

*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).*

JULY 12, 2018

**NOTICE AND AGENDA  
SPECIAL CALL MEETING**

**TO: ALL MEMBERS OF THE MUSKOGEE CITY COUNCIL**

By virtue of the authority vested in me as Mayor of the City of Muskogee, Oklahoma, I do hereby issue a call for a Special Call Meeting of the Muskogee Council to convene:

**DATE: JULY 16, 2018**  
**TIME: 5:30 P.M.**  
**PLACE: COUNCIL CHAMBERS, THIRD FLOOR  
MUNICIPAL BUILDING, 3RD & OKMULGEE**

**ROLL CALL  
PURPOSE:**

1. Consider approval of Resolution No. 2733 Supporting the Exercise of Fiduciary Responsibility by the Muskogee Medical Center Authority in its Management of an Assigned Sublease; Reaffirming Obligations Established within the Trust Indenture; and Authorizing the Appointment of a Liaison to the Authority, or take other necessary action. (Roy D. Tucker)
2. Discuss and take action to nominate and appoint a liaison to the Muskogee Medical Center Authority in accordance with Resolution No. 2733. (Roy D. Tucker)
3. Consider an Executive Session to discuss and take possible action on the following:
  - a. Pursuant to Section 307 B.3 and C.10, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the purchase of real property, as well as, to confer on matters pertaining to an economic development project within the City of Muskogee, and if necessary take appropriate action in open session. (Gary D. Garvin)

The City Clerk is hereby authorized to give each member of the Muskogee City Council notice of this Special Call Meeting as provided by the Charter of the City of Muskogee, Oklahoma.

**ADJOURN**



**Special City Council****1.****Meeting Date:** 07/16/2018**Submitted For:** Roy Tucker, City Attorney**Initiator:** Ashley Wallace,  
Office Adm 1**Department:** City Clerk**Staff Information Source:**

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**Information****AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2733 Supporting the Exercise of Fiduciary Responsibility by the Muskogee Medical Center Authority in its Management of an Assigned Sublease; Reaffirming Obligations Established within the Trust Indenture; and Authorizing the Appointment of a Liaison to the Authority, or take other necessary action. (Roy D. Tucker)

**BACKGROUND:**

Several questions have arisen as to who the appropriate body should be to negotiate any changes, modifications or resolutions to the existing sublease between the Muskogee Medical Center Authority and the City, so the instant resolution reaffirms the authority vested in that board, as well as, proclaims support from the City for the Authority's efforts. Additionally, the resolution authorizes the appointment of a liaison to serve as an informational point of contact and advisor to the MMCA.

**RECOMMENDED ACTION:**

Approve the Resolution

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**Fiscal Impact****Attachments**

2733 RES 07-23-2018 MMCA

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**RESOLUTION NO: 2733**

**A RESOLUTION SUPPORTING THE EXERCISE OF  
FIDUCIARY RESPONSIBILITY BY THE MUSKOGEE  
MEDICAL CENTER AUTHORITY IN ITS MANAGEMENT  
OF AN ASSIGNED SUBLEASE; REAFFIRMING  
OBLIGATIONS ESTABLISHED WITHIN THE TRUST  
INDENTURE; AND AUTHORIZING THE APPOINTMENT  
OF A LIAISON TO THE AUTHORITY.**

**WHEREAS**, the City of Muskogee, Oklahoma (“City”), a municipal corporation, is the sole beneficiary of the City of Muskogee Hospital Trust, a public trust organized under the laws of the State of Oklahoma, 60 OKLA. STAT. §176 *et seq.* and doing business as Muskogee Medical Center Authority (“MMCA”). Said Trust Indenture is filed in the records of the Muskogee County Clerk in Book 1105, Page 542 through Page 560;

**WHEREAS**, the City and the MMCA are parties to an Amended and Restated Lease Agreement dated March 30, 2007 (“Lease Agreement”), providing for a lease of certain real property more particularly described therein, originally commencing on March 1, 1974 and ending March 31, 2047 (“Hospital Property”);

**WHEREAS**, the purpose of said Lease Agreement was for operation of an acute care hospital in Muskogee, Oklahoma in furtherance of Section 7:01 of the City’s Charter and the purpose contained within the above described Trust Indenture;

**WHEREAS**, on April 3, 2007, MMCA entered into, with the City’s consent, a 40-year sublease with Capella Healthcare Inc., a private-third party health care operator (“Sublease”). Said purpose was intended to ensure the continued development of advanced state-of-the-art medical facilities and to maintain quality and accessible health care for the citizens of Muskogee. Significant protections were included in the Sublease to fulfill this purpose.

**WHEREAS**, on April 1, 2017, MMCA approved an assignment of the Sublease to Saint Francis Health Systems, Inc. (“SFHS”) for a term commensurate with MMCA’s Lease Agreement with the City and the existing Sublease;

**WHEREAS**, since SFHS has assumed the obligations of the Sublease it has expressed its desire to acquire the Hospital Property in fee simple from MMCA, with the consent of the City;

**WHEREAS**, the City reaffirms the obligations and responsibilities required of MMCA in safeguarding the continuation of health care in Muskogee through its management of the Sublease with SFHS;

**WHEREAS**, the City finds that as a result of these obligations and responsibilities, MMCA is the appropriate body to fully participate in any future negotiations with SFHS, in good faith,

which relate to the further advancement of the state of health care within the City, as well as, ensuring strict adherence to the terms of the existing Sublease;

**WHEREAS**, the City further finds it prudent to appoint a liaison to the MMCA, charged with serving as an informational point of contact and advisor to the MMCA during the course of negotiations with SFHS, or as otherwise may be directed by the City.

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

**Section 1:** The City of Muskogee reaffirms the obligations and responsibilities required of MMCA in safeguarding the continuation of health care in Muskogee through its management of the Sublease with SFHS.

**Section 2:** The City of Muskogee confirms that MMCA is the sole body charged with negotiating any modifications, revisions or amendments to the above referenced Sublease, as assigned to SFHS, as well as, any terms and conditions of a fee simple transfer that may be recommended by MMCA, subject to final approval of the City.

**Section 3:** The City of Muskogee reserves the right to appoint a liaison to the MMCA, charging said person as an informational point of contact and advisor to the MMCA during the course of negotiations with SFHS or as otherwise may be directed by the City.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS \_\_\_\_ DAY OF JULY, 2018.

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JOHN R. COBURN, MAYOR

ATTEST:

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TAMMY L. TRACY, CITY CLERK  
Seal

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

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ROY D. TUCKER, CITY ATTORNEY

**Special City Council**

**2.**

**Meeting Date:** 07/16/2018

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

**Initiator:** Ashley Wallace,  
Office Adm 1

**Department:** City Clerk

**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Discuss and take action to nominate and appoint a liaison to the Muskogee Medical Center Authority in accordance with Resolution No. 2733. (Roy D. Tucker)

**BACKGROUND:**

Resolution No. 2733 establishes the Council's desire to appoint a liaison to the MMCA. The selected person will serve as an informational point of contact between the City and the MMCA, as well as, serve as an adviser on City matters as requested by the MMCA.

**RECOMMENDED ACTION:**

Nominate and appoint an individual to serve as a liaison between the City and the MMCA.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Special City Council****3. a.****Meeting Date:** 07/16/2018**Initiator:** Gary Garvin, Planning Director**Department:** Planning**Staff Information Source:** Gary D. Garvin, Director of Planning & Economic Development

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**Information****AGENDA ITEM TITLE:**

Pursuant to Section 307 B.3 and C.10, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the purchase of real property, as well as, to confer on matters pertaining to an economic development project within the City of Muskogee, and if necessary take appropriate action in open session. (Gary D. Garvin)

**BACKGROUND:**

The Director of Planning and Economic Development desires to discuss with City Council the purchase of certain parcels of real property located within the City of Muskogee, as well as, confer on matters pertaining to economic development. The Director further notifies the Council that public disclosure of the matter discussed would interfere with the development of the project.

**RECOMMENDED ACTION:**

Convene in Executive Session for purposes of discussing the purchase of real property located within the City of Muskogee, and take any necessary action in open session.

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**Fiscal Impact****Attachments**

*No file(s) attached.*

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