



CITY OF MIDWEST CITY MEETINGS

FOR MARCH 28, 2023

All Council/Authority/Commission meetings of the City of Midwest City (MWC) elected officials will be held in the Council Chamber located at 100 N. Midwest Blvd., Midwest City, OK 73110, Oklahoma County, Oklahoma, unless notified otherwise.

Regularly scheduled meetings of the elected officials of MWC will be streamed live and recorded on the MWC YouTube channel: [Bit.ly/CityofMidwestCity](https://bit.ly/CityofMidwestCity) with the recorded videos available there within 48 hours.

Special Assistance for a Meeting: Send request via email to tanderson@midwestcityok.org or call 405-739-1220 no less than 24 hours prior to the start of a meeting. If special assistance is needed during a meeting, call 739-1388.

Please note that the elected officials will informally gather at or after 5:00 PM in the City Manager's Conference room for dinner for evening meetings; however, no business will be discussed or acted upon. Meals will only be provided to the City Council and staff. Doors to the Council Chamber will be open to the public fifteen minutes prior to the start of a meeting.

For the purposes of all meetings of the MWC elected and/or appointed officials, the term "possible action" shall mean possible adoption, rejection, amendments, and/or postponements.

Pursuant to Midwest City Resolution 2022-50, the following rules of conduct and engagement are in effect for all meetings of the MWC elected and/or appointed officials:

1. Only residents of the City, and/or identifiable business doing business in or with the City, or where it is required by statute during public hearings may speak during a public meeting, unless by majority vote of the City Council, non-residents may be permitted to comment on agenda items that impact them. To verify this new requirement, speakers must state their name and City residential/business address or provide/present proof of residential/business address to the City Clerk before addressing the elected officials.
2. There will be a 4 (four) minute time restriction on each speaker, which can be extended by a vote of the City Council, only if it benefits and/or clarifies the discussion at hand. The City Clerk, or designee, will be the timekeeper and will notify the chair when time has expired.
3. The Mayor/Chair reserves the right to remove individuals from the audience if they become disorderly. If the Mayor/Chair asks a disruptive individual to leave and the individual refuses to leave, the meeting will be recessed and appropriate law enforcement action will be taken.
4. Agenda items requesting action of the elected officials shall include:
 1. Presentation by City Staff and/or their invited guest speaker;
 2. If a public hearing is required, questions and discussion by and between the elected officials, City Staff, and the public;
 3. Questions and discussion by and between the elected officials and City Staff, invited guest speaker, and/or public during a public hearing; and
 4. Motion and second by the elected officials.
 5. If a motion is to be amended, the one who made the motion may agree and restate the motion with the amendment; however, if the maker of the motion does not agree to the amendment, the motion may be voted on as it stands.
 6. Final discussion and possible action/amended motion by the elected officials.



CITY OF MIDWEST CITY COUNCIL AGENDA

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

March 28, 2023 – 6:00 PM

Presiding members: Mayor Matthew Dukes

Ward 1 Susan Eads

Ward 2 Pat Byrne

Ward 3 Megan Bain

Ward 4 Sean Reed

Ward 5 Sara Bana

Ward 6 Rick Favors

City Staff:





City Manager Tim Lyon

City Clerk Sara Hancock

City Attorney Don Maisch

A. CALL TO ORDER.

B. OPENING BUSINESS.

-  Invocation by Assistant City Manager Vaughn Sullivan
-  Pledge of Allegiance by Carl Albert High School ROTC Cadets
-  Mayoral Proclamations: Honoring Gail Fry and Maury Hardey; Retirees: PWA Susan Mason, Police Sgt. Lonnie Bray, Fire Major Jerimy Meek; declaring April Fair Housing Month; and April 9-15 as Telecommunicator Recognition Week
-  Community-related announcements and comments

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 Council member requests to discuss an item(s) or if unanimous consent is not received, then the item or items will be removed and heard in regular order.

1. Discussion, consideration and possible action of approving the February 28, 2023 meeting minutes. (City Clerk - S. Hancock)
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. (Finance - T. Cromar)

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*. (Engineering & Construction Services - B. Bundy)
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. (Engineering & Construction Services - B. Bundy)
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. (Engineering & Construction Services - B. Bundy)
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. (Engineering & Construction Services - P. Menefee)
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. (Parks & Recreation – J. Ryan)
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. (Police – S. Porter)
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. (Information Technology - A. Stephenson)

D. DISCUSSION ITEMS.

1. Public Hearing to provide information and answer questions concerning the proposed Heritage Park Mall Area Urban Renewal Plan. (City Attorney - D. Maisch)
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. (Community Development - B. Harless)

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. (City Manager - V. Sullivan)
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. (City Manager - V. Sullivan)
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. (Engineering & Construction Services - B. Bundy)
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. (Engineering & Construction Services - B. Bundy)
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. (Engineering & Construction Services - B. Bundy)
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. (Fire - B. Norton)
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. (City Prosecutor - V. Floyd)
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. (Engineering & Construction Services - B. Bundy)

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. (City Manager - T. Lyon)

E. NEW BUSINESS/PUBLIC DISCUSSION. In accordance with State Statute Title 25 Section 311. Public bodies - Notice. A-9, the purpose of the "New Business" section is for action to be taken at any Council/Authority/Commission meeting for any matter not known about or which could not have been reasonably foreseen 24 hours prior to the public meeting. The purpose of the "Public Discussion" section of the Agenda is for members of the public to speak to the Council on any Subject not scheduled on the Regular Agenda. The Council shall make no decision or take any action, except to direct the City Manager to take action, or to schedule the matter for discussion at a later date. Pursuant to the Oklahoma Open Meeting Act, the Council will not engage in any discussion on the matter until that matter has been placed on an agenda for discussion. **THOSE ADDRESSING THE COUNCIL ARE REQUESTED TO STATE THEIR NAME AND ADDRESS PRIOR TO SPEAKING TO THE COUNCIL.**

F. EXECUTIVE SESSION.

1. Discussion, 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. (City Manager - T. Lyon)

D. 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. _____, 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. (City Attorney - D. Maisch)

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. _____, 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. (City Attorney - D. Maisch)
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. _____, 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. (City Attorney - D. Maisch)
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. _____, 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. (City Attorney - D. Maisch)
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. _____, 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. (City Attorney - D Maisch)

G. FURTHER INFORMATION.

1. Review of the City Manager's Report for the month of February 2023. (Finance - T. Cromar)
2. Monthly report on the City of Midwest City Employees' Health Benefits Plan by the City Manager. (Human Resources - T. Bradley)
3. Review of a quarterly update on the progress of the execution of the General Obligation Bond (G.O. Bond) projects. (City Manager - V. Sullivan)
4. Review of the February 7, 2023 Planning Commission Meeting Minutes. (Community Development - B. Harless)
5. Monthly Residential and Commercial Building report for February 2023 Building Report. (Engineering & Construction Services—B. Bundy)

H. ADJOURNMENT.



MUNICIPAL AUTHORITY AGENDA

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

March 28, 2023 – 6:01 PM

Presiding members: Chairman Matthew Dukes

Trustee Susan Eads

Trustee Pat Byrne

Trustee Megan Bain

Trustee Sean Reed

Trustee Sara Bana

Trustee Rick Favors

City Staff:

General Manager Tim Lyon

Secretary Sara Hancock

Authority Attorney Don Maisch

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion, consideration and possible action of approving the February 28, 2023 meeting minutes. (Secretary - S. Hancock)
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. (Public Works - R. Paul Streets and City Attorney - D. Maisch)
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. (Finance - T. Cromar)

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

1. Review of the monthly report on the current financial condition of the Delta Hotel at the Reed Center for the period ending February 28, 2023. (Director of Operations - R. Rushing)

E. ADJOURNMENT.



MEMORIAL HOSPITAL AUTHORITY AGENDA

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

March 28, 2023 – 6:02 PM

Presiding members: Chairman Matthew Dukes	City Staff:	
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

A. CALL TO ORDER.

B. DISCUSSION ITEMS.

1. Discussion, consideration and possible action of approving the February 28, 2023 meeting minutes. (Secretary - S. Hancock)
2. Discussion, consideration, and possible action to reallocate assets, change fund managers or make changes in the Statement of Investment Policy, Guidelines and Objectives. (Finance - T. Cromar)

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



ECONOMIC DEVELOPMENT COMMISSION AGENDA

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

March 28, 2023 – 6:03 PM

Presiding members: Chairman Matthew Dukes

Commissioner Susan Eads

Commissioner Pat Byrne

Commissioner Megan Bain

Commissioner Sean Reed

Commissioner Sara Bana

Commissioner Rick Favors

City Staff:

City Manager Tim Lyon

City Clerk Sara Hancock

City Attorney Don Maisch

A. CALL TO ORDER.

B. DISCUSSION ITEM.

1. Discussion, consideration, and possible action to approve the December 13, 2022 meeting minutes. (Secretary - S. Hancock)

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

D. FURTHER INFORMATION.

1. Review of the Communications & Marketing/CVB Quarterly Activity Reports for the 1st quarter period ending March 31, 2023. No action is necessary; this item is presented for informational and discussion purposes only. (Communications & Marketing - J. Ryan)
2. Review of the Midwest City Chamber of Commerce's Quarterly Activities for the period ending March 31, 2023. (City Manager - T. Lyon)

E. ADJOURNMENT.



SPECIAL ECONOMIC DEVELOPMENT AUTHORITY AGENDA

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

March 28, 2023 – 6:04 PM

Presiding members: Chairman Matthew Dukes	City Staff:	
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

A. **CALL TO ORDER.**

B. **CONSENT AGENDA.** These items are placed on the Consent Agenda so the Trustees, by unanimous consent, can approve routine agenda items by one motion. If any Trustee requests to discuss an item(s) or if unanimous consent is not received, then the item or items will be removed and heard in regular order.

1. Discussion, consideration, and possible action of approving the January 24, 2023 meeting minutes. (Secretary - S. Hancock)
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. (Economic Development – R. Coleman)

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

D. **ADJOURNMENT.**