

The City of Muskogee encourages participation from all its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made (ADA 28 CFR/36).

**(Public Comment during Public Hearing or Agenda item comment)**

Council Rules of Decorum limit citizen comments on agenda items and public hearings to five (5) minutes and general comments for non-agenda items to three (3) minutes. Any person desiring to address the Committee during such period is required to sign in with the City Clerk prior to the meeting between 5:00 p.m. and 5:15 p.m. on the third floor of City Hall or anytime between 8:00 a.m. and 5:00 p.m. in the Office of the City Clerk. They shall provide their name, address and specify the agenda item they wish to address. Remarks shall be directed to the matter being considered and the speaker is allowed to speak only one time. If written materials are to be submitted twelve (12) copies should be made available, and may not be returned.

Agenda  
Public Works Committee  
April 2, 2018  
5:30 P.M. - City Council Chambers

1. Consider approval of Public Works Committee minutes of March 19, 2018.
2. Consider approval of Resolution No. 2717 and Resolution No. 2718 declaring two (2) parcels of property, more particularly described in the resolution, as surplus to the needs of the City and authorize the conveyance of said properties, or take any other necessary action. (Gary D. Garvin)
3. Discuss and take action on participating in The Poor People's Campaign: A National Call for Moral Revival, in furtherance of Resolution No. 2505 designating the City of Muskogee as a Community of Practice. (Councilor Marlon Coleman)
4. Consider approval of Resolution No. 2719 of the Council of the City of Muskogee, Oklahoma, Commemorating the 50<sup>th</sup> Anniversary of the Death of Dr. Martin Luther King, Jr., or take other necessary action. (Councilor Marlon Coleman)
5. Consider approval of a location agreement between the City of Muskogee and Georgia-Pacific LLC, for the purpose of authorizing filming of the 2018 Azalea Festival, or take any other necessary action. (Roy D. Tucker)
6. Discuss the appointment of a Councilmember to serve on the Eastern Oklahoma Development District (EODD), filling the unexpired term of James Gulley, expiring June 30, 2019, and take other necessary action. (Roy D. Tucker)

**RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.**

Council Rules of Decorum limit citizen comments to three (3) minutes. Any person desiring to speak is required to sign-in with the City Clerk, provide their name, address, and the particular issue they wish to address. Under Oklahoma law, the Committee Members are prohibited from discussing or taking any action on items not on today's agenda. If written materials are to be submitted to the Committee twelve (12) copies should be made available, and may not be returned.



**Public Works Committee**

**1.**

Meeting Date: 04/02/2018  
Initiator: Ashley Wallace, Office Adm 1  
Department: City Clerk  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Consider approval of Public Works Committee minutes of March 19, 2018.

BACKGROUND:

RECOMMENDED ACTION:

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Fiscal Impact

Attachments

03-19-2018 pwmin

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**MINUTES**  
**PUBLIC WORKS COMMITTEE**  
**March 19, 2018**

The Public Works Committee of the City of Muskogee, Oklahoma, met at 5:30 p.m. on Monday, March 19, 2018 in Council Chambers, Third Floor, Municipal Building, with the following in attendance:

Present: Mayor John R. Coburn; Committee Member Jaime Stout; Committee Member Janey Boydston; Committee Member Patrick Cale; Committee Member Dan Hall; Committee Member Wayne Johnson; Committee Member Derrick Reed; Committee Member Ivory Vann

Absent: Committee Member Marlon Coleman

Staff Mike Miller, City Manager; Mike Stewart, Assistant City Manager; Roy Tucker, City Attorney;

Present: Tammy L. Tracy, City Clerk; Gary Garvin, City Planner; Greg Riley, Public Works Director; Matthew Beese, Assistant City Attorney; Donnie Wimbely, Purchasing Manager; Mark Wilkerson, Parks & Recreation Director; Michael O'Dell, Fire Chief; Kelly Plunkett, Human Resources Director; Rex Eskridge, Police Chief; Tish Callahan, Assistant Planning Director; Jean Kingston, Treasurer; Marci Gilliam, Strategic Financial Analyst; Drew Saffell, Airport Manager; Bret Smith, Municipal Judge; George Kingston, Assistant Director, Public Works, Utility Services

1. Discuss and take action on selecting a Chair and Vice-Chair of the Public Works Committee.(Mayor Bob Coburn)

Motion was made by Mayor John R. Coburn, seconded by Committee Member Dan Hall to approve selecting Councilor Wayne Johnson as Chair and Councilor Marlon Coleman as Vice Chair of the Public Works Committee.

AYE: Mayor John R. Coburn, Committee Member Jaime Stout, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

2. Consider approval of Public Works Committee minutes of March 5, 2018.

Motion was made by Committee Member Janey Boydston, seconded by Committee Member Dan Hall to approve Public Works Committee minutes of March 5, 2018.

AYE: Mayor John R. Coburn, Committee Member Jaime Stout, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

3. Consider approval to establish the Roxy Trust Authority, including authorizing preparation of the Trust Indenture, the ordinance accepting beneficial interest, the assignment of the contract with Oxford Productions, Inc., as well as, any other documents required to facilitate the transaction, or take other necessary action. (Councilor Jaime Stout)

Councilmember Jaime Stout asked John Tyler Hammons to discuss the need to establish the Roxy Trust Authority for the purpose of more effective fundraising and operations oversight.

John Tyler Hammons stated he is there to represent the Roxy Theater, Oxford Productions, Inc., the management company for the Roxy Theater. Mr. Hammons is asking to establish a Roxy Community Trust and create a separate business that will allow the management company to go forth and solicit charitable donations to benefit the Roxy. There are approximately thirty (30) Roxy Theaters left in the United States which gives Muskogee a unique cultural entity within the City. There is a request to expand the Roxy Theater by using private funds, and to do this there needs to be a separate entity. Mr. Hammons stated by establishing a separate community trust it will allow Oxford Productions to go forth and raise money at no additional cost to the City.

Councilmember Patrick Cale asked what the chain of ownership would be and what would or would not change.

Mr. Hammons stated it is being proposed that ownership of the Roxy would go to a Roxy Trust and the Roxy Trust would be owned by the City of Muskogee. City Council would appoint nine (9) members to oversee that the City is maintaining control of the Roxy. The Roxy will not be sold to a private investor or Oxford Productions, it will remain in a public trust controlled by the City of Muskogee.

Mayor Bob Coburn asked Mr. Hammons to address what happens in twelve (12) to twenty-four (24) months if the City decides this is not the route it wants to pursue.

Mr. Hammons stated the plan is not to take power away from City Council or to be insulated from the political system, but asking for a separate entity to raise charitable donations. If this experiment does not work in two (2) or three (3) years, there is nothing that would prevent this body from being revoked. Mr. Hammons is simply asking for permission to raise money.

Councilmember Patrick Cale believes this an excellent idea. He feels the Roxy Trust Authority will allow the Roxy to grow, expand, and become a big success.

Councilmember Wayne Johnson asked City Attorney Roy Tucker how this would look from a legal aspect by going from City to a Trust.

City Attorney Roy Tucker stated it would be the same as how the City handled the Martin Luther King Center. If approved, Council will direct Staff to bring forth the appropriate documentation for the Council, as a body to approve the following on Monday, March 26, 2018. Documentation would include a Trust Indenture, which will establish the number of trustees, their powers, and obligations. Additionally, there will be an assignment of the contract between the City of Muskogee and Oxford Productions, to the Roxy Theater Community Trust to manage that contract. The Roxy

Theater Community Trust would have the authority to hire and fire its own management company. With this assignment, Oxford Productions will continue to manage Roxy Theater. Additionally, Mr. Tucker requests this be transferred by a Deed of Trust to be held for the beneficiary, meaning the City of Muskogee will be the beneficiary. This will give the Trustees the authority to do what they need to as long as it continues to benefit the City as the sole beneficiary of the Roxy Theater Community Trust. Also, an ordinance will be required accepting the beneficial interest. Per the City Charter, any trusts created for the City's benefit must be accepted by ordinance. An ordinance will need to be established that will create the Roxy Theater Community Trust. The documents have been prepared by Oxford Productions Council and presented to Mr. Tucker for review and shall be ready for adoption if the Council so desires, at the Monday, March 26, 2018 City Council meeting. From that point forward the Roxy Trust will have whatever meetings their Trustees deem necessary to conduct the business of the trust, but all of it is to the benefit of the City of Muskogee as the beneficiary.

Councilmember Dan Hall asked how many City Councilmembers are going to be on the trust board.

Mr. Hammons stated each Councilmember is allowed one appointed member whether it be themselves or a member of the community.

Councilmember Dan Hall stated he is excited there is an opportunity to get more money flowing into the Roxy to allow for upgrades, expansion, and growth.

Motion was made by Committee Member Jaime Stout, seconded by Committee Member Dan Hall to approve establishing the Roxy Trust Authority, including authorizing preparation of the Trust Indenture, the ordinance accepting beneficial interest, the assignment of the contract with Oxford Productions, Inc., as well as, any other documents required to facilitate the transaction.

AYE: Mayor John R. Coburn, Committee Member Jaime Stout, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

4. Consider approval of the use of the Muskogee-Davis Regional Airport South Apron for the April 28, 2018, Touch-A-Truck event fundraiser for the Muskogee Public Library Youth Services Department, or take other necessary action. (Mike Stewart)

Airport Manager Drew Saffell stated Touch-A-Truck is a Muskogee Public Library Youth Services Department fundraiser which has been held at Muskogee-Davis Regional Airport for several years. This event takes place on April 28, 2018, and allows the area's youth to see and experience the many vehicles and equipment used by organizations and businesses throughout our City. This item has been approved by the Airport Board.

Motion was made by Mayor John R. Coburn, seconded by Committee Member Dan Hall to approve the use of the Muskogee-Davis Regional Airport South Apron for the April 28, 2018, Touch-A-Truck event fundraiser for the Muskogee Public Library Youth Services Department.

AYE: Mayor John R. Coburn, Committee Member Jaime Stout, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

5. Consider approval of the appointment of Blanca Lopez to serve a four (4) year term on the Parks and Recreation Board, beginning April 1, 2018, and ending March 31, 2022, replacing Jason George, or take other necessary action. (Councilor Ivory Vann)

Motion was made by Committee Member Ivory Vann, seconded by Mayor John R. Coburn to approve the appointment of Blanca Lopez to serve a four (4) year term on the Parks and Recreation Board, beginning April 1, 2018, and ending March 31, 2022, replacing Jason George.

AYE: Mayor John R. Coburn, Committee Member Jaime Stout, Committee Member Janey Boydston, Committee Member Patrick Cale, Committee Member Dan Hall, Committee Member Wayne Johnson, Committee Member Derrick Reed, Committee Member Ivory Vann

Carried - Unanimously

## **RECOGNIZE CITIZENS WISHING TO SPEAK TO CHAIRMAN AND COMMITTEE MEMBERS.**

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Rodney Mattox, 750 W. Peak Blvd., Muskogee, Oklahoma stated he would like to thank everyone on behalf of Oasis Community Church. March 6, 2017, the church was destroyed by strong high winds. The best option was for the church to rebuild. Sunday, March 25, 2018, will be their dedication day. He wanted to thank the City of Muskogee for making this an easy process and wanted to publicly invite everyone to their church.

CHAIRMAN JAMES GULLEY  
PUBLIC WORKS COMMITTEE

**Public Works Committee**

**2.**

**Meeting Date:** 04/02/2018

**Submitted For:** Gary Garvin, Planning

**Initiator:** Susan Ross, Office  
Adm 1

**Department:** Planning

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2717 and Resolution No. 2718 declaring two (2) parcels of property, more particularly described in the resolution, as surplus to the needs of the City and authorize the conveyance of said properties, or take any other necessary action. (Gary D. Garvin)

**BACKGROUND:**

Parcel 1- The City received one bid from Michael Lapp in the amount of \$363.00 for the property located at 932 S. I Street.

Parcel 2- The parcel located at 1011 S. G Street is being requested by Dammyonn and Tanya Wolffe at no cost through the Incentive Property Program. Mr. Wolffe is planning to build a single-family dwelling on the property. Mr. Wolffe will be required to obtain a building permit within one year.

**RECOMMENDED ACTION:**

Approve resolutions declaring two (2) parcels of property as surplus to the needs of the City and authorize the conveyance of said properties.

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**Fiscal Impact**

**Attachments**

2717 RES 04-09-2018

Map 932 S. I St.

2718 RES 04-09-2018

Map 1011 S G St.

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RESOLUTION NO. 2717

A RESOLUTION DECLARING CERTAIN REAL PROPERTY PRESENTLY IN THE POSSESSION OF THE CITY OF MUSKOGEE TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID REAL PROPERTY, SAID TRACT OF LAND DESCRIBED AS:

**S ½ LOT 11 BLOCK 324, MUSKOGEE OT,**

**CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.**

WHEREAS, the City of Muskogee, Oklahoma has in its possession certain real property which are no longer needed; and

WHEREAS, the City of Muskogee desires to dispose of said real property, which are no longer needed, as surplus property according to the provisions of the Charter and the Ordinances of said City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA;

SECTION 1: That property described as:

**S ½ LOT 11 BLOCK 324, MUSKOGEE OT,**

City of Muskogee, Muskogee County, State of Oklahoma, is hereby declared to be surplus to the needs of the City of Muskogee, Oklahoma, and the City Manager is authorized to dispose of said real property.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

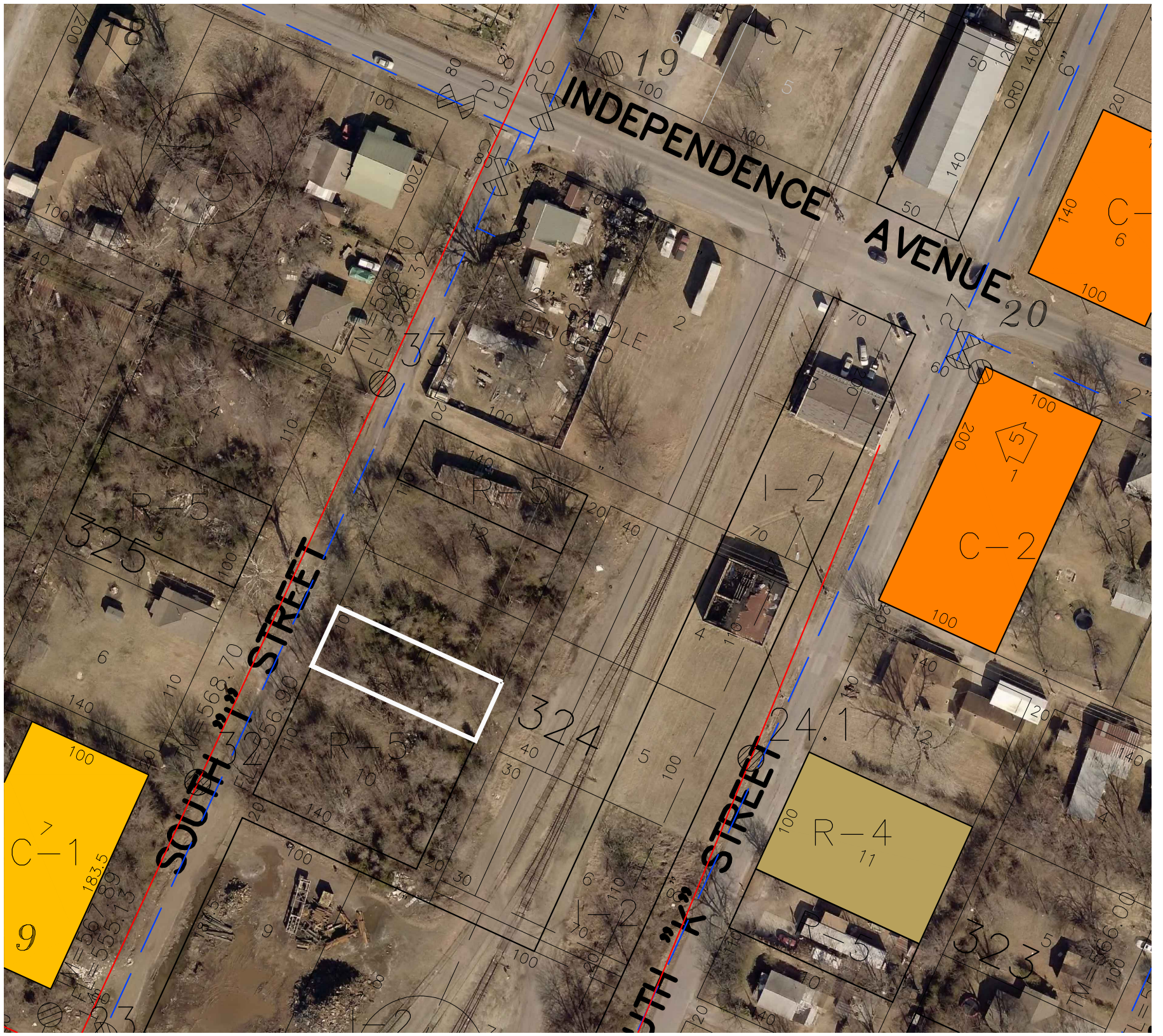
\_\_\_\_\_  
JOHN R. COBURN, MAYOR

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK  
Seal

Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROY TUCKER, CITY ATTORNEY



RESOLUTION NO. 2718

A RESOLUTION DECLARING CERTAIN REAL PROPERTY PRESENTLY IN THE POSSESSION OF THE CITY OF MUSKOGEE TO BE SURPLUS TO THE NEEDS OF THE CITY AND AUTHORIZING THE CITY MANAGER TO DISPOSE OF SAID REAL PROPERTY, SAID TRACT OF LAND DESCRIBED AS:

**S 75 LOT 6 BLOCK 327, MUSKOGEE OT,**

CITY OF MUSKOGEE, MUSKOGEE COUNTY, STATE OF OKLAHOMA.

WHEREAS, the City of Muskogee, Oklahoma has in its possession certain real property which are no longer needed; and

WHEREAS, the City of Muskogee desires to dispose of said real property, which are no longer needed, as surplus property according to the provisions of the Charter and the Ordinances of said City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA;

SECTION 1: That property described as:

**S 75 LOT 6 BLOCK 327, MUSKOGEE OT**

City of Muskogee, Muskogee County, State of Oklahoma, is hereby declared to be surplus to the needs of the City of Muskogee, Oklahoma, and the City Manager is authorized to dispose of said real property.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
JOHN R. COBURN, MAYOR

ATTEST:

\_\_\_\_\_  
TAMMY L. TRACY, CITY CLERK  
Seal

Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROY TUCKER, CITY ATTORNEY



**Public Works Committee**

**3.**

Meeting Date: 04/02/2018

Submitted For: Roy Tucker, City Attorney

Initiator: Roy Tucker, City Attorney

Department: City Attorney

Staff Information Source:

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Information

AGENDA ITEM TITLE:

Discuss and take action on participating in The Poor People's Campaign: A National Call for Moral Revival, in furtherance of Resolution No. 2505 designating the City of Muskogee as a Community of Practice. (Councilor Marlon Coleman)

BACKGROUND:

Councilor Coleman would like to discuss with the Council participation in The Poor People's Campaign, a campaign created from the spirit of Dr. Martin Luther King Jr's. campaign of the same name in 1968.

RECOMMENDED ACTION:

Discuss and take any necessary action.

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Fiscal Impact

Attachments

Resolution 2505 City of Muskogee as a Community of Practice

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## **RESOLUTION NO. 2505**

**A RESOLUTION DESIGNATING THE CITY OF MUSKOGEE AS A COMMUNITY OF PRACTICE; HAVING THE SHARED PURPOSE OF UNDERSTANDING POVERTY AND SUPPORTING PROGRAMS WHICH ASSIST THOSE LIVING IN POVERTY ACHIEVE SELF-SUFFICIENCY.**

**WHEREAS**, the City of Muskogee finds that many of its citizens are living in poverty, without adequate means to reach self-sufficiency;

**WHEREAS**, the City of Muskogee finds that having citizens living in poverty reduces the quality of life for all members of the community and creates issues of homelessness, hunger, and detrimental effects on mental and physical development that perpetuate and contribute to poverty;

**WHEREAS**, the City of Muskogee finds that perceptions of those in poverty or receiving public assistance -- by those not in those circumstances -- tend to reflect attitudes and stereotypes that attribute poverty to personal failings rather than socioeconomic structures and systems and that ignore strengths and competencies in these groups, and public policy and anti-poverty programs continue to reflect these stereotypes:

**WHEREAS**, the City of Muskogee finds that the social costs of poverty, strengthening the workforce and building a more prosperous, sustainable and vital community is a paramount public purpose proper for Council consideration of the same;

**WHEREAS**, the City of Muskogee finds it appropriate and necessary for citizens living in poverty to have a voice on health, social and economic issues that affect their plight;

**WHEREAS**, Building Bridges for the Future of Muskogee is a community agency, with programs designed to assist individuals living in poverty to transition to a state of self-sufficiency, to reduce social costs associated with poverty, to improve educational attainment and job skills and build sustainable communities.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, MUSKOGEE COUNTY, OKLAHOMA:**

Section 1. The City of Muskogee, having a shared purpose of understanding poverty and remediating its effects, is hereby designated as a Community of Practice, and thus pledges to take practical measures to insure that citizens living in poverty are provided with a voice on health, social and economic issues which affect them.

Section 2: The City of Muskogee pledges its cooperation with programs of self-reliance, such as Building Bridges for the Future of Muskogee, to improve the quality of life for all citizens of the community.


ADOPTED AND APPROVED THIS 28TH DAY OF APRIL, 2014

CITY OF MUSKOGEE

  
JOHN R. COBURN, MAYOR



ATTEST:

  
TAMMY TRACY, ACTING CITY CLERK

(SEAL)

Approved as to form and legality this 28th day of April, 2014.

  
ROY D. TUCKER, CITY ATTORNEY

**Public Works Committee**

**4.**

**Meeting Date:** 04/02/2018

**Submitted For:** Roy Tucker, City Attorney

**Initiator:** Tammy Tracy, City Clerk

**Department:** City Clerk

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2719 of the Council of the City of Muskogee, Oklahoma, Commemorating the 50<sup>th</sup> Anniversary of the Death of Dr. Martin Luther King, Jr., or take other necessary action. (Councilor Marlon Coleman)

**BACKGROUND:**

April 4, 2018 marks the 50th Anniversary of the assassination of Dr. Martin Luther King, Jr. In anticipation of community and nationwide remembrance celebrations, Councilor Coleman asks the Council to consider a resolution of commemoration.

**RECOMMENDED ACTION:**

Approve the Resolution.

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**Fiscal Impact**

**Attachments**

Res #2719

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**RESOLUTION NO. 2719**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF MUSKOGEE,  
OKLAHOMA, COMMEMORATING THE 50<sup>TH</sup> ANNIVERSARY OF THE  
DEATH OF DR. MARTIN LUTHER KING, JR.**

**WHEREAS**, April 4, 2018, commemorates the 50th Anniversary of the assassination of Dr. Martin Luther King, who forever changed our Nation through his leadership, service, and clarity of vision; and,

**WHEREAS**, in the brief time Dr. King walked upon this earth, he devoted his life to strengthening the content of the American character and called on our Nation to live up to its founding principles of life, liberty, and the pursuit of happiness for all its citizens; and,

**WHEREAS**, through his determination, spirit, and resolve, Dr. King helped lead one of the greatest movements for equality and freedom in history; and,

**WHEREAS**, the City of Muskogee wishes to honor the lasting legacy of this great American, remembering the ideals for which he fought, and recommitting ourselves to ensuring that our country's promise extends to all Americans across the great land.

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

**SECTION 1.** That the City of Muskogee hereby honorable recognizes the significant contributions and continuing legacy of Dr. Martin Luther King, Jr.

**SECTION 2:** That the City of Muskogee encourages all of its citizens to honor the legacy of Dr. King by living out his teachings, and continuing to work toward the day when the dignity and humanity of every person is respected and our city becomes, in Dr. King's words, a 'Beloved Community'.

ADOPTED THIS \_\_\_\_\_ DAY OF APRIL, 2018.

CITY OF MUSKOGEE

\_\_\_\_\_  
JOHN R. COBURN, MAYOR

ATTEST:

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TAMMY L. TRACY, CITY CLERK

(SEAL)

Approved as to form and legality this 2nd day of April, 2018.

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ROY D. TUCKER, CITY ATTORNEY

**Public Works Committee**

**5.**

**Meeting Date:** 04/02/2018

**Submitted For:** Roy Tucker, City Attorney

**Initiator:** Leslie Arnold,  
Attorney Secretary

**Department:** City Attorney

**Staff Information Source:** City Attorney

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of a location agreement between the City of Muskogee and Georgia-Pacific LLC, for the purpose of authorizing filming of the 2018 Azalea Festival, or take any other necessary action. (Roy D. Tucker)

**BACKGROUND:**

GP intends to capture film footage of their employees' participation at Azalea Festival activities around the city. Since most of these activities take place on City property, they have requested the City grant permission to utilize film equipment on city property, as well as, capture images of city buildings, logos and the like.

**RECOMMENDED ACTION:**

Approve location agreement.

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**Fiscal Impact**

**Attachments**

Agreement

Certificate of Insurance

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## LOCATION AGREEMENT

1. The undersigned Lessor ("Lessor") as owner of the premises described herein (or as agent for such owner) irrevocably grants to Georgia-Pacific LLC, as lessee, ("Lessee"), and any agent, licensee and/or assignee ("Successor") of Lessee the right to use and photograph (including without limitations by means of motion picture, still or video device photography) both the real and personal property located at the premises generally described as follows:

***2018 Azalea Festival and surrounding events to include Azalea Festival Parade, Exchange Club 34<sup>th</sup> Annual Chili and BBQ Cookoff, the Muskogee Exchange Club Cook-Off Kick-Off Party, and other unspecified events around the City of Muskogee.***

in any manner whatsoever and any name connected with the premises and any signs including the right to photograph, record and use any logos and verbiage contained on the premises, the right to refer to the premises or any part thereof, together with access to and egress from said premises with Lessee's personnel and equipment for the purpose of erecting and maintaining temporary motion picture sets and structures (to the extent required by Lessee), and photographing said premises, sets and structures and/or recording sound for such scenes as Lessee may desire.

2. Lessor warrants that Lessor is the owner (or the agent for the owner) of said premises, that Lessor is fully authorized to enter into this agreement and has the right to grant Lessee the use of said premises and each and all of the rights herein granted.

3. Lessee is granted permission to use and photograph the premises as contemplated by this agreement beginning on or about 4/12/2018 and continuing until the completion of all photographing and recording for which Lessee may desire the use of said premises, estimated to require about Three (3) days of occupancy over a period of about Three (3) days.

4. Lessee agrees to pay as rental for said premises:

Zero (\$0) dollars

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All charges shall be payable on completion of the work contemplated hereunder, unless specifically agreed to the contrary. Lessee may at any time elect not to use the premises in which case neither party shall have any obligation hereunder.

5. In the event Lessee desires to photograph retakes or other scenes, Lessee may reenter upon and use said premises for such period as may be reasonably necessary

therefor commencing at any time within eighteen (18) months after completion of principle photography on this location, and in such event the above rental rate shall apply.

6. Lessee shall leave said premises in substantially as good condition as when received by it, excepting reasonable wear and tear and use of said premises for the purposes herein permitted; and Lessee shall have the right to remove all of its sets, structures and other material and equipment from said premises.

7. Lessee shall indemnify and hold harmless from and against damages for injury to or death of persons and for damage to or destruction of property of the owner occurring during Lessee's use of said premises and caused by the negligence of Lessee or any of its employees in conduct of Lessee's motion picture operations hereunder to the extent such loss is not otherwise covered by any insurance provided that Lessee's liability shall be limited to one million dollars. Proof of applicable insurance coverage shall be provided to Lessor at least five (5) days prior to Lessee's use of the premises.

8. All rights of every kind in and to all photography and sound recordings made hereunder shall be solely owned in perpetuity by Lessee and its Successors, and neither Lessor nor any tenant or other party now or hereafter having an interest in said premises shall have any right of action, including without limitation any right to injunctive relief against Lessee, its Successors and/or any other party arising out of any use or non-use of said photography and/or sound recordings.

9. Lessor hereby irrevocably grants to Lessee and its Successors the right, in perpetuity throughout the world, to duplicate and recreate all or a portion of said premises and to use the same in any media and/or manner known or unknown, including without limitation in and in connection with any motion picture, theme park, motion picture studio tour and/or merchandise in connection with any if the foregoing and/or in connection with any publicity, promotion and/or advertising of same.

10. Lessor hereby waives, in behalf of himself and his insurance carrier, all rights of subrogation with respect to any claim or claims which may arise under any and all policies of insurance now or during the term hereof in effect insuring any property of Lessor situated in or upon said premises.

11. Neither Lessee, nor its Successors shall be obligated to make any actual use of any photography, recordings, depictions or other references to the premises hereunder in any motion picture or otherwise.

12. This agreement contains full and complete understanding between the parties and supersedes all prior agreements and understandings pertaining hereto and cannot be modified except by a writing signed by each party.

DATED: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_  
Lessee – GP Muskogee Mill

Address: 4901 Chandler Rd  
Muskogee, OK 74014  
\_\_\_\_\_

Approved this \_\_\_\_\_ day of April, 2018 by the City Council of the City of Muskogee.

\_\_\_\_\_  
John R. Coburn, Mayor

\_\_\_\_\_  
Tammy L. Tracy, City Clerk

Attest:

Approved as to form and legality.

\_\_\_\_\_  
Roy D. Tucker, City Attorney



# CERTIFICATE OF LIABILITY INSURANCE

DATE(MM/DD/YYYY)  
03/26/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Aon Risk Services South, Inc. Atlanta GA Office 3550 Lenox Road NE Suite 1700 Atlanta GA 30326 USA	<b>CONTACT NAME:</b>	
	<b>PHONE (A/C. No. Ext):</b> (866) 283-7122	<b>FAX (A/C. No.):</b> 800-363-0105
<b>INSURED</b> Georgia-Pacific Consumer Operations LLC 133 Peachtree Street NE Atlanta GA 30303 USA	<b>E-MAIL ADDRESS:</b>	
	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>NAIC #</b>	
	<b>INSURER A:</b> Old Republic Insurance Company	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
<b>INSURER E:</b>		
<b>INSURER F:</b>		

Holder Identifier :

**COVERAGES****CERTIFICATE NUMBER:** 570070521910**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

Limits shown are as requested

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			MWZY311907	12/01/2017	12/01/2018	EACH OCCURRENCE	\$1,000,000	
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	Excluded	
	<input checked="" type="checkbox"/> \$1,000,000 Self Insured						MED EXP (Any one person)	Excluded	
	Retention Applies							PERSONAL & ADV INJURY	\$1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$1,000,000
<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG	\$1,000,000		
	OTHER:								
A	<b>AUTOMOBILE LIABILITY</b>			MWTB 311905	12/01/2017	12/01/2018	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000	
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)		
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS					BODILY INJURY (Per accident)		
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)		
	<b>UMBRELLA LIAB</b>						EACH OCCURRENCE		
	<b>EXCESS LIAB</b>						AGGREGATE		
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION								
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>			MWC31190400	12/01/2017	12/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER		
	ANY PROPRIETOR / PARTNER / EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	N/A				E.L. EACH ACCIDENT	\$1,000,000	
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE-EA EMPLOYEE	\$1,000,000	
							E.L. DISEASE-POLICY LIMIT	\$1,000,000	

Certificate No : 570070521910

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

City of Muskogee 229 W. Okmulgee Avenue Muskogee OK 74401 USA	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE  <i>Aon Risk Services South, Inc.</i>

**Public Works Committee**

**6.**

**Meeting Date:** 04/02/2018  
**Initiator:** Tammy Tracy, City Clerk  
**Department:** City Clerk  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Discuss the appointment of a Councilmember to serve on the Eastern Oklahoma Development District (EODD), filling the unexpired term of James Gulley, expiring June 30, 2019, and take other necessary action. (Roy D. Tucker)

**BACKGROUND:**

This is to appoint a councilmember to serve on the EEOD, replacing the vacated seat previously held by former Councilmember James Gulley.

**RECOMMENDED ACTION:**

Appoint a councilmember.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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