cloud Managed Security Firewal Appliance - License 1 License - 5 Year License Validation Period GS-35F-303DA			
14 - MS220-24-HW	1	1,950.27	1,950.27
MS220 24 L2 CLOUD MANAGED GS-35F-400CA			
15 - LIC-MS220-24-5YR	1	231.20	231.20
Meraki Subscription License - Cisco Meraki MS220-24 Cloud Managed Switch - Subscription License 1 License - 5 Year License Validation Period GS-35F-303DA			
			Subtotal: 3,376.58
TOTAL			\$89,975.60

Accepted By

Accepted Date



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 Council

FROM : Billy Harless, Community Development Director

DATE : October 23, 2018

SUBJECT : Discussion and consideration of the reappointment of Earl Foster, Dean Hinton, and Christine Allen to the ADA Transition Plan Committee for additional three-year terms.

The terms of Earl Foster, Dean Hinton, and Christine Allen expired on August 10, 2018. All wish to be considered for reappointment.

The ADA Transition Plan Committee was created by the Council on August 11, 2015. In accordance with the ADA Committee bylaws, the committee shall be composed of seven (7) members who either reside or work in Midwest City, and will include one Planning Commissioner and one City Councilmember. Committee members shall be appointed by the Mayor with the approval of Council. The terms of each member shall be three (3) years or until a successor takes office. Vacancies shall be filled for the unexpired term in the same manner as provided herein for appointment. Provided, in the first instance, two (2) members shall be appointed for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years.

The ADA Transition Plan Committee meets every six (6) months, in the months of November and May, or such other times as designated by the committee, or at such times as the City Council may request.

Current members are as follows:

- Max Wilson (term expires August 10, 2019)
- Rick Lewis (term expires August 10, 2019)
- Clint Reininger (term expires August 10, 2020)
- John Reininger (term expires August 10, 2020)
- Earl Foster (term expired August 10, 2018)
- Dean Hinton (Planning Comm) (term expired August 10, 2018)
- Christine Allen (City Council) (term expired August 10, 2018)

Action is at the discretion of Mayor and Council.

Billy Harless
Community Development Director



NEW BUSINESS/
PUBLIC DISCUSSION





EXECUTIVE SESSION





City Manager
100 N. Midwest Boulevard
Midwest City, OK 73110
Office: 405.739.1204
Fax: 405-739-1208
www.midwestcityok.org

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: J. Guy Henson, City Manager

DATE: October 23, 2018

SUBJECT: Discussion and consideration of 1) entering into executive session, as allowed under 25 O.S. § 307 (B) (2) to discuss negotiations concerning employees and representatives of employee groups; and 2) in open session, authorizing the city manager to take action as appropriate based on the discussion in executive session.

Appropriate information will be available.

J. GUY HENSON, AICP
City Manager



FURTHER INFORMATION



MINUTES OF MIDWEST CITY BOARD OF ADJUSTMENT MEETING
October 2, 2018 -- 6:00 P.M.

This meeting of the Midwest City Board of Adjustment was held in the City Council Chambers, 100 North Midwest Boulevard, Midwest City, Oklahoma County, Oklahoma, on October 2, 2018, with the following members present:

Present: Jess Huskey
 Cy Valanejad
 Frank Young
 Charles McDade

Absent: Tammy Cook

Staff present: Kellie Gilles, Planning Manager
Lora Gwartney, Associate Current Planner

The meeting was called to order by Huskey at 6:00 P.M.

A. MINUTES:

A motion was made by Young, seconded by McDade, to approve the minutes of the meeting of July 3, 2018 as presented. Voting aye: Young, Valanejad, McDade and Huskey. Nay: none. Motion carried.

B. NEW MATTERS:

- 1. (BA-401) Discussion and consideration of an application for a variance to the required front building line for the property located at 10343 LeJean Dr., Lot 15, Block 10 of the Pointon City Addition.**

Staff made a brief presentation regarding this item. The applicant, Portie' Edwards of 10343 LeJean Dr was present. McDade asked why there was a 30' front building line instead of a standard 25' front building line. Staff explained that this subdivision was platted with a 30' front building line. Young asked why the Board keeps seeing requests similar to this and why these mistakes are not being caught at the footing inspection. Staff explained that we have a new building inspector and he has been trained to look at site plans prior to going out on footing inspections. He has also been instructed to measure all setbacks prior to approving the footing to ensure that the house is placed on the approved place on the lot.

The Board members addressed the following criteria for the variance as listed in Section 7.7.2 of the Zoning Ordinance:

1. The application of the ordinance to the particular piece of property would create an

unnecessary hardship. Is there a motion to make a finding of such an unnecessary hardship? Young made a motion that the application of the ordinance creates an unnecessary hardship. McDade seconded the motion. Voting aye: McDade, Young, Valanejad and Huskey. Voting nay: None.

2. Such conditions are peculiar to the particular piece of property. Is there a motion to make a finding of such peculiar condition? A motion was made by Young of a finding of such peculiar conditions. McDade seconded the motion. Voting aye: Young, Valanejad, Huskey and McDade. Voting nay: None.
3. Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of the ordinance or the comprehensive plan. Is there a motion to make such a finding? A motion was made by Young, seconded by McDade, to make such a finding of no substantial detriment. Voting aye: Young, Huskey, Valanejad and McDade. Voting nay: None.
4. The variance, if granted, would be the minimum necessary to alleviate the unnecessary hardship. Is there a motion to make such a finding? A motion was made by Young, seconded by McDade. Voting aye: Huskey, Young, Valanejad and McDade. Voting nay: None.

A motion was made by Young, seconded by McDade, approve the variance. Voting aye: Young, Valanejad, Huskey and McDade. Voting nay: None. Motion carried.

C. BOARD DISCUSSION: Valanejad stated that there may be more homes in the Hamilton Addition that encroach into platted setbacks. Young asked if all of the homes in the addition could be heard under one item and at the expense of the City as the inspector did not approve the footings correctly. Staff stated that they would check with the City Attorney.

D. PUBLIC DISCUSSION: None

There being no further business, a motion was made by Young, seconded by McDade, to adjourn the meeting. Voting aye: Young, McDade, Valanejad and Huskey. Nay: none. Motion carried.

The meeting adjourned at 6:11 P.M.

JESS HUSKEY, Chairman

KG



Memorandum

TO: Honorable Mayor and Council

FROM: Sara Hancock, City Clerk

DATE: October 23, 2018

SUBJECT: Discussion and Consideration to approve an Ordinance Amending the Midwest City Municipal Code, Chapter 2, Administration, Article II, City Council, Section 2-11; Time of Regular Scheduled Meetings of Council; and Providing for Repealer and Severability.

The attached ordinance would change the Council meeting time from being held at or after 7:00 p.m. to at or after 6:00 p.m. per the Council's request.

The ordinances effective date will be sufficient to meet the requirements of the Oklahoma Open Meeting Act, Title 25 O.S. Section 311 (A), which requires all public bodies shall give notice in writing by December 15 of each calendar year of the schedule showing the date, time and place of the regularly schedule meetings of such public bodies for the following calendar year.

Staff recommends approval.

Sara Hancock
Sara Hancock, City Clerk

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY COUNCIL, SECTION 2-11, TIME OF REGULAR SCHEDULED MEETINGS OF COUNCIL; AND PROVIDING FOR REPEALER AND SEVERABILITY

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

ORDINANCE

SECTION 1. That Chapter 2, Administration, Article II, City Council, Section 2-11, Time of regular meetings of council, is hereby amended to read as follows:

All regular meetings of the council of the city shall be held at or after 7:00 6:00 p.m., and shall be held on every second and every fourth Tuesday of each month except for the month of December in which there shall be only one (1) regular meeting held, which meeting shall be held on the second Tuesday. If the date of a regular meeting falls on a holiday recognized by the city, that meeting shall be held on the next day that is not a holiday.

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, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the ____ day of _____, 20__.

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 _____, 20__.

HEATHER POOLE, City Attorney

AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 2, ADMINISTRATION, ARTICLE II, CITY COUNCIL, SECTION 2-11, TIME OF REGULAR SCHEDULED MEETINGS OF COUNCIL; AND PROVIDING FOR REPEALER AND SEVERABILITY

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

ORDINANCE

SECTION 1. That Chapter 2, Administration, Article II, City Council, Section 2-11, Time of regular meetings of council, is hereby amended to read as follows:

All regular meetings of the council of the city shall be held at or after 6:00 p.m., and shall be held on every second and every fourth Tuesday of each month except for the month of December in which there shall be only one (1) regular meeting held, which meeting shall be held on the second Tuesday. If the date of a regular meeting falls on a holiday recognized by the city, that meeting shall be held on the next day that is not a holiday.

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, such decision shall not affect the validity of the remaining portions of the ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the _____ day of _____, 20__.

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 _____, 20__.

HEATHER POOLE, City Attorney



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 23, 2018 - 7:01 PM

- A. CALL TO ORDER.
- B. DISCUSSION ITEMS.
 - [1.](#) Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of October 09, 2018 as submitted. (City Clerk - S. Hancock)
 - [2.](#) Discussion and consideration of accepting the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending September 30th, 2018. (City Manager - T. Lyon)
- 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.



DISCUSSION ITEMS



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

October 9, 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 6:29 PM with the following members present: Trustees Española Bowen, Sean Reed, and Jeff Moore; and Secretary Sara Hancock. Absent: Susan Eads, Pat Byrne, and Christine Allen.

Discussion.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the Municipal Authority agenda for October 9, 2018. The Trustees had no questions regarding the agenda.

Chairman Dukes adjourned the meeting at 6:29 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, 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

October 9, 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 7:32 PM with the following members present: Trustees Española Bowen, Sean Reed, and Jeff Moore; and Secretary Sara Hancock. Absent: Susan Eads, Pat Byrne, and Christine Allen.

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

1. Discussion and consideration of approving the minutes of the staff briefing, and regular meetings of September 25, 2018 as submitted.
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.
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.
4. Discussion and consideration of awarding the bid 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.
5. Discussion and consideration of declaring the various items of property per the attached list surplus and authorizing their disposal by public auction.
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.

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

ADJOURNMENT. There being no further business, Chairman Dukes closed the meeting at 7:32 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary



THE CITY OF
MIDWEST CITY

MEMORANDUM

TO: Honorable Chairman and Trustees
Midwest City Municipal Authority

FROM: Tim Lyon, Assistant City Manager

DATE: October 23, 2018

RE: Discussion and consideration of accepting the report on the current financial condition of the Sheraton Midwest City Hotel at the Reed Center for the period ending September 30th, 2018.

This item is on the agenda at the request of the Authority. Attached to this memorandum is information concerning the status of the Sheraton Midwest City Hotel at the Reed Center.

Any time you have a question concerning the conference center and hotel, please feel free to contact me at 739-1201.

Tim L. Lyon

Tim Lyon
Assistant City Manager

Attachment (1)

SHERATON MIDWEST CITY HOTEL AT THE REED CENTER

Fiscal Year 2018-2019

	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19
Revenue												
Budgeted (MTD)	341,442	447,668	431,838									
Actual (MTD)	384,934	454,587	328,389									
Budgeted (YTD)	341,442	789,110	1,220,948									
Actual (YTD)	384,934	839,521	1,167,910									
Expenses												
Budgeted (MTD)	418,478	449,923	421,755									
Actual (MTD)	418,401	431,481	383,381									
Budgeted (YTD)	418,478	863,401	1,285,156									
Actual (YTD)	418,401	849,882	1,233,263									
Revenue vs. Expenses												
Budgeted (MTD)	(77,036)	2,745	10,083									
Actual (MTD)	(33,467)	23,106	(54,992)									
Budgeted (YTD)	(77,036)	(74,291)	(64,208)									
Actual (YTD)	(33,467)	(10,361)	(65,353)									
Key Indicators												
Hotel Room Revenue	243,661	218,190	192,145									
Food and Banquet Revenue	114,062	191,794	115,059									

Fiscal Year 2017-2018

Revenue												
Budgeted (MTD)	345,872	508,778	430,804	639,312	424,595	308,205	303,680	379,330	547,825	516,519	495,730	425,810
Actual (MTD)	324,600	469,661	409,957	620,373	440,973	298,992	237,909	395,947	529,803	530,409	402,933	502,338
Budgeted (YTD)	372,126	854,650	1,285,454	1,924,766	2,349,361	2,657,566	2,961,246	3,340,576	3,888,401	4,404,920	4,900,650	5,326,460
Actual (YTD)	324,600	794,261	1,204,218	1,824,592	2,265,564	2,564,556	2,802,465	3,198,412	3,728,215	4,258,624	4,661,557	5,163,895
Expenses												
Budgeted (MTD)	345,872	474,833	419,305	526,754	414,341	383,878	389,188	392,180	494,172	482,514	455,507	418,995
Actual (MTD)	398,222	466,528	391,915	410,925	430,597	434,233	326,576	366,587	482,215	465,386	418,445	482,536
Budgeted (YTD)	345,126	846,959	1,266,264	1,793,018	2,207,359	2,591,237	2,980,425	3,372,605	3,866,777	4,349,291	4,804,798	5,223,793
Actual (YTD)	398,222	864,750	1,256,665	1,667,591	2,098,188	2,532,421	2,858,997	3,225,584	3,707,800	4,173,185	4,591,630	5,074,166
Revenue vs. Expenses												
Budgeted (MTD)	(26,254)	33,945	11,499	112,558	10,254	(75,373)	(85,508)	(12,850)	53,653	34,005	40,223	6,815
Actual (MTD)	(73,622)	3,133	18,042	209,448	10,375	(135,242)	(88,666)	29,360	47,587	65,023	(15,512)	19,802
Budgeted (YTD)	(26,254)	7,691	19,190	131,748	142,002	66,329	(19,179)	(32,029)	21,624	55,629	95,852	102,667
Actual (YTD)	(73,622)	(70,489)	(52,447)	157,001	167,376	32,134	(56,532)	(27,172)	20,415	85,439	69,926	89,729







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 23, 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 staff briefing, and regular meeting of October 9, 2018, as submitted. (City Clerk - S. Hancock)
 - [2.](#) Discussion and consideration of approving the First Amendment to the Sooner Rose Phase III Development Financing Assistance Agreement with Allison's Fun, Inc. (Economic Development - R. Coleman)
- C. **DISCUSSION ITEM.**
 - [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)
- 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



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

October 9, 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 6:29 PM with the following members present: Trustees Española Bowen, Sean Reed, and Jeff Moore; and Secretary Sara Hancock. Absent: Susan Eads, Pat Byrne, and Christine Allen.

Discussion.

Clarification of agenda items, handouts, and presentation of new or additional information for items on the Hospital Authority agenda for October 9, 2018. The Trustees had no questions regarding the individual agenda items.

Chairman Dukes adjourned the meeting at 6:30 PM.

ATTEST:

MATTHEW D. Dukes II, Chairman

SARA HANCOCK, 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

October 9, 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 7:33 PM with the following members present: Trustees Española Bowen, Sean Reed, and Jeff Moore; and Secretary Sara Hancock. Absent: Susan Eads, Pat Byrne, and Christine Allen.

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

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.
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.

DISCUSSION ITEM.

1. **Discussion and consideration of action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives.** No action taken.
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.** Moore made a motion to approve Resolution 2018-04, as submitted, seconded by Bowen. Voting aye: Bowen, Reed, Moore, and Chairman Dukes. Nay: none. Absent: Eads, Byrne, and Allen. Motion carried.
3. **Discussion and action as desired by Trustees with respect to matters arising from the above described executive session.** No action was taken.

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.** No executive session was needed.

NEW BUSINESS/PUBLIC DISCUSSION.

There was no new business or public discussion.

ADJOURNMENT.

There being no further business, Chairman Dukes adjourned the meeting at 7:35 PM.

ATTEST:

MATTHEW D. DUKES II, Chairman

SARA HANCOCK, Secretary



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

MEMORANDUM

TO: Honorable Chairman and Trustees

FROM: Robert Coleman, Director of Economic Development

DATE: October 23, 2018

RE: Discussion and consideration of approving the First Amendment to the Sooner Rose Phase III Development Financing Assistance Agreement with Allison's Fun, Inc.

Allison's Fun on April 24th entered into an agreement with the City/Authority to develop a 25,000 square foot entertainment center on 3.04 acres along Crosby Boulevard. On or about August 1st, unbeknownst to Staff Allison's transferred the contract to the responsibility of a new entity, Fun Park MWC Land Development, L.L.C. ("Fun Park").

Mr. Kyle Allison said the U.S. Small Business Administration is requesting a letter from the Authority acknowledging and approving the reassignment of these rights. Section 10.1 of the DFAA allowed Allison's to reassign the contract to an entity owned or controlled by Allison's without additional approval of the Midwest City Memorial Hospital Authority ("Authority"), but the City Attorney feels Fun Park is an entirely new company that is NOT under control of Allison's Fun.

The attached SR3 Entertainment DFAA 1st Amendment sets to formally acknowledge the reassignment by all parties. Approval of same will allow Fun Park to move forward with processing its loan with hopes of closing immediately and commencing construction shortly thereafter.

Please contact my office at (405) 739-1218 with any question.

Respectfully,

Robert Coleman
Director of Economic Development

Attachments: 1st Amendment

STATE OF OKLAHOMA

**SOONER ROSE PHASE III – ENTERTAINMENT
FIRST AMENDMENT TO DEVELOPMENT
FINANCING ASSISTANCE AGREEMENT**

COUNTY OF OKLAHOMA

THIS SOONER ROSE PHASE III – ENTERTAINMENT FIRST AMENDMENT TO DEVELOPMENT FINANCING ASSISTANCE AGREEMENT (this “Amendment”) is entered into as of the ____ day of October, 2018 (the “Effective Date”), by and between the Midwest City Memorial Hospital Authority, an Oklahoma public trust (the “Authority”), the City of Midwest City, Oklahoma, a municipal corporation of the State of Oklahoma (the “City”), and Allison’s Fun Incorporated (“Allison’s”), an Oklahoma corporation, and Fun Park MWC Land Development (“Fun Park”), an Oklahoma limited liability corporation.

RECITALS

WHEREAS, the Authority, City and Allison’s entered into that certain Sooner Rose III – Entertainment Development Financing Assistance Agreement, dated April 24, 2018 (the “Entertainment DFAA”), associated with the redevelopment and gentrification of an approximate 3.04-acre parcel of property located immediately adjacent to the third phase of the Sooner Rose Shopping Center located at the northeast quadrant of the intersection of Southeast 15th Street and Buena Vista Avenue, defined as the “Entertainment Property” in the Entertainment DFAA; and

WHEREAS, pursuant to the Entertainment DFAA, Allison’s intended to acquire the Entertainment Property from the Authority to develop the Project, as defined in the Entertainment DFAA; and

WHEREAS, Allison’s requests to transfer and reassign its obligations, liabilities, rights, title and interests to Fun Park, and the Authority agrees to accept this transfer as set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. **Recitals.** The Recitals set forth above are true and correct and are hereby incorporated by reference.
2. **Fun Park’s Obligations.** Fun Park assumes all obligations, liabilities, rights, title and interests as outlined in the April 24, 2018 Sooner Rose III Entertainment Development Finance Assistance Agreement.
3. **Authority’s Obligation.** The Authority formally recognizes and accepts Fun Park as the new assignee.
4. **No Further Amendments.** Except as otherwise provided herein, the Entertainment DFAA shall remain in full force and effect.

[REAMINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

Approved and agreed to by the Authority on the Effective Date.

ATTEST:

Sara Hancock, Secretary

**MIDWEST CITY MEMORIAL HOSPITAL
AUTHORITY**, a public trust

Matthew D. Dukes, II, Chairman

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

Heather M. Poole, Attorney for the Authority

Approved and agreed to by Allison's on the Effective Date.

Allison's Fun, an Oklahoma corporation

By: _____
Russell Allison, President

Approved and agreed to by Fun Park on the Effective Date.

Fun Park MWC Land Development, an Oklahoma
limited liability corporation

By: _____
Kyle Allison, President

Approved and agreed to by the City on the Effective Date.

ATTEST:

Sara Hancock, City Clerk

CITY OF MIDWEST CITY, OKLAHOMA, a municipal
corporation of the State of Oklahoma

Matthew D. Dukes II, Mayor

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

Heather M. Poole, City Attorney



DISCUSSION ITEM





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 23, 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

Sara Hancock, Secretary



NEW BUSINESS/
PUBLIC DISCUSSION

