

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

Midwest City Council Minutes

March 28, 2023

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

Mayor Matt Dukes called the meeting to order at 6:00 PM with following members present:

Ward 1 Susan Eads	Ward 4 Sean Reed	City Manager Tim Lyon
Ward 2 Pat Byrne	Ward 5 Sara Bana	City Clerk Sara Hancock
Ward 3 Megan Bain	Ward 6 Rick Favors	City Attorney Don Maisch

OPENING BUSINESS. The Invocation was given by Assistant City Manager Vaughn Sullivan. The Pledge of Allegiance was led by Carl Albert High School ROTC Cadets Copple and Wagner. Mayor Dukes and City Manager Lyon presented proclamations to Gail Fry, PWA Susan Mason, Fire Major Jeremy Meek, Becky Bruce, Karen Denton, and Debi Wagner for Telecommunicator Recognition Week, and read the April Fair Housing Month proclamation. City Manager Tim Lyon made community-related announcements and comments.

CONSENT AGENDA. Eads made a motion to approve the consent agenda, seconded by Bana. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

1. Discussion, consideration and possible action of approving the February 28, 2023 meeting minutes.
2. Discussion, consideration and possible action of approving supplemental budget adjustments to the following funds for FY 2022-2023, increase: Police Federal Projects Fund, expenditures/Police (62) \$41. Reimbursed Projects Fund, revenues/Intergovernmental (05) \$50,000; revenues/Intergovernmental (24) \$69,306; revenues/Intergovernmental (47) \$100,000; revenues/Intergovernmental (62) \$29,837; revenues/Intergovernmental (64) \$95,000; expenditures/Community Development (05) \$50,000; expenditures/Engineering & Construction Services (24) \$69,306; expenditures/John Conrad Golf (47) \$100,000; expenditures/Police (62) \$29,837; expenditures/Fire (64) \$95,000. Police Federal Projects Fund, expenditures/Transfers Out (62) \$43,783. Police Fund, revenues/Transfers In (00) \$43,783. General Fund Capital Outlay Reserve Fund, expenditures/Transfers Out (14) \$736,361. General Government Sales Tax Fund, revenues/Transfers In (00) \$736,361. General Government Sales Tax Fund, expenditures/General Government (14) \$387,255. Fire Capitalization Fund, expenditures/Fire (64) \$3,600. Decrease: General Fund Capital Outlay Reserve Fund, expenditures/General Government (14) \$387,255.
3. Discussion, consideration, and possible action of approving Change Order #03 with the Oklahoma Department of Transportation for TAP-255D(330)AG / SRS-255E, State Job Number 31437(04), Palmer Loop Trail for *-\$15,929.08*.
4. Discussion, consideration, and possible action of approving Change Order #01 with the Oklahoma Department of Transportation for TAP-255D(510)AG, State Job Number 33269(04), Rail with Trail for \$6,000.00.

5. Discussion, consideration, and possible action of change order #01 amending the contract with Mid-America Golf & Landscape, Inc. to construct the Midwest City Soccer project by adding \$52,306.72 with no additional days.
6. Discussion, consideration, and possible action of entering into a design contract for the Sooner Rose Development Sanitary Sewer Upgrade and Rehabilitation with LMRK Engineering, for a total amount of \$155,000.
7. Discussion, consideration, and possible action of appointing Mr. John Manning (Ward 6) and Mr. Marc Thompson (Ward 4) to the Midwest City Park & Recreation Board. Mr. Manning would be serving a fifth consecutive term that expires January, 10, 2025. Mr. Thompson would fill a vacated term that expires on April 22, 2025.
8. Discussion, consideration, and possible action of declaring (2) Chevrolet Caprices and (3) Chevrolet Impalas and their contents, as surplus and authorizing disposal by public auction, sealed bid or other means necessary.
9. Discussion, consideration, and possible action of 1) declaring various obsolete computer equipment and other miscellaneous items of city property on the attached list as surplus; and 2) authorizing their disposal by public auction, sealed bid or other means as necessary.

DISCUSSION ITEMS.

1. **Public Hearing to provide information and answer questions concerning the proposed Heritage Park Mall Area Urban Renewal Plan.** No Action.

Don Maisch addressed Council and stated this was the first public hearing and that the second public hearing will be held at the next Council Meeting on April 25, 2023. Emily Pomeroy presented information. Ahmad Bahreini, Dwight Wilson of 2045 NE17th St, Lisa Janloe of 9001 NE 36th St, Echo Phillip of 2525 NW Expressway, Frank Wade of 3200 Glenvalley, Alexandria Muel, Brian Black of 3416 Glenvalley, and AB Abernathy of 816 W Idlywild addressed the Council.

2. **(PC-2137) Public hearing, discussion, consideration, and possible action of an ordinance to redistrict from SPUD, Simplified Planned Unit Development governed by O-1, Restricted Office District to C-3, Community Commercial District and a resolution to amend the Comprehensive Plan from LDR, Low Density Residential to COM, Commercial, for the property described as part of the Northeast Quarter (NE/4) of Section Nine (9), Township Eleven (11) North, Range Two (2) West of the Indian Meridian, Block 003, Lots 001 and 002, also addressed as 1226 and 1224 Jet Drive, Midwest City, OK 73130.**

Richey and Bundy addressed the council. After Staff and Council discussion, Eads made a motion to approve Ordinance 3503 and Resolution 2023-02, seconded by Favors. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried.

At 7:34 PM Council recessed and returned at 7:44 PM.

3. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article II, Impoundment of Livestock; Section 8-22, Disposition of Impounded Animals; and Providing for Repealer and Severability.**

Eads made a motion to approve Ordinance 3504, seconded by Reed. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried.

4. **Discussion, consideration, and possible action of approving an ordinance amending the Midwest City Municipal Code, Chapter 8, Animals and Fowl; Article VIII, Animal Welfare Shelter Operation; Section 8-162, Fees; and Providing for Repealer and Severability.**

Eads made a motion to approve Ordinance 3505, seconded by Reed. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried

5. **Discussion, consideration, and possible action to approve an ordinance amending Midwest City Code, Chapter 9, Buildings and Building Regulations, Article I, Section 9-4, Reserved; Article III, Section 9-31, Code Adopted; Section 9-35, International Residential Code Adopted; Section 9-37, Manufactured Homes; Section 9-39, Existing Structures Code; Section 9-41, Roofing Registration Code; Article V, Section 9-196 to 9-199, Reserved; Section 9-201, Code Adopted; Section 9-205, Separate Permits; Section 9-236, Code Amended; Article VI, Section 9-301, Code Adopted; 9-371, Code Amended; and providing for repealer and severability.**

Eads made a motion to approve Ordinance 3506, seconded by Reed. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried.

6. **Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations, Article IV, Section 9-90, National Electric Code Adopted; Section 9-103 Unsafe equipment and usage; Section 9-161 Code Amended; and providing for repealer and severability.**

Eads made a motion to approve Ordinance 3507, seconded by Reed. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried.

7. **Discussion, consideration, and possible action of an ordinance amending Midwest City code, Chapter 9, Buildings and Building Regulations, Article V, Section 9-190, *Plumbing, gas and mechanical board created; composition; terms; meetings*; and providing for repealer and severability.**

Eads made a motion to approve Ordinance 3508, seconded by Favors. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried

8. **Discussion, consideration, and possible action to adopt an ordinance amending the Midwest City Municipal Code, Chapter 15, Fire Protection and Prevention, Article III, Sec. 15-61, adopted; and providing for repealer and severability.**

Reed made a motion to approve Ordinance 3509, seconded by Eads. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion Carried.

9. **Discussion, consideration and possible action approving an ordinance amending the Midwest City Municipal Code, Chapter 28, Offenses - Miscellaneous; Article IV, Offenses Against Property; Section 28-77 to cover wrongful use of credit or debit cards, Reserved; and providing for repealer and severability.**

Eads made a motion to approve Ordinance 3510, seconded by Reed. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

10. **Discussion, consideration, and possible action of approving an ordinance amending Midwest City Code, Chapter 37, Streets and Sidewalks, Article III, Section 37-65(A), Street Improvements Required by Developers; and providing for repealer and severability.**

Eads made motion to approve Ordinance 3511, seconded by Reed. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

11. **Discussion, consideration, and possible action of 1) approving a list of candidates for Municipal Judges consisting of Gary Bachman, Adam Bush, David Howell, and Joel Porter; and 2) approving Farley Ward as an alternative.**

After Council discussion, Reed made a motion to approve the candidates, seconded by Eads. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

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

7:52 PM Reed made a motion to recess, seconded by Eads. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none.

8:06 PM Reed made a motion to reconvene, seconded by Eads. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none.

EXECUTIVE SESSION.

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

AT 8:07 PM Eads made a motion to enter into executive session, seconded by Favors. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none.

AT 8:30 PM Eads a made motion to return to open session, seconded by Reed. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none.

DISCUSSION ITEMS CONTINUED.

12. **Discussion, consideration, and possible action of approving Participation in the CVS Settlement Agreement dated December 9, 2022, and the Retailer State-Subdivision Agreement and Addendum as it pertains to the CVS Settlement Agreement, and the State Back-Stop Agreement applicable to the CVS Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Midwest City and other litigating Oklahoma subdivisions, including approval of Resolution No. 2023-03, and authorize the Mayor of the City of Midwest City to execute the Subdivision Participation Form for the City of Midwest City's participation in the CVS Settlement Agreement.**

Eads made a motion to approve Resolution 2023-03, seconded by Byrne. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

13. **Discussion, consideration, and possible action of approving Participation in the Teva Settlement Agreement dated November 22, 2022, and the Teva State-Subdivision Agreement and Addendum and the Teva State Back-Stop Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Midwest City and other litigating Oklahoma subdivisions, including approval of Resolution No. 2023-24, and authorize the Mayor of the City of Midwest City to execute the Subdivision Participation Form for the City of Midwest City's participation in the Teva Settlement Agreement.**

Eads made a motion to approve Resolution 2023-24, seconded by Bana. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

14. **Discussion, consideration, and possible action of approving Participation in the Walgreens Settlement Agreement dated December 9, 2022, the Retailer State-Subdivision Agreement and Addendum as it pertains to the Walgreens Settlement Agreement, and the State Back-Stop Agreement applicable to the Walgreens Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Midwest City and other litigating Oklahoma subdivisions, including approval of Resolution No. 2023-05, and authorize the Mayor of the City of Midwest City to execute the Subdivision Participation Form for the City of Midwest City's participation in the Walgreens Settlement Agreement.**

Eads made a motion to approve Resolution 2023-05, seconded by Favors. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

15. **Discussion, consideration, and possible action of approving Participation in the Walmart Settlement Agreement November 22, 2022, the Retailer State-Subdivision Agreement and Addendum as it pertains to the Walmart Settlement Agreement, and the State Back-Stop Agreement applicable to the Walmart Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Midwest City and other litigating Oklahoma subdivisions, including approval of Resolution No. 2023-06, and authorize the Mayor of the City of Midwest City to execute the Subdivision Participation Form for the City of Midwest City's participation in the Walmart Settlement Agreement.**

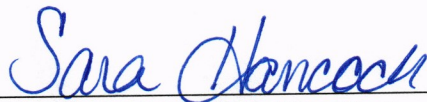
Eads made a motion to approve Resolution 2023-06, seconded by Favors. Voting aye: Eads. Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

16. **Discussion, consideration, and possible action of approving Participation in the Allergan Settlement Agreement dated November 22, 2022, and the Allergan State-Subdivision Agreement and Addendum and the Allergan State Back-Stop Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Midwest City and other litigating Oklahoma subdivisions, including approval of Resolution No. 2023-07, and authorize the Mayor of the City of Midwest City to execute the Subdivision Participation Form for the City of Midwest City's participation in the Allergan Settlement Agreement.**

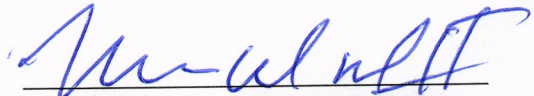
Eads made a motion to approve Resolution 2023-07, seconded by Favors. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

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

ATTEST:


SARA HANCOCK, City Clerk




MATTHEW D. DUKES II, Mayor

Notice for the Midwest City Municipal Authority meetings was filed for the calendar year with the City Clerk of Midwest City. Public notice of this agenda was accessible at least 24 hours before this meeting at City Hall and on the Midwest City website (www.midwestcityokorg).

Midwest City Municipal Authority Minutes

March 28, 2023

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

Chairman Matt Dukes called the meeting to order at 7:52 PM with the following members present:

Trustee Susan Eads	Trustee Sean Reed	General Manager Tim Lyon
Trustee Pat Byrne	Trustee Sara Bana	Secretary Sara Hancock
Trustee Megan Bain	Trustee Rick Favors	Authority Attorney Don Maisch

DISCUSSION ITEMS.

1. **Discussion, consideration and possible action of approving the February 28, 2023 meeting minutes.**

Eads made a motion to approve, seconded by Reed. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

2. **Discussion, consideration, and possible action of awarding the bid and approving a purchase agreement with Stamford Scientific International, Inc., in the amount of \$515,176 to purchase supplemental Moving Bed Biofilm Reactor media at the Water Resource Recovery Facility.**

Maisch addressed Trustees. Eads made a motion to approve, seconded by Favors. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

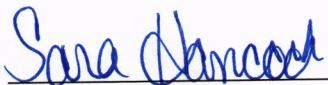
3. **Discussion, consideration and possible action of approving supplemental budget adjustments to the following fund for FY 2022-2023, increase: Sewer Construction Fund, expenditures/ Sewer Construction \$515,176.**

Reed made a motion to approve, seconded by Eads. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

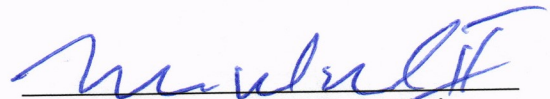
NEW BUSINESS/PUBLIC DISCUSSION. There was no new business or public discussion.

ADJOURNMENT. There being no further business, Chairman Dukes adjourned the meeting at 7:55 PM.

ATTEST:


SARA HANCOCK, Secretary




MATTHEW D. DUKES II, Chairman

Notice for the Midwest City Memorial Hospital Authority meetings was filed for the calendar year with the City Clerk of Midwest City. Public notice of this agenda was accessible at least 24 hours before this meeting at City Hall and on the Midwest City website (www.midwestcityokorg).

Midwest City Memorial Hospital Authority Minutes

March 28, 2023

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

Chairman Matt Dukes called the meeting to order at 7:55 PM with the following members present:
Trustee Susan Eads Trustee Sean Reed General Manager Tim Lyon
Trustee Pat Byrne Trustee Sara Bana Secretary Sara Hancock
Trustee Megan Bain Trustee Rick Favors Authority Attorney Don Maisch

DISCUSSION ITEMS.

1. Discussion, consideration and possible action of approving the February 28, 2023 meeting minutes.

Bana made a motion to approve the minutes, seconded by Eads. Voting Aye: Eads, Byrne, Bain, Reed, Bana, Favors, and Dukes. Nay: none. Motion carried.

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

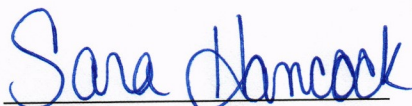
No Action Taken.

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

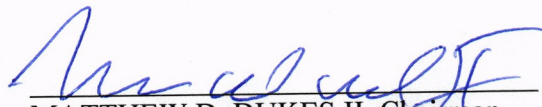
ADJOURNMENT.

There was no further business, Chairman Dukes adjourned the meeting at 7:56 PM.

ATTEST:


SARA HANCOCK, Secretary




MATTHEW D. DUKES II, Chairman

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

**Midwest City Economic Development Authority Minutes
Special Meeting**

March 28, 2023

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

Chairman Matt Dukes called the meeting to order at 8:05 PM with the following members present:

Trustee Susan Eads	Trustee Sean Reed	General Manager Tim Lyon
Trustee Pat Byrne	Trustee Sara Bana	Secretary Sara Hancock
Trustee Megan Bain	Trustee Rick Favors	Counsel Don Maisch

CONSENT AGENDA. Reed made a motion to approve the consent agenda, seconded by Eads. Voting aye: Eads, Byrne, Bain, Reed, Bana, Favors and Dukes. Nay: none. Motion carried.

1. Discussion, consideration, and possible action of approving the January 24, 2023 meeting minutes.
2. Discussion, consideration and possible action to amend and/or approve the Second Amendment to extend the "Economic Development Assistance Agreement" to April 30, 2023 by and between the Midwest City Economic Development Authority and Mathis Oklahoma City, LLC dated December 14, 2021, and authorizing and directing the execution of the amendment.
3. Discussion, consideration and possible action to amend and/or approve an amendment to that certain "Development Assistance Agreement," by and between the Midwest City Economic Development Authority, Centrillum Proteins LLC, and MTG Property Holdings, LLC, dated August 8, 2022, and authorizing and directing the execution of the Third Amendment.
4. Discussion, consideration and possible action to amend and/or approve an amendment to that certain "Agreement for the Purchase and Sale of Real Estate," by and between the Midwest City Economic Development Authority and MTG Property Holdings, LLC, dated May 24, 2022, and authorizing and directing the execution of the Third Amendment.

PUBLIC DISCUSSION. There was no public discussion.

ADJOURNMENT. There being no further business, Chairman Dukes adjourned the meeting at 8:06 PM.

ATTEST:


SARA HANCOCK, Secretary




MATTHEW D DUKES II, Chairman