

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).

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 Council during such period is required to sign in with the City Clerk prior to the Council 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**  
**MUSKOGEE CITY COUNCIL**  
**MARCH 25, 2024**

*Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item.*

*When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body.*

*Under certain circumstances, items are deferred to a specific date or stricken from the agenda entirely.*

REGULAR SESSION -5:30 P.M., 3RD FLOOR, COUNCIL CHAMBERS, MUNICIPAL BUILDING,  
229 W. OKMULGEE, MUSKOGEE, OKLAHOMA

ROLL CALL

APPROVAL OF MINUTES: CITY COUNCIL SPECIAL CALL SESSION FEBRUARY 12, 2024,  
AND CITY COUNCIL REGULAR SESSION FEBRUARY 26, 2024, OR TAKE OTHER  
NECESSARY ACTION.

**CONSENT AGENDA**

**The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.**

1. Approval of claims for all City departments February 3, 2024 through March 1, 2024, or take other necessary action.
2. Approval of an application for an Assistance to Firefighters Grant (AFG) for a Heavy Rescue Vehicle, and if awarded to receive said grant funds, and authorizing the use of the city's matching grant fund of \$85,000 for the required 10% match, or take other necessary action. (Jody Moore)
3. Approval of amended City Council Policy 3-1-1, Affirmative Action Plan, for FY 2022-2023, or take other necessary action. (Maggie Eaton)

4. Approval of the use of the Muskogee-Davis Regional Airport for a TORA! TORA! TORA! event sponsored by Davis Field Aviation, our FBO operator at the airport, with financial and promotional support from Visit Muskogee, or take other necessary action. (Mike Stewart)
5. Approval of the purchase of 112 two-yard dumpsters from Wastequip, for a total amount of \$53,483.00, via the Sourcewell Purchasing Agreement, RFP #040621, or take other necessary action. (Mike Stewart)
6. Approval for the City of Muskogee to submit a Notice of Intent to seek potential funding for the Meadows Subdivision Flood Mitigation Study, in the amount of \$150,000.00, and the Citywide Stormwater Management Plan, in the amount of \$500,000.00, to accept said grant funds if awarded, and use of the matching grant funds in the amount of \$187,500 for these grants, or take other necessary action. (Mike Stewart)
7. Approval of the lowest and best bid in the amount of \$2,270,998.50, Subtotal Base plus Add Alt. No. 1 Bid, from Cook Consulting, LLC, for Waterline Interconnects Package "D", Project No. 2022024, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)

### **REGULAR AGENDA**

8. Receive report from Main Street Muskogee to discuss and present their annual report, and take other necessary action. (Mike Miller)
9. Consider approval of Ordinance No. 4225-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning Regulations; Article XII, On-Site Development Standards; Section 04-05(a) Fences in Residential Districts, providing for Repealer, Severability, and Setting an Effective Date, or take other necessary action. (Council Member Jamie Stout)
10. Consider approval of Ordinance No. 4229-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commissions, Division 12, Municipal Employees Retirement Board; Section 2-470, Established; Functions and Duties; Meetings; Quorum; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation By Department; Providing for Codification, Repealer, Severability and Setting an Effective Date, or take other necessary action. (Maggie Eaton)
11. Consider approval of Resolution No. 2978, accepting grant funds from the Oklahoma Office of the Attorney General Opioid Abatement Board, to finance Police Department response and abatement activities, and authorize the City Manager, or his designee, to sign all documents relating to the Oklahoma Opioid Abatement Award, or take other necessary action. (Johnny Teehee)

12. Consider approval of Resolution No. 2976 requesting the annexation of the John T. Griffin Industrial Park, zoned as I-2, Heavy Industrial Zoning Classification, as approved in the 2013 City of Muskogee Comprehensive Plan and Land Use Map, Adopted June 4, 2012, upon annexation, located within Section 10, Township 14 North, Range 18 East, into the City of Muskogee, setting a date for a Public Hearing, and directing Staff to take necessary steps in compliance with State statutes pertaining to the annexation request, or take other necessary action. (Jody King)
13. Consider approval of Resolution No. 2977 amending Appendix A, Schedule of Fees and Charges, to the City of Muskogee Code of Ordinances (Wholesale Customers Water Rates), or take other necessary action. (Mike Miller)
14. Consider approval of the lowest and best bid from RJR Enterprises, for the Langston Park Splashpad Project, in the base bid amount of \$272,715.50, with an Alternate A-1 Bid of \$18,315.00, for an additional shade structure, for a total of \$291,030.50, or take other necessary action. (Mark Wilkerson)
15. Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Security Information and Event Management (SIEM) software as a sub-recipient in the amount of up to \$21,000.00, including up to \$4,200.00 from the matching grant fund, or take other necessary action. (Chris Cummings)
16. Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for end-user cybersecurity training as a sub-recipient in the amount of up to \$50,000.00, including \$10,000.00 from the matching grant fund, or take other necessary action. (Chris Cummings)
17. Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for firewall upgrades as a sub-recipient in the amount of up to \$52,000.00, including \$10,400.00 from the matching grant fund, or take other necessary action. (Chris Cummings)
18. Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Penetration Testing as a sub-recipient in the amount up to \$5,200.00, including \$1,040.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

#### **RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.**

**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 Council 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 Council twelve (12) copies should be made available, and may not be returned.**

19. Consider an Executive Session to discuss and take possible action on the following:

- a. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the Worker's Compensation Claim Number 10-23-27, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- b. Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss matters pertaining to a proposed Economic Development Project located in the Southeast Quadrant of the City of Muskogee, including an incentive request, and if necessary, take appropriate action in Open Session. (Mike Miller)
- c. Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to confer on matters pertaining to Economic Development concerning real property located within the Northwest Quadrant of the City of Muskogee, and if necessary, take appropriate action in Open Session. (Mike Miller)
- d. Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the status of Case No. CV-2022-991, City of Muskogee vs. Jun Green LLC, filed in the District Court in and for Muskogee County, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- e. Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the status of Case No. CV-2022-157, City of Muskogee vs. Ken Black, filed in the District Court in and for Muskogee County, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)
- f. Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss three (3) lawsuits styled, England v. City of Muskogee, Case No. CV-2007-20; Lacey v. City of Muskogee, Case No. CV-2007-1377; Taft v. City of Muskogee, Case No. CJ-2007-1410, filed in the District Court in and for Muskogee County, Oklahoma, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

ADJOURN

**Regular City Council**

**1.**

**Meeting Date:** 03/25/2024  
**Initiator:** Jennifer Sharp, Admin II  
**Department:** City Clerk  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

APPROVAL OF MINUTES: CITY COUNCIL SPECIAL CALL SESSION FEBRUARY 12, 2024, AND CITY COUNCIL REGULAR SESSION FEBRUARY 26, 2024, OR TAKE OTHER NECESSARY ACTION.

**BACKGROUND:**

**RECOMMENDED ACTION:**

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**Fiscal Impact**

**Attachments**

2-12-2024 SCCCMIN

2-26-2024 ccmin

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# MINUTES

## OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA MET IN A SPECIAL CALL SESSION IN COUNCIL CHAMBERS OF CITY HALL FEBRUARY 12, 2024

The City Council of the City of Muskogee, Oklahoma, met in a Special Call Session at 5:30 p.m., on February 12, 2024, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor Marlon J. Coleman presiding.

Meeting was called to order by Deputy Mayor Derrick Reed, and the City Clerk called the roll as follows:

Present: Derrick Reed, Deputy Mayor; Jaime Stout, Councilmember; Alex Reynolds, Councilmember; Tracy Hoos, Councilmember; Shirley Hilton-Flanary, Councilmember; Perline Boyattia-Craig, Councilmember; Patrick Cale, Councilmember

Absent: Marlon J. Coleman, Mayor; Traci McGee, Councilmember

Staff Present: Mike Miller, City Manager; Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Kenna Terrell, Deputy City Clerk; Mike Stewart, Public Works Director; Jeff Reeves, Project Manager; Maggie Eaton, Human Resources Director; Avery Rigney, Assistant Public Works Director; Mark Wilkerson, Parks & Recreation Director; Chad Farmer, Deputy Police Chief; Brooke Hall, Asst. Director of Parks & Recreation; Jeff Lee, Garage Supervisor; Chris Cummings, IT Director; Tera Shows, Media Relations Manager

APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL NOVEMBER 13, 2023, REGULAR SESSION CITY COUNCIL NOVEMBER 27, 2023, AND SPECIAL CALL CITY COUNCIL DECEMBER 11, 2023, OR TAKE OTHER NECESSARY ACTION.

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Shirley Hilton-Flanary to approve Minutes: Special Call City Council November 13, 2023, Regular Session City Council November 27, 2023 and Special Call City Council December 11, 2023.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout,  
Councilmember Alex Reynolds, Councilmember Tracy Hoos,  
Councilmember Shirley Hilton-Flanary, Councilmember Perline  
Boyattia-Craig, Councilmember Patrick Cale  
Carried - Unanimously

### CONSENT AGENDA

**The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.**

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Perline Boyattia-Craig to approve Consent Agenda Items one (1) through 12.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout,  
Councilmember Alex Reynolds, Councilmember Tracy Hoos,  
Councilmember Shirley Hilton-Flanary, Councilmember Perline  
Boyattia-Craig, Councilmember Patrick Cale  
Carried - Unanimously

- 1 Approval of claims for all City departments December 2, 2023 through December 29, 2023, or take other necessary action.
- 2 Approval of the lowest and best bid from Gray Manufacturing, in the amount of \$51,000.00, for the purchase of a new mobile column lift set for the Fire Department garage, or take other necessary action. (Robert Swepston)
- 3 Approval of Resolution No. 2971 to allow Neighbors Building Neighborhoods (NBN) to issue Certificates of Appropriateness (COA) on behalf of the Historic Preservation Commission for the Muskogee Historic Revitalization Subgrant Program, or take other necessary action. (Jody King)
- 4 Approval of amended City Council Policy 1-6, Records Retention and Authority to Destroy, or take other necessary action. (Katrina Bodenhamer)
- 5 Approval of Final Payment to APAC Central, Inc., in the amount of \$138,439.58, for the NW Zone Mill & Overlay Project No. 2022042, or take other necessary action. (Mike Stewart)
- 6 Approval of Change Order No. 1 for the Four Corners Signal Improvements, Project No. 2016040, with Traffic & Lighting Systems, LLC, in the amount of \$68,295.60, or take other necessary action. (Mike Stewart)

- 7 Approval of the lowest and best bid in the amount of \$450,000.00, from Cook Consulting, LLC, for the Haskell Pump Station, Project No. 2022021, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)
- 8 Approval of the lowest and best bid in the amount of \$87,001.00, from Anytime Roofing Inc., for the Facilities Building Roof Replacement, Project No. 2023028, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)
- 9 Approval of the appointment of Cleta Mullins to serve on the Wellness Initiative Coalition, filling the unexpired term of Linda Milton, commencing upon appointment, and ending on August 31, 2024, or take other necessary action. (Councilor Perline Boyattia-Craig)
- 10 Approval of the appointment of Perry Hewitt to the Parks and Recreation Board, filling the unexpired term of Julie Macomb, commencing upon appointment, and ending April 30, 2025, or take other necessary action. (Councilor Shirley Hilton-Flanary)
- 11 Approval of the appointment of Dr. Jack Weaver to the Wellness Initiative Coalition to serve a four (4) year term, filling the expired term of Dr. James Baker, beginning February 1, 2024, and ending on January 31, 2028, or take other necessary action. (Councilor Tracy Hoos)
- 12 Approval of the appointment of Melony Carey to the Historic Preservation Commission, to serve a three (3) year term, beginning February 1, 2024, and ending on January 31, 2027, or take other necessary action. (Mayor Marlon J. Coleman)

### **REGULAR AGENDA**

- 13 Consider approval to authorize submission of Letters of Inquiry to the City of Muskogee Foundation for FY2024-2025 grant cycle for City projects as follows: a) Pickleball Courts at Hatbox \$300,000.00; b) Teen Center/YVC Operations \$150,000.00; c) City Attorney Juvenile and Adult Community Service Program \$100,000.00; d) Coody Creek Trail design, \$55,000.00; e) Coody Creek Trail construction, \$1,470,000.00; f) River Country Water Park expansion, \$2,000,000.00; g) Muskogee Police Department body cameras, \$94,000.00, per year for five (5) years; and h) Muskogee Police Department tasers, \$161,000.00, per year, for five (5) years, or take other necessary action. (Mike Miller)

City Manager Mike Miller stated this item was scheduled for review by Council in January, but due to the canceled meeting, it was not reviewed before the Foundation's deadline. He stated Staff was instructed to prepare and submit Letters of Inquiry (LOIs) for the first round for Foundation consideration in order to meet the deadline.



Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Shirley Hilton-Flanary to authorize submission of Letters of Inquiry to the City of Muskogee Foundation for FY2024-2025 grant cycle for City projects as follows: a) Pickleball Courts at Hatbox \$300,000.00; b) Teen Center/YVC Operations \$150,000.00; c) City Attorney Juvenile and Adult Community Service Program \$100,000.00; d) Coody Creek Trail design, \$55,000.00; e) Coody Creek Trail construction, \$1,470,000.00; f) River Country Water Park expansion, \$2,000,000.00; g) Muskogee Police Department body cameras, \$94,000.00, per year for five (5) years; and h) Muskogee Police Department tasers, \$161,000.00, per year, for five (5) years.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 14 Discuss and consider approval of Second Amended Ordinance No. 4198-A, an Ordinance Amending the City of Muskogee Code of Ordinances by Amending Chapter 74, Taxation, Article VIII, Use Tax, by Amending Section 74-237, Economic Development Fund, Amending Section 74-237(h) Removing the Subcommittee and Replacing it with an Economic Development Advisory Board, and Adding Sections (h) (1)-(8); Adding Section 74-237 (i) and Sections (i)(1) (a)-(e), Adding Section (2) and Sections (2) (a) and (b), Providing for Severability, Repealer and Setting an Effective Date, or take other necessary action. (Councilor Tracy Hoos)

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Jaime Stout to approve of Second Amended Ordinance No. 4198-A, an Ordinance Amending the City of Muskogee Code of Ordinances by Amending Chapter 74, Taxation, Article VIII, Use Tax, by Amending Section 74-237, Economic Development Fund, Amending Section 74-237(h) Removing the Subcommittee and Replacing it with an Economic Development Advisory Board, and Adding Sections (h) (1)-(8); Adding Section 74-237 (i) and Sections (i)(1) (a)-(e), Adding Section (2) and Sections (2) (a) and (b), Providing for Severability, Repealer and Setting an Effective Date.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 15 Consider approval of Ordinance No. 4222-A, an Ordinance amending the City of Muskogee Code of Ordinances, by adopting Chapter 18, Buildings and Building Regulations, Article X, Vacant and Abandoned Commercial Buildings, or take other necessary action. (Katrina Bodenhamer)

City Attorney Katrina Bodenhamer stated this would amend an Ordinance already in place, moving it to a different section of code, and removing the requirement of the

registry and fees. Ms. Bodenhamer stated an internal list may be kept for City use and would not be subject to the Open Records Act.

Doug Walton, 2702 Gibson St., spoke in support of this Ordinance.

Discussion followed.

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Shirley Hilton-Flanary to approve Ordinance No. 4222-A, an Ordinance amending the City of Muskogee Code of Ordinances, by adopting Chapter 18, Buildings and Building Regulations, Article X, Vacant and Abandoned Commercial Buildings.

AYE: Councilmember Jaime Stout, Councilmember Tracy Hoos,  
Councilmember Shirley Hilton-Flanary

NAY: Deputy Mayor Derrick Reed, Councilmember Alex Reynolds,  
Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Failed

16 (Stricken) Consider approval of Ordinance No. 4221-A, an ordinance amending the City of Muskogee Code of Ordinances by repealing Chapter 18, Buildings and Building Regulations, Article II, Registration Certificates and Fees; Permits, Bonds and Insurance, Division 6, Vacant Building Registration, or take other necessary action. (Katrina Bodenhamer)

17 Consider approval of Resolution No. 2973 declaring items of personal property presently in the possession of the City of Muskogee, to be surplus to the needs of the City of Muskogee, and authorize the City Manager to offer for sale or dispose of the same, all as per the attached list, or take other necessary action. (Mike Stewart)

Assistant Public Works Director Avery Rigney stated this is traffic lighting equipment that is outdated and no longer in use by the City. Staff recommended approval.

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Shirley Hilton-Flanary to approve Resolution No. 2973 declaring items of personal property presently in the possession of the City of Muskogee, to be surplus to the needs of the City of Muskogee, and authorize the City Manager to offer for sale or dispose of the same, all as per the attached list.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout,  
Councilmember Alex Reynolds, Councilmember Tracy Hoos,  
Councilmember Shirley Hilton-Flanary, Councilmember Perline  
Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 18 Consider approval to authorize the City Manager to execute an Engagement Letter with Hood & Associates, Certified Public Accountants, to perform review of financial statements and prepare audit report for FY2023, or take other necessary action. (Dennis Read)

Assistant City Manager Roger Kolman stated this is for the fiscal year ending June 30, 2023.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Tracy Hoos to authorize the City Manager to execute an Engagement Letter with Hood & Associates, Certified Public Accountants, to perform review of financial statements and prepare audit report for FY2023.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 19 (No Action) Receive report on upcoming municipal election dates and encouraging and informing citizens about voting opportunities. (Mayor Marlon J. Coleman)

Councilmember Jaime Stout encouraged citizens to vote on February 13, 2024.

- 20 Consider approval to allocate \$10,000.00 of hotel/motel tax, to sponsor the Oklahoma Music Hall of Fame Induction Ceremony, or take other necessary action. (Councilor Jaime Stout)

Motion was made by Deputy Mayor Derrick Reed, seconded by Councilmember Tracy Hoos to allocate \$10,000.00 of hotel/motel tax, to sponsor the Oklahoma Music Hall of Fame Induction Ceremony.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 21 Consider an Executive Session to discuss and take possible action on the following:

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Alex Reynolds to approve to enter into Executive Session.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

Council entered into Executive Session at 6:20 p.m.

Council reconvened into Regular Session at 6:35 p.m.

Meeting was called to order by Deputy Mayor Derrick Reed, and the City Clerk called the Roll as follows:

Present: Derrick Reed, Deputy Mayor; Jaime Stout, Councilmember; Alex Reynolds, Councilmember; Tracy Hoos, Councilmember; Shirley Hilton-Flanary, Councilmember; Perline Boyattia-Craig, Councilmember; Patrick Cale, Councilmember

Absent: Marlon J. Coleman, Mayor; Traci McGee, Councilmember

- a Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss a Worker's Compensation claim, No. CM3-2023-00490H, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Alex Reynolds to approve Worker's Compensation claim No. CM3-2023-00490H as discussed in Executive Session.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- b Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the pending tort claim of Marion Hunter, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Tracy Hoos to approve tort claim of Marion Hunter as discussed in Executive Session.

AYE: Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- c (No Action) Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to provide an update regarding (PFAS) contamination In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and take other necessary action in Open Session. (Katrina Bodenhamer)
  
- d (No Action) Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the on-going litigation styled Quintana v. City of Muskogee et al., filed in the United States District Court for the Eastern District of Oklahoma, Case No. 23-VC-389-RAW, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

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DERRICK REED, DEPUTY MAYOR

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TAMMY L. TRACY, CITY CLERK

# **MINUTES**

## **OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, MET IN REGULAR SESSION IN COUNCIL CHAMBERS OF CITY HALL FEBRUARY 26, 2024**

The City Council of the City of Muskogee, Oklahoma, met in Regular Session at 5:30 p.m., on February 26, 2024, in Council Chambers, Municipal Building, 229 W. Okmulgee Ave., Muskogee, Oklahoma, with Mayor Marlon J. Coleman presiding.

Meeting was called to order by Mayor Marlon J. Coleman and the City Clerk called the roll as follows:

**Present:** Mayor Marlon J. Coleman; Deputy Mayor Derrick Reed; Councilmember Jaime Stout; Councilmember Alex Reynolds; Councilmember Traci McGee; Councilmember Tracy Hoos; Councilmember Shirley Hilton-Flanary; Councilmember Perline Boyattia-Craig; Councilmember Patrick Cale

**Staff Present:** Mike Miller, City Manager; Roger Kolman, Assistant City Manager; Katrina Bodenhamer, City Attorney; Tammy L. Tracy, City Clerk; Kenna Terrell, Deputy City Clerk; Mike Stewart, Public Works Director; Maggie Eaton, Human Resources Director; Avery Rigney, Assistant Public Works Director; Austin Witt, Deputy City Attorney; Jody King, Planning Director; Seth Campbell, Assistant City Attorney

**APPROVAL OF MINUTES: SPECIAL CALL CITY COUNCIL NOVEMBER 13, 2023, REGULAR SESSION CITY COUNCIL NOVEMBER 27, 2023, AND SPECIAL CALL CITY COUNCIL DECEMBER 11, 2023, OR TAKE OTHER NECESSARY ACTION.**

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Perline Boyattia-Craig to approve of Minutes: Special Call City Council November 13, 2023, Regular Session City Council November 27, 2023, and Special Call City Council December 11, 2023.

**AYE:** Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

**CONSENT AGENDA**

**The following items are considered to be routine by the City Council and will not be read aloud. The Consent Agenda will be enacted with one motion and should discussion be desired on an item, that item will be removed from the Consent Agenda prior to action and considered separately prior to the Regular Agenda.**

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Perline Boyattia-Craig to approve Consent Agenda Items one (1) through 13.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 1 Approval of claims for all City departments December 30, 2023 through February 2, 2024, or take other necessary action.
- 2 Approval to accept the lowest and/or best bid for Pest Control Services from Allstate Termite & Pest Solutions, at \$1,596.00 per month, or take other necessary action. (Roger Kolman)
- 3 Approval of the lowest and best bid from Gordon's Heating and Air for Mechanical (HVAC) contractor for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Roger Kolman)
- 4 Approval of the low bid from B & R Electric for Electrical Contractor for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Roger Kolman)
- 5 Approval of lowest and only bid from McIntosh Service, LLC, for Plumbing Contractor for maintenance and upkeep of all City facilities and buildings, or take other necessary action. (Roger Kolman)
- 6 Approval of the lowest and best bid from TK Elevator Corporation for Elevator Maintenance contractor for maintenance and upkeep of four elevators within City facilities and buildings, or take other necessary action. (Roger Kolman)
- 7 Approval of the lowest and/or best bids from Muskogee Redi Mix for concrete materials for City repair and maintenance projects, or take other necessary action. (Mike Stewart)
- 8 Approval of the lowest and/or best bids for Road Materials from Tulsa Asphalt, Vance Brothers, APAC Central dba Arkhola, and Youngman Rock, for FY2024-2025, or take other necessary action. (Mike Stewart)

- 9 Approval to accept the recommended bids for Water Treatment Plant Chemicals for water treatment as follows: 1) Chlorine at \$1.165 per pound to Brenntag Southwest; 2) Fluorosilicic Acid at \$0.292 per pound to Pencco Inc.; 3) Poly-phosphate at \$0.647 per pound to Shannon Chemicals; 4) Aluminum/polymer liquid blend coagulant at \$0.427 per pound to WaterTech Inc.; 5) Sodium Chlorite solution at \$0.665 per pound to Evoqua Water Technologies; 6) Ferric Chloride at \$0.24 per pound to PVS Technologies; 7) Copper Sulfate at \$0.5131 per pound to Brenntag Southwest, or take other necessary action. (Mike Stewart)
- 10 Approval of a request from the Roxy Theater for a one-time supplemental appropriation for operating expenses of \$35,000.00, or take other necessary action. (Mike Miller)
- 11 Approval of final payment to TLS Group, Inc., in the amount of \$71,036.27, for Four Corners Signalization, Project No. 2016040, or take other necessary action. (Mike Stewart)
- 12 Approval of final payment to Mason Enterprise Group, in the amount of \$3,519.00, for Sewer Plant Chiller, Project No. 2022038, or take other necessary action. (Mike Stewart)
- 13 Approval of the appointment of Joy Sloan to the Parks and Recreation Board, to serve a four (4) year term, filling the expiring term of Evelyn Hibbs, beginning March 1, 2024, and ending February 29, 2028, or take other necessary action. (Councilor Perline Boyattia-Craig)

### **REGULAR AGENDA**

- 14 (No Action) Receive presentation from Eddie Warrior Correctional Center on their plans for a Work-Release Program to provide job opportunities and career training, and take other necessary action. (Mayor Marlon J. Coleman)

Warden Christe Sweat presented information about the programs in place to aid women being released from prison into the work force.

- 15 (No Action) Receive annual report from the Muskogee Tourism Authority to discuss their projects, goals, and activities, and take other necessary action. (Mike Miller)

Presenters from the Muskogee Tourism Authority discussed recent and upcoming events in Muskogee.

- 16 (No Action) Hold a Public Hearing to discuss the outcome of the Community Development Block Grant- Coronavirus Response (CDBG-CV 2020), an Application for Funding to Prevent, Prepare for, and Respond to Coronavirus, and take other necessary action. (Jody King)

Mayor Marlon J. Coleman opened the Public Hearing.

Planning Director Jody King stated the City chose three (3) of the eligible activities



under the State's program: food assistance boxes, Green Country Data Plans and Muskogee County Transit public transportation bus filtration systems. The City distributed 5,513 food boxes, with a reimbursement of \$203,981.00 on September 26, 2022. Total expenses for data plans was \$142,125.92. The Bus Filtration cost was \$47,623.32, and included one (1) additional year of filters. The total grant amount spent is \$405,279.00.

Mayor Marlon J. Coleman closed the Public Hearing.

- 17 Consider approval of Ordinance No. 4224-A, an ordinance amending the City of Muskogee Code of Ordinances, by amending Chapter 82, Utilities, Article VI, Refuse Collection, Section 82-743, Other Trash Containers, Adding Repealer, Severability and Setting an Effective Date, or take other necessary action. (Mike Stewart)

Assistant Public Works Director Avery Rigney stated in October 2022, Council passed an ordinance eliminating additional bag pick-up. This is a housekeeping item to bring the code into compliance as the entire item was not removed when the initial ordinance was passed.

Motion was made by Councilmember Jaime Stout, seconded by Councilmember Alex Reynolds to approve Ordinance No. 4224-A, an ordinance amending the City of Muskogee Code of Ordinances, by amending Chapter 82, Utilities, Article VI, Refuse Collection, Section 82-743, Other Trash Containers, Adding Repealer, Severability and Setting an Effective Date.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 18 Consider approval of Resolution No. 2932 approving and authorizing execution of the Blue Cross Blue Shield Benefit Program Application and required addendums, Blue Cross Blue Shield Exhibit to the Stop Loss Coverage Policy, Prime Therapeutics Required Documents, and all other required documents, all to become effective on May 1, 2024, and authorizing the City Manager, or designee, to execute all necessary documents for renewal and implementation purposes, or take other necessary action. (Maggie Eaton)

Human Resources Director Maggie Eaton stated the Health Insurance Committee reviewed renewal options for the insurance plan for the 2024-2025 plan year. Specific Stop Loss or Specific Deductible will increase from \$100,000.00 to \$125,000.00, allowing for Stop Loss premiums to drop significantly. Employees who elect to cover their dependents will see a slight increase. The City's bi-weekly contribution will increase by \$39.97, resulting in an overall yearly cost increase for the City of approximately \$439,500.00. The Colonial Critical Illness policy will be upgraded with zero additional cost, and all other benefits will remain the same with no cost changes. The Health Committee approved the renewal discussed four (4) to one (1).

Motion was made by Councilmember Shirley Hilton-Flanary, seconded by Councilmember Alex Reynolds to approve Resolution No. 2932 approving and authorizing execution of the Blue Cross Blue Shield Benefit Program Application and required addendums, Blue Cross Blue Shield Exhibit to the Stop Loss Coverage Policy, Prime Therapeutics Required Documents, and all other required documents, all to become effective on May 1, 2024, and authorizing the City Manager, or designee, to execute all necessary documents for renewal and implementation purposes.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 19 Consider approval of Resolution No. 2975 declaring the property located at 1016 South C Street in the City of Muskogee, as surplus property, and authorize the City Manager to negotiate and execute a Quit Claim Deed for the subject property, or take other necessary action. (Jody King)

Planning Director Jody King stated this property was gifted to the City by Muskogee County on March 7, 2016. It is located in a residential neighborhood, and is of no use to the City. Staff recommended approval.

Councilor Alex Reynolds left the meeting at 6:13 p.m.

Motion was made by Councilmember Traci McGee, seconded by Councilmember Perline Boyattia-Craig to approve Resolution No. 2975 declaring the property located at 1016 South C Street in the City of Muskogee, as surplus property, and authorize the City Manager to negotiate and execute a Quit Claim Deed for the subject property.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

Councilor Alex Reynolds returned to the meeting at 6:15 p.m.

- 20 Consider approval of Resolution No. 2974 declaring items of personal property presently in the possession of the City of Muskogee, to be surplus to the needs of the City of Muskogee, and authorize the City Manager, or his designee, to offer for sale or dispose of the same, all as per the attached list, or take other necessary action. (Dennis Read)

Motion was made by Councilmember Perline Boyattia-Craig, seconded by Councilmember Alex Reynolds to approve of Resolution No. 2974 declaring items of personal property presently in the possession of the City of Muskogee, to be surplus to the needs of the City of Muskogee, and authorize the City Manager, or his designee, to offer for sale or dispose of the same, all as per the attached list.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 21 Consider approval of Change Order No. 2, for AIP Project No. 3-40-0062-013, at Davis Field, or take other necessary action. (Mike Stewart)

Public Works Director Mike Stewart stated the projected cost for the Airfield Improvement Project (AIP) was \$783,860.57. This change order is for \$3,020.25, bringing the new total to \$785,777.42. This project is funded by entitlement funds from FAA and discretionary funding. Staff recommended approval.

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Shirley Hilton-Flanary to approve Change Order No. 2, for AIP Project No. 3-40-0062-013, at Davis Field.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 22 Consider approval of a contract renewal with Midwest Employers Casualty Company for Excess Workers' Compensation Insurance, in the amount of \$118,551.00, or take other necessary action. (Katrina Bodenhamer)

City Attorney Katrina Bodenhamer stated it is necessary to carry Excess Workers' Compensation Insurance. Midwest Employers Casualty Company continues to have the lowest rate and agreed to lock in the rate of \$118,551.00 for two (2) years. Staff recommended approval.

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Perline Boyattia-Craig to approve of a contract renewal with Midwest Employers Casualty Company for Excess Workers' Compensation Insurance, in the amount of \$118,551.00.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- 23 Consider the appointment of Councilor Shirley Hilton-Flanary to the Council-Management Relations subcommittee, replacing Councilor Perline Boyattia-Craig, or take other necessary action. (Councilor Tracy Hoos)

Motion was made by Councilmember Tracy Hoos, seconded by Councilmember Jaime Stout to approve appointment of Councilor Shirley Hilton-Flanary to the Council-Management Relations subcommittee, replacing Councilor Perline Boyattia-Craig.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

#### **RECOGNIZE CITIZENS WISHING TO SPEAK TO THE MAYOR AND COUNCIL.**

**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 Council 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 Council twelve (12) copies should be made available, and may not be returned.**

- 24 Consider an Executive Session to discuss and take possible action on the following:

Motion was made by Councilmember Alex Reynolds, seconded by Councilmember Perline Boyattia-Craig to enter into Executive Session.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

Council entered into Executive Session at 6:25 p.m.

Council reconvened into Regular Session at 6:45 p.m.

Meeting was called to order by Mayor Marlon J. Coleman, and the City Clerk called the roll as follows:

Present: Mayor Marlon J. Coleman; Deputy Mayor Derrick Reed; Councilmember Jaime Stout; Councilmember Alex Reynolds; Councilmember Traci McGee;

Councilmember Tracy Hoos; Councilmember Shirley Hilton-Flanary;  
Councilmember Perline Boyattia-Craig; Councilmember Patrick Cale

- a (Sticken) Pursuant to Section 307 B.1 Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the employment and evaluate the performance of Municipal Judge, Toni Bradley-Smith, and if necessary, take appropriate action in Open Session. (Councilors Stout, Hoos, and Boyattia-Craig)
- b Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss Worker's Compensation Claims No. 10-19-7085 and No. 10-21-7624, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

Motion was made by Deputy Mayor Derrick Reed, seconded by Councilmember Perline Boyattia-Craig to approve Worker's Compensation Claims No. 10-19-7085 and No. 10-21-7624 as discussed in Executive Session.

AYE: Mayor Marlon J. Coleman, Deputy Mayor Derrick Reed, Councilmember Jaime Stout, Councilmember Alex Reynolds, Councilmember Traci McGee, Councilmember Tracy Hoos, Councilmember Shirley Hilton-Flanary, Councilmember Perline Boyattia-Craig, Councilmember Patrick Cale

Carried - Unanimously

- c (No Action) Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session with Attorney Matt Sill to provide an update regarding (PFAS) contamination In Re: Aqueous Film-Forming Foams Products Liability Litigation, MDL No. 2:18-mn-2873, United States District Court, District of South Carolina, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

ADJOURN

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MARLON J. COLEMAN, MAYOR

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TAMMY L. TRACY, CITY CLERK

**Regular City Council**

**1.**

Meeting Date: 03/25/2024  
Submitted For: Dennis Read, Finance  
Initiator: Benita Hotema, Assistant Financial Analyst  
Department: Finance  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Approval of claims for all City departments February 3, 2024 through March 1, 2024, or take other necessary action.

BACKGROUND:

Claims for all City departments.

RECOMMENDED ACTION:

Approve claims February 3, 2024 through March 1, 2024.

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Fiscal Impact

Attachments

*No file(s) attached.*

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**Regular City Council**

**2.**

Meeting Date: 03/25/2024  
Submitted For: Jody Moore, Fire Department Initiator: Jody Moore, Fire Chief  
Department: Fire Department  
Staff Information Source:

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**Information**

**AGENDA ITEM TITLE:**

Approval of an application for an Assistance to Firefighters Grant (AFG) for a Heavy Rescue Vehicle, and if awarded to receive said grant funds, and authorizing the use of the city's matching grant fund of \$85,000 for the required 10% match, or take other necessary action. (Jody Moore)

**BACKGROUND:**

The Muskogee Fire Department is currently facing a critical issue with one of its aging rescue trucks, a 1998 model with seating for only two personnel. Over the years, this vehicle has developed mechanical issues. Additionally, the shelving compartments within the vehicle have begun to deteriorate, significantly reducing the available space for storing essential life-saving equipment required for special operations. Recognizing the urgent need for action, the Muskogee Fire Department is seeking support through the Assistance to Firefighters Grant (AFG) program to replace the outdated rescue truck with a modern and well-equipped vehicle. This new rescue unit will not only provide ample storage space for essential equipment but also enable personnel to prepare faster and respond more effectively when time is of the essence. The amount being requested for the new rescue unit is \$850,000. It does require a 10% match from the City of Muskogee for total of \$85,000 if awarded. Staff requests use of the City Matching Grant Fund for the 10% match.

**RECOMMENDED ACTION:**

Approval to apply for AFG grant and use matching grant funds

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**3.**

**Meeting Date:** 03/25/2024  
**Initiator:** Maggie Eaton, Human Resources Director  
**Department:** Personnel  
**Staff Information Source:** Maggie Eaton

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**Information**

**AGENDA ITEM TITLE:**

Approval of amended City Council Policy 3-1-1, Affirmative Action Plan, for FY 2022-2023, or take other necessary action. (Maggie Eaton)

**BACKGROUND:**

The purpose of the Affirmative Action Plan is to identify organizational components and job categories within the City of Muskogee's workforce in which minorities and women are not represented in proportion to their availability in the labor force, and to devise and implement strategies to achieve equitable representation. Strategies have been developed over the last few years, and continue to be modified, as the need arises for hiring qualified minority candidates.

The effective date of this policy will be the date approved by City Council.

This policy includes amended data for the current and past fiscal year.

**RECOMMENDED ACTION:**

Recommend approval of the amended Affirmative Action Plan for the City of Muskogee, Oklahoma, Council Policy 3-1-1.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**4.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Mike Stewart, Public Works  
**Initiator:** Marsha Wiseman, Public Works Strategic Support Admin  
**Department:** Public Works  
**Staff Information Source:** Marsha Wiseman

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**Information**

**AGENDA ITEM TITLE:**

Approval of the use of the Muskogee-Davis Regional Airport for a TORA! TORA! TORA! event sponsored by Davis Field Aviation, our FBO operator at the airport, with financial and promotional support from Visit Muskogee, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

TORA! TORA! TORA! is a three-day practice of World War II-style aircraft. The public will be invited to view these planes in flight practice on Saturday, March 16th, from 10:00 a.m. to 2:00 p.m. The U.S. Air Force Auxiliary Civil Air Patrol will assist Davis Field Aviation with this event.

**RECOMMENDED ACTION:**

Approve use of Muskogee-Davis Regional Airport for this 2024 TORA! TORA! TORA! practice event.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**5.**

Meeting Date: 03/25/2024  
Initiator: Kristal Keim, PW Office Admin II  
Department: Public Works  
Staff Information Source:

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**Information**

**AGENDA ITEM TITLE:**

Approval of the purchase of 112 two-yard dumpsters from Wastequip, for a total amount of \$53,483.00, via the Sourcewell Purchasing Agreement, RFP #040621, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

Two-yard dumpsters are trash containers used by commercial businesses in the City of Muskogee. Over the course of time, the dumpsters are damaged or aged to a point where they are no longer useful due to leaks or lack of structural integrity. The Street Department will repair dumpsters that are in fair shape. However, some cannot be repaired to a usable condition.

The City can purchase these from Sourcewell, a cooperative purchasing agreement.

It benefits the City and customers to periodically replace defective dumpsters. It provides a better public image by having a dumpster in good condition, as well as protects the stormwater system from leakage from the containers.

**RECOMMENDED ACTION:**

Staff recommends approval.

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**Fiscal Impact**

**FUNDING SOURCE:**

212-6050-432.64-50

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**Attachments**

*No file(s) attached.*

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**Regular City Council**

**6.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Avery Rigney, Public Works  
**Initiator:** Avery Rigney, Asst. Public Works Director  
**Department:** Public Works  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Approval for the City of Muskogee to submit a Notice of Intent to seek potential funding for the Meadows Subdivision Flood Mitigation Study, in the amount of \$150,000.00, and the Citywide Stormwater Management Plan, in the amount of \$500,000.00, to accept said grant funds if awarded, and use of the matching grant funds in the amount of \$187,500 for these grants, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

This item is to inform the City Council of the City staff's intent to seek grant funds for studies on Citywide and Meadows Subdivision drainage issues. These studies are necessary for the City to secure further grant funds in the future, such as the FEMA BRIC grant.

There are 2 elements to this report:

1.) Citywide Master Drainage Plan- To secure potential grant funds in the future as it pertains to stormwater drainage grants for studies, improvements, and other various opportunities, the City must have a master stormwater drainage plan. A master stormwater drainage plan is an engineered study that indicates problem areas in the City as it relates to:

- A complete inventory of the components, location, and condition of the public drainage system.
- The nature and magnitude of flood risk throughout the City.
- The relative degree of flood risk in different areas of the City necessary to establish priorities for further studies and capital improvement projects.
- The likely range of costs to mitigate flood risks in the flood-prone parts of the City.

The scope of this plan would be to build on the city-wide rain on grid analysis and hot spot identification already completed to achieve the following:

- Review problem areas in detail
- Develop a prioritization criterion
- Develop mitigation project concepts
- Rank Projects
- Prioritize watersheds for further detailed study
- Program a 5-year capital improvement program and watershed study plan
- Conduct a detailed modeling and refine flood mitigation concept development for 1 or 2 of the highest priority watersheds.

The grant amount would be \$500,000.00, the City would need to provide a 25% match for this if awarded the grant.

2.) Meadows Subdivision Flood Mitigation Study- As the Council is aware, much of the Meadows is in the Special Flood Hazard Area and the City reports that the area experiences frequent road flooding that impedes ingress and egress as well as structural flooding. Over 50 residences reported flooding in May 2022, including significant structural flooding with floodwaters up to 3 feet inside homes. Based on a high level , rain-on-grid analysis already conducted, approximately 80 residential properties are subject to inundation in a 100-year event. Additionally, the road flooding impacts response time for first responders as well as community accessibility to residents and visitors.

The scope of this study would include a detailed hydraulic and hydrologic analysis to refine the nature and magnitude of the risk, identify potential mitigation alternatives, and design the selected alternative. The mitigation alternatives expected to be evaluated are:

- Bridge improvements to reduce bottlenecks and resulting road and structural flooding due to undersized culverts.
- Upstream detention to mitigate road and structural flooding
- Residential buyouts
- Some combination of the above

The grant amount would be \$150,000,00 and does require a City 25% match.

**RECOMMENDED ACTION:**

Receive report.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

7.

**Meeting Date:** 03/25/2024  
**Submitted For:** Mike Stewart, Public Works      **Initiator:** Ashley Wallace  
**Department:** Public Works  
**Staff Information Source:** Mike Stewart

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**Information**

**AGENDA ITEM TITLE:**

Approval of the lowest and best bid in the amount of \$2,270,998.50, Subtotal Base plus Add Alt. No. 1 Bid, from Cook Consulting, LLC, for Waterline Interconnects Package "D", Project No. 2022024, as recommended by Cowan Group Engineering, or take other necessary action. (Mike Stewart)

**BACKGROUND:**

Package "D" or Priority Line Replacements is part of the Capital Improvements Plan Recommendation for waterline replacement throughout the City of Muskogee consisting of packages D, E, and F. Each package consists of approximately the same total linear feet of line replacement. The replacement needed for the lines was determined based on age, type of line, and work orders for leaks during the creation of the Capital Improvements Plan. The replacements in Package "D" will consist of 6, 10, and 12-inch waterlines totaling approximately 11,652 linear feet. A base bid and an alternate bid were presented to ensure the project was within the remaining budget. The project is being funded through the Drinking Water State Revolving Fund (DWSRF) loan program which began in 2017 and this will be the final bid package for the program, which will be completed approximately one (1) year after construction begins. Bids were solicited in the newspaper and online in multiple bid rooms. The City received two (2) bids which were competitive. Cowan Group Engineering is recommending the award to the low bidder, Cook Consulting, LLC.

**RECOMMENDED ACTION:**

Approve bid to Cook Consulting, LLC, in the amount of \$2,270,998.50 for Package "D" Project No. 2022024.

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**Fiscal Impact**

**FUNDING SOURCE:**

Funding for this project is in the adopted budget in the MMA Capital Projects Fund at 500-6530-461.62-26.

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**Attachments**

*No file(s) attached.*

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**Regular City Council**

**8.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:** Mike Miller

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**Information**

**AGENDA ITEM TITLE:**

Receive report from Main Street Muskogee to discuss and present their annual report, and take other necessary action. (Mike Miller)

**BACKGROUND:**

Executive Director Courtney Graham will present Main Street Muskogee's annual report to City Council.

**RECOMMENDED ACTION:**

Receive report

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**9.**

**Meeting Date:** 03/25/2024  
**Initiator:** Jody King, Planning Director  
**Department:** Planning Dept  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4225-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 90, Zoning Regulations; Article XII, On-Site Development Standards; Section 04-05(a) Fences in Residential Districts, providing for Repealer, Severability, and Setting an Effective Date, or take other necessary action. (Council Member Jamie Stout)

**BACKGROUND:**

Currently, the City of Muskogee Zoning Code allows for privacy fences to be at a maximum height of six (6) feet on the sides and rear of a structure. This ordinance will amend Section 90-12-04-05(a) changing the height maximum from six to eight feet tall for privacy fences. This amendment will give residents more privacy on their property, options when deciding on how tall of a fence they may want, and will help to block out unattractive nuisances from surrounding neighbors.

**RECOMMENDED ACTION:**

Approve Ordinance

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**Fiscal Impact**

**Attachments**

Ordinance 4225-A

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**ORDINANCE NO. 4225-A**

**AN ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY AMENDING CHAPTER 90, ZONING REGULATIONS; ARTICLE XII, ON-SITE DEVELOPMENT STANDARDS; SECTION 04-05(a) FENCES IN RESIDENTIAL DISTRICTS.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:**

Section 1. Chapter 90, Zoning Regulations; Article XII, On-Site Development Standards; Section 04-05(a) Fences in Residential Districts, which shall be amended to read as follows, to-wit:

90-12-04. ACCESSORY STRUCTURES AND USES

**5. Fences in Residential Districts**

- a. Fences or walls, to a maximum height of ~~six (6)~~ eight (8).

Section 2. REPEALER. All other ordinances or parts of ordinances in direct conflict herewith are repealed to the extent of the conflict only.

Section 3. SEVERABILITY. Should any part section, subsection, sentence, provision, clause or phrase hereof be held invalid, void, or unconstitutional for any reason, such holding shall not render invalid, void, or unconstitutional any other section, subsection, sentence, provision, clause, or phrase of this ordinance, and the same are deemed severable for this purpose.

Section 4. EFFECTIVE DATE. This ordinance shall take effect thirty (30) days after its publication as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS, \_\_\_\_ DAY OF MARCH, 2024.

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**MARLON J. COLEMAN, MAYOR**

ATTEST:

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**TAMMY L. TRACY, CITY CLERK**

(SEAL)



APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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**KATRINA BODENHAMER, CITY ATTORNEY**

**Regular City Council**

**10.**

**Meeting Date:** 03/25/2024  
**Initiator:** Katrina Bodenhamer, City Attorney  
**Department:** Personnel  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Ordinance No. 4229-A, an Ordinance amending the City of Muskogee Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commissions, Division 12, Municipal Employees Retirement Board; Section 2-470, Established; Functions and Duties; Meetings; Quorum; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation By Department; Providing for Codification, Repealer, Severability and Setting an Effective Date, or take other necessary action. (Maggie Eaton)

**BACKGROUND:**

The Municipal Employees Retirement Board has been inactive for the past few years and there are currently no sitting board members. This proposed amendment would move the election of board members from December to April to enable convening a committee by election in April of 2024. This proposed Amendment would also remove the requirement that a city council member be on the board, and have all board members be elected by city employees.

**RECOMMENDED ACTION:**

Approve the Ordinance.

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**Fiscal Impact**

**Attachments**

Ordinance 4229-A Municipal Employees Retirement Board

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ORDINANCE NO. 4229-A

AN AMENDED ORDINANCE OF THE CITY OF MUSKOGEE, OKLAHOMA, BY AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE V. BOARDS AND COMMISSIONS, DIVISION 12 MUNICIPAL EMPLOYEES RETIREMENT BOARD; SECTION 2-470, ESTABLISHED; FUNCTIONS AND DUTIES; MEETINGS; QUORUM; SECTION 2-471, MEMBERSHIP, ELECTION AND QUALIFICATIONS; SECTION. 2-472, TERMS AND REPRESENTATION BY DEPARTMENT; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND SETTING AN EFFECTIVE DATE.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AS FOLLOWS:

Section 1. The City Code of Ordinances, Chapter 2, Administration, Article V, Boards and Commission, Division 12, Municipal Employees Retirement Board, Section 2-470, Established; Functions and Duties; Meetings; Quorum; Section 2-471, Membership, Election and Qualifications; Section. 2-472, Terms and Representation by Department which shall read as follows, to-wit:

**SECTION. 2-470. ESTABLISHED; FUNCTIONS AND DUTIES; MEETINGS; QUORUM.**

- (a) The municipal employees retirement board, hereinafter called "the board," is hereby established to represent the interest of the member employees of the Employees Retirement System, Defined Contribution Plan, of the City of Muskogee, Oklahoma, as provided for in section 62-135, hereinafter called "retirement system." A member employee is one and the same as defined in Ordinance No. 3640-A. The board shall function in an advisory capacity to the city council. The board may make recommendations regarding desired changes to the Defined Contribution Plan. The board may make recommendations regarding desired changes to the plans and allow members an opportunity to comment on said changes. The board shall review and make recommendations regarding any ordinance or resolution which would amend the retirement system. The board may also review and make recommendations regarding the performance of the investment manager of the plans.
- (b) The board shall meet once each quarter. Any employee covered by the retirement program can place an item on the board's agenda for consideration. Copies of the minutes of all meetings are to be submitted to the city council.

- (c) A quorum shall consist of four of the voting members, and a majority vote is required from the members present.

**Sec. 2-471. Membership, election, and qualifications.**

- (a) The municipal employee retirement board shall consist of:
- (1) Seven voting members elected as provided in this section;
  - (2) The city clerk, the city treasurer and the authorized agent of the retirement system as ex officio nonvoting members; and
  - ~~(3) A member appointed by and from city council.~~

~~The city council member shall be the chairman of the board and vote in case of a tie only. In the absence of the chairman, the board shall elect a temporary chairman from the ex officio members.~~ The Chairperson of the Committee shall be elected biannually at the first meeting of the fiscal year, from the membership, and shall serve a term of two (2) years. In the absence of the chairman, the board shall elect a temporary chairman from the ex officio members. Members are not limited to the number of terms they may serve as Chairperson. It shall be the duty of the Chairperson to preside at all meetings of the Committee, call meetings and perform other such duties as determined by the Committee. The meetings shall be conducted in accordance with Robert's Rules of Order Revised, 1915 (Fourth) Edition.

- (b) An election will be held on the second ~~Thursday~~ Tuesday in ~~December~~ April between the hours of 8:00 a.m. and 5:00 p.m. A petition for candidates to sign will be posted in the office of the city clerk for five working days prior to the election which shall be removed at 5:00 p.m. ~~Tuesday on the~~ Friday prior to the election.
- (c) The qualifications to serve as an elected member of the board shall be:
- (1) A fulltime employee of the city for at least one year prior to the posting period;
  - (2) A member of the retirement system or active participant in the plans;
  - (3) Employed within the department from which elected;
  - (4) For the vested position, the member must be vested under the terms of the plan by the end of the posting period, or for the nonvested position, the member must be nonvested at the time of the election. A nonvested member that becomes vested during the term does not forfeit the position.
- (d) Voting will be at large for all positions. If a candidate does not receive more than 50 percent of the votes, a runoff election will be held the following Monday between the hours of 8:00 a.m. and 5:00 p.m.

**Sec. 2-472. Terms and representation by department.**

- (a) Terms of members of the municipal employees retirement board shall commence on ~~January 1~~ May 1 and expire on ~~December 31~~ April 30 for each respective year.
- (b) After the initial term, each position will serve a four-year term. Term limits will be staggered so two positions would become vacant each year with only one position

vacant every fourth year. A vested and a nonvested position would be open every year except the fourth year.

**Sec. 2-473. Absences and vacancies.**

- (a) If an elected member of the municipal employees retirement board has more than two unexcused absences within one calendar year, his position will automatically be considered vacant. In case of a vacancy, the position will be filled with an appointment by the city council to serve until the next annual election. The newly elected member will serve the remainder of the term.
- (b) If the city councilmember misses more than two consecutive meetings, the city council shall appoint a new member to serve the remainder of the term.

SECTION 2. SEVERABILITY. If any provision, paragraph, word, section of article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

SECTION 3. REPEALER. All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

CITY OF MUSKOGEE:

\_\_\_\_\_  
MARLON J. COLEMAN, MAYOR

ATTEST:

(seal)

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

Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

---

KATRINA BODENHAMER, CITY ATTORNEY

**Regular City Council**

**11.**

**Meeting Date:** 03/25/2024

**Submitted For:** Johnny Teehee, Police

**Initiator:** Chad Farmer,  
Deputy Chief

**Department:** Police

**Staff Information Source:** Johnny Teehee

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2978, accepting grant funds from the Oklahoma Office of the Attorney General Opioid Abatement Board, to finance Police Department response and abatement activities, and authorize the City Manager, or his designee, to sign all documents relating to the Oklahoma Opioid Abatement Award, or take other necessary action. (Johnny Teehee)

**BACKGROUND:**

The Oklahoma Attorney General's Office Opioid Abatement Board, through its Safe Grant Program, has awarded the City of Muskogee Police Department \$17,600 for the purchase of two mass spectrometers that will be used for opioid abatement. Lindsey Roberts with Neighbors Building Neighborhoods will be in attendance to answer any questions.

**RECOMMENDED ACTION:**

Approve the Resolution.

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**Fiscal Impact**

**Attachments**

Resolution 2978

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**RESOLUTION NO 2978.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MUSKOGEE TO ACCEPT GRANT FUNDS FROM THE OPIOID ABATEMENT BOARD OF THE OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF OKLAHOMA TO FINANCE POLICE DEPARTMENT RESPONSE AND ABATEMENT ACTIVITIES, IN THE AMOUNT OF SEVENTEEN THOUSAND SIX HUNDRED DOLLARS (\$17,600.00). BE IT FURTHER RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MUSKOGEE AUTHORIZES THE CITY MANAGER TO SIGN ALL DOCUMENTS RELATING TO THE AWARD.**

**WHEREAS**, the Opioid Abatement Board of the Office of the Attorney General of Oklahoma, through its Safe Grant program, has awarded the City of Muskogee Police Department the sum of Seventeen Thousand and Six Hundred Dollars (\$17,600.00), and

**WHEREAS**, the grant funds awarded are to be used to acquire two (2) mass spectrometers for the City of Muskogee Police Department, and

**NOW, THEREFORE**, it was duly moved and seconded that the Resolution be adopted.

**THEREFORE, BE IT RESOLVED** that the City of Muskogee, Oklahoma hereby elects to accept, and hereby approves acceptance of an award of Seventeen Thousand and Six Hundred Dollars (\$17,600.00) from the Opioid Abatement Board's Safe Grant Program, and authorizes the City Manager of the City of Muskogee, or the Manager's designee, to execute any forms required in the acceptance of said funds.

**ADOPTED, PASSED AND APPROVED** by the Council of the City of Muskogee this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
MARLON J. COLEMAN, MAYOR

ATTEST:

(SEAL)

\_\_\_\_\_  
TAMMY L. TRACY, City Clerk



APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2024.

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KATRINA BODENHAMER, City Attorney

**Regular City Council**

**12.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Jody King, Planning Dept  
**Initiator:** Kady McKeen, Planning and Community Development Admin - Temporary  
**Department:** Planning Dept  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2976 requesting the annexation of the John T. Griffin Industrial Park, zoned as I-2, Heavy Industrial Zoning Classification, as approved in the 2013 City of Muskogee Comprehensive Plan and Land Use Map, Adopted June 4, 2012, upon annexation, located within Section 10, Township 14 North, Range 18 East, into the City of Muskogee, setting a date for a Public Hearing, and directing Staff to take necessary steps in compliance with State statutes pertaining to the annexation request, or take other necessary action. (Jody King)

**BACKGROUND:**

**Legal Description**

A part of the west half of the east half of the SE/4 and part of the west half of the SE/4 of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma, more particularly described as follows, to-wit:

Tract I: All that part of the west half of the east half of the SE/4 lying west of the center line of the railroad, and

Tract II: The west half of the SE/4 LESS the following described tract: Beginning at a point 224.83 feet east of the southwest corner of the SE/4; thence north 536.30 feet; thence east 960.87 feet to the Railroad Right of Way; thence south 08 degrees 04 minutes west 161.95 feet; thence continuing southwesterly along said right of way to the south line of said SE/4; thence west 876.89 feet to the point of beginning, together with all the improvements thereon and the appurtenances thereunto belonging, and warrant the title to the same.

And;

The East Half of the East Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The East Half of the West Half of the Southeast Quarter of the Southwest Quarter LESS the East 165 feet of the South 660 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West 330 feet of the East 660 feet of the Southeast Quarter of the Southwest Quarter LESS the West 165 feet of the South 660 feet of the East half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The West Half of the West Half of the Southeast Quarter of the Southwest Quarter of Section 10, Township 14 North, Range 18 East of the Indian Base and Meridian, Muskogee County, State of Oklahoma.

AND

The East 165 feet of the SW $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  and the West 165 feet of the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma.

AND

The East 330 feet of the SW $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Section 10, Township 14 North, Range 18 East of the Indian Meridian, Muskogee County, Oklahoma.

The John T Griffin Industrial Park is located south of Dal Tile immediately outside, but contiguous to, the City of Muskogee Corporate limits. The annexation will take in seven (7) parcels owned by the City-County Port Authority. The City will also take in surrounding infrastructure such as Dal-Tile Road and the newly completed Smith Ferry Road from Highway 64 to South 24th Street West. The roads are industrial concrete roads with another 30–50 years of expected life before major repairs may occur. This annexation has been requested by Port Muskogee as an effort to continue the industrial growth of the community to provide high quality and high-paying jobs. We will not annex any other property than the property requested.

In order to move forward with the annexation, the City Council will need to pass a resolution that directs staff to set a public hearing before the City Council on this matter. A notice requires publication in a local newspaper at least 14 days prior to the public hearing and no further than 30 days prior.

**RECOMMENDED ACTION:**

Approve the Resolution

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**Fiscal Impact**

**Attachments**

Resolution of Annexation

Annex Map

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**RESOLUTION NO. 2976**

**A RESOLUTION ACCEPTING AN APPLICATION FOR ANNEXATION OF PROPERTY INTO THE CITY LIMITS OF MUSKOGEE AND DIRECTING STAFF TO TAKE CERTAIN ACTIONS IN COMPLIANCE WITH STATE STATUTES PERTAINING TO THAT ANNEXATION.**

**WHEREAS**, The City of Muskogee has received an Application for Annexation from the Muskogee City-County Port Authority, the sole owners of real property adjacent to the existing boundaries of the City of Muskogee; and,

**WHEREAS**, the property owned by the Muskogee City-County Port Authority is located fully within the boundaries of Muskogee County, Oklahoma and is further described in the attachments to this Resolution; and,

**WHEREAS**, the property does not have a zoning designation in Muskogee County, but will be zoned I-2 Heavy Industrial Zoning Classification as approved in the 2013 City of Muskogee Comprehensive Plan and Land Use Map Adopted June 4, 2012 upon annexation;

**WHEREAS**, in accordance with 11 O.S. §21-103 the City is required to hold a public hearing regarding the annexation before annexing any territory; and

**WHEREAS**, notice of the public hearing shall be published in a newspaper of general circulation within the territory to be annexed at least fourteen days, but not more than thirty days, before the date of the public hearing.

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

**SECTION 1** the City Council accepts the Application for Annexation from the Muskogee City-County Port Authority.

**SECTION 2** the City Council directs staff to take the actions stipulated in 11 O.S. §21-103 pertaining to applications for annexation with the consent of a majority of the owners of the properties to be annexed.

**SECTION 3** the City Council hereby sets April 22, 2024 at 5:30 p.m. in the City of Muskogee City Hall, 229 W Okmulgee, 3<sup>rd</sup> Floor Council Chambers, as the time and place of the public hearing to be held by the City Council pertaining to this annexation.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**MARLON J. COLEMAN, MAYOR**

ATTEST:

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

Seal

Approved as to form and legality this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
**KATRINA BODENHAMER, CITY ATTORNEY**

# Annex Map



**Legend**

**ParcelsInAnnex**

**RPID**

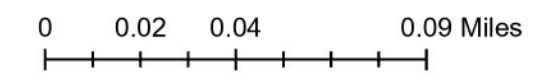
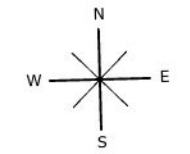
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**AnnexCitySouthSideIndPark**

- AnnexCitySouthSideIndPark

**Muskogee\_CityLimits\_Area**

- Muskogee\_CityLimits\_Area



**Regular City Council**

**13.**

**Meeting Date:** 03/25/2024

**Submitted For:** Mike Miller, City Manager

**Initiator:** Dennis Read,  
Treasurer

**Department:** Finance

**Staff Information Source:**

**Information**

**AGENDA ITEM TITLE:**

Consider approval of Resolution No. 2977 amending Appendix A, Schedule of Fees and Charges, to the City of Muskogee Code of Ordinances (Wholesale Customers Water Rates), or take other necessary action. (Mike Miller)

**BACKGROUND:**

The service area of Wholesale Water Customers is located entirely outside the city limits of the City of Muskogee. Each Wholesale Customer enters into a contract with the City, with the terms reviewed annually. The cost of producing and delivering water has increased since the last price point in 2018, and the City is currently selling water to Wholesale Water Customers at a loss. A Wholesale Customer is defined as a municipality as defined by Article 18 of the Oklahoma Constitution and Title 11 of the Oklahoma Statutes, a rural water district as defined in Title 82, Oklahoma Statutes, or a private water utility whose rates are regulated by the Oklahoma Corporation Commission or a private water corporation. This Amendment proposes a pricing amendment to match the City's actual cost of the production and delivery of water to Wholesale Water Customers.

**RECOMMENDED ACTION:**

Approve the Resolution.

**Fiscal Impact**

**Attachments**

Resolution 2977

**RESOLUTION NO. 2977**

A RESOLUTION ADOPTING AMENDMENT TO APPENDIX A OF THE MUSKOGEE CITY CODE PERTAINING TO SCHEDULES OF FEES AND CHARGES PER ATTACHED LIST (WHOLESALE CUSTOMER WATER RATES).

WHEREAS, the City of Muskogee has prepared the City's Code of Ordinances containing all ordinances adopted by the City; and

WHEREAS, the City of Muskogee has prepared an Amendment to Appendix A to the City Code, pertaining to fees and charges as per attached;

WHEREAS, the rate charged for wholesale customers is based solely upon the cost to produce and deliver the water; and

WHEREAS, the rate charged for wholesale water is currently included in Appendix A of the City of Muskogee Code of Ordinances; and

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

THAT Amendment to Appendix A of the Muskogee City code pertaining to schedule of City fees and charges, as per attached list, is hereby approved and adopted; and

THAT the public is hereby notified of adoption of amended fee schedule and that copies of the amended fee schedule are available for review in the office of the City Clerk; and

THAT the City Clerk shall cause to be filed one copy of this resolution with the office of the County Clerk of Muskogee County; and

THAT the City Clerk shall cause one copy of this resolution to be filed with the Law Library of Muskogee County; and

THAT the City Clerk shall keep at least one (1) copy of amended fee schedule to the Code of Ordinances in the office of the City Clerk for public use, inspection, and examination.



ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2024, by the City Council of the City of Muskogee.

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MARLON COLEMAN, MAYOR

ATTEST:

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TAMMY L. TRACY, CITY CLERK

Approved as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Katrina Bodenhamer, City Attorney

APPENDIX A – SCHEDULE OF FEES AND CHARGES

**WATER SERVICE CHARGES**

**RATES GENERALLY**

Code Section  
82-71 (b)

Wholesale Customer:		
<p>The service area of the wholesale customer shall be located entirely outside the City limits of the City of Muskogee. Each wholesale customer shall enter into a contract with the City. The contract shall be reviewed bi-annually. At its sole option, the City Council shall determine if the contract is to be extended. Wholesale customer is defined as a municipality as defined by Article 18 of the Oklahoma Constitution and Title 11 of the Oklahoma Statutes, a rural water district as defined in Title 82 , Oklahoma Statutes, or a private water utility whose rates are regulated by the Oklahoma Corporation Commission or a private water corporation.</p>		
Rate for wholesale water	100 cubic feet	\$2.06
<p>Excess Usage Rate. Wholesale customer will pay to the City two (2) times the amount of the "BASE RATE" (2 x base rate) per 100 cubic feet of water usage over the maximum/month usage specified in the agreement.</p>		

**Regular City Council**

**14.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Mark Wilkerson, Parks & Recreation  
**Initiator:** Brooke Hall, Assistant Director of Parks and Recreation  
**Department:** Parks & Recreation  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Consider approval of the lowest and best bid from RJR Enterprises, for the Langston Park Splashpad Project, in the base bid amount of \$272,715.50, with an Alternate A-1 Bid of \$18,315.00, for an additional shade structure, for a total of \$291,030.50, or take other necessary action. (Mark Wilkerson)

**BACKGROUND:**

Langston Splash Pad project was budgeted for FY2023-24. Design and bidding process was completed by Planning Design Group. Selection of RJR Enterprises is requested to begin construction asap.

**RECOMMENDED ACTION:**

Recommend approval to award RJR Enterprises the Langston Park Splashpad Project.

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**Fiscal Impact**

**FUNDING SOURCE:**

Project total \$291,030.50.

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**Attachments**

Langston Park - bid recommendation letter

Langston Park - bid tab

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February 28, 2024

Mark Wilkerson  
Parks and Recreation Director  
City of Muskogee  
837 East Okmulgee  
Muskogee, Oklahoma 74403

RE: Muskogee Langston Park Splash Pad – Bid Recommendation

Mr. Wilkerson,

Pursuant to the bid opening held on February 22, 2024, please find the attached Tabulation of Bids for the project and the original bid submission packets. The bid consisted of two responsive bidders. All submitted bids were determined to be complete. The bid amounts ranged from **\$272,715.50** to **\$349,368.00** and the Engineers Estimate was **\$309,489.00**.

The apparent low bidder for the project was **RJR Enterprises** with a Base Bid of **\$272,715.50**, Alternate A-1 Bid of **\$18,315.00**, and Alternate A-2 Bid of **\$26,000.00**. Pursuant to the review of the bid package, bonds, references and Tabulation of Bids, the bid is acceptable.

After careful review and consideration, Planning Design Group (PDG) recommends the City of Muskogee award the project to the low bidder, **RJR Enterprises** at the total Base Bid and Alternate A-1 for the amount of **\$291,030.50**.

Should you have any questions, please contact the undersigned at:  
[gevans@pdgtulsa.com](mailto:gevans@pdgtulsa.com) or 918-628-1255.

Sincerely,

PLANNING DESIGN GROUP

A handwritten signature in blue ink, appearing to read "Geoffery Evans", is written over the company name. The signature is stylized and somewhat illegible due to the cursive nature of the handwriting.

Geoffery Evans, PLA, ASLA  
Principal

# Langston Park Splash Pad Project - BID TAB

City of Muskogee, OK

22-Feb-24

BASE BID PAY ITEMS				ARCH ESTIMATE		RJR Enterprises		Rick Scott Construction	
Item	Description	Unit	Quantity	Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
1	Mobilization (2% of Overall Project Cost)	LS	1	\$5,500.00	\$5,500.00	5,000.00	\$5,000.00	5,777.00	\$5,777.00
2	Bonding and Insurance	LS	1	\$27,500.00	\$27,500.00	7,500.00	\$7,500.00	1,627.00	\$1,627.00
3	Staking - CIP	LS	1	\$3,500.00	\$3,500.00	5,250.00	\$5,250.00	10,558.00	\$10,558.00
4	Earthwork-Excavation/Embankment/Compaction/Grading - CIP	LS	1	\$35,000.00	\$35,000.00	4,750.00	\$4,750.00	49,037.00	\$49,037.00
5	Filter Fabric/Silt Fence - CIP	LF	135	\$5.00	\$675.00	10.50	\$1,417.50	9.96	\$1,344.60
6	Electric Service - CIP	LF	1	\$7,500.00	\$7,500.00	16,100.00	\$16,100.00	24,527.00	\$24,527.00
7	Water Service - CIP	EA	1	\$17,500.00	\$17,500.00	19,000.00	\$19,000.00	11,334.00	\$11,334.00
8	Parking - Aggregate Base - CIP	LS	63	\$25.00	\$1,575.00	60.00	\$3,780.00	109.62	\$6,906.06
9	Parking - Asphalt - CIP	LS	51	\$55.00	\$2,805.00	78.00	\$3,978.00	274.92	\$14,020.92
10	Parking Blocks and Striping	LF	1	\$2,000.00	\$2,000.00	2,500.00	\$2,500.00	2,051.00	\$2,051.00
11	6" Drainline - CIP	SF	72	\$150.00	\$10,800.00	61.00	\$4,392.00	123.51	\$8,892.72
12	Cleanout-CIP	SF	1	\$750.00	\$750.00	1,000.00	\$1,000.00	806.00	\$806.00
13	4" Thick Concrete Pavement - CIP	SF	1,111	\$9.00	\$9,999.00	\$10.00	\$11,110.00	\$17.88	\$19,864.68
14	5" Thick Concrete Pavement with Batch Color - CIP	EA	1,283	\$15.00	\$19,245.00	11.00	\$14,113.00	25.24	\$32,382.92
15	Synthetic Turf (flat) - CIP	EA	115	\$22.00	\$2,530.00	20.00	\$2,300.00	169.42	\$19,483.30
16	Synthetic Turf Berm (gravel base) - CIP	EA	95	\$28.00	\$2,660.00	115.00	\$10,925.00	86.64	\$8,230.80
17	Splash Pad Equipment w/ Installation - CIP	LS	1	\$130,000.00	\$130,000.00	125,000.00	\$125,000.00	85,304.00	\$85,304.00
18	Rules Signage - CIP	EA	1	\$4,000.00	\$4,000.00	3,500.00	\$3,500.00	15,078.00	\$15,078.00
19	U-3 Bermuda Solid Sod - CIP	EA	6,900	\$0.50	\$3,450.00	1.50	\$10,350.00	1.89	\$13,041.00
20	Construction Allowance	EA	1	\$15,000.00	\$15,000.00	15,000.00	\$15,000.00	15,000.00	\$15,000.00
21	Traffic Control Plan and Devices for Street Crossing - CIP	LF	1	\$7,500.00	\$7,500.00	\$5,750.00	\$5,750.00	\$4,102.00	\$4,102.00
<b>TOTAL BASE BID ITEMS</b>					<b>\$309,489.00</b>		<b>\$272,715.50</b>		<b>\$349,368.00</b>
ALTERNATE PAY ITEMS				Unit Cost	Total	Unit Cost	Total	Unit Cost	Total
A-1	Shade Structure Area - CIP	LF	111	\$163.00	\$18,093.00	165.00	\$18,315.00	403.19	\$44,754.09
A-2	Basketball Court Resurfacing - CIP	SF	2,600	\$5.00	\$13,000.00	10.00	\$26,000.00	16.49	\$42,874.00
<b>TOTAL BASE BID AND ALL ALTERNATE ITEMS</b>					<b>\$340,582.00</b>		<b>\$317,030.50</b>		<b>\$436,996.09</b>

CIP = COMPLETE IN PLACE

- Math Error
- Differing Totals

This Bid Tabulation Sheet reflects corrected bid prices according to Bidder's Unit Cost Pricing times the estimated quantities listed in the Bid Form. Total numbers may vary from the total cost submitted by the Contractor in their Bid Form.

I, the undersigned, do hereby certify that all bids on this Bid Tabulation Sheet were reviewed and there were no irregularities in the bids not otherwise noted and that said sums are true and correct to the best of my knowledge.

Submitted By:  
Geoffery Evans, Planning Design Group

Planning Design Group • 5314 South Yale Ave., Suite 510 • Tulsa, Oklahoma 74135 • 918/628-1255

**Regular City Council**

**15.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Chris Cummings, Information Technology  
**Initiator:** Chris Cummings, IT Director  
**Department:** Information Technology  
**Staff Information Source:** Chris Cummings

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**Information**

**AGENDA ITEM TITLE:**

Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Security Information and Event Management (SIEM) software as a sub-recipient in the amount of up to \$21,000.00, including up to \$4,200.00 from the matching grant fund, or take other necessary action.  
(Chris Cummings)

**BACKGROUND:**

The State of Oklahoma applied for and received grant funds from FEMA to address cybersecurity for the state and agencies within the state. We are applying for funds as a sub-recipient of this grant. Any award will be an 80/20 match, with the City responsible for 20% of the total amount.

The funds from this grant will be used to address the ongoing cybersecurity threat to municipalities by installing System Information and Event Management (SIEM) software that will monitor various system logs and aggregate the data to allow us to see coordinated attacks and mitigate them.

The matching grant fund request for \$4,200.00 will allow us to possibly receive \$16,800.00 in state and federal funds.

**RECOMMENDED ACTION:**

Approval to accept the funds from the Cybersecurity grant, if awarded.

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**Fiscal Impact**

**FUNDING SOURCE:**

Matching funds will come from the City's grant match fund.

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**Attachments**

SIEM Application

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OKLAHOMA OFFICE OF HOMELAND SECURITY

**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION  
(IJ) TEMPLATE INTRODUCTION AND INSTRUCTIONS**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Act of 2007, 6 U.S.C. §§ 605 and 606 The Homeland Security Act of 2002, as amended by Title I of the Implementing Recommendations of the 9/11 Commission), and Infrastructure Investments and Jobs Appropriations Act (Pub. L. No. 117, Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g-58).

**PRINCIPAL PURPOSE(S):** This information is being collected for the primary purpose of facilitating correspondence between the grant applicant and the Oklahoma Office of Homeland Security and the State of Oklahoma Cybersecurity Planning Committee and for determining eligibility and administration of FEMA Preparedness Grant Programs, specifically, the State and Local Cybersecurity Grant Program.

**DISCLOSURE:** The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the organization from receiving grant funding.

**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION (IJ) INSTRUCTIONS**

Each sub-applicant can submit one application/investment justification per State Cybersecurity Plan objective.

The IJ Template is useful for the **Program Narrative** portion of the application.

Requirements:

- **Application level:** Each application must include between one (1) IJ. The IJ must be associated with one of the four objectives outlined in the NOFO and State Cybersecurity Plan. No more than four (4) IJ's can be submitted.
- **Projects:** Project-level information will vary based on the associated SLCGP objectives and sub-objectives as outlined in the NOFO and State Cybersecurity Plan.
- **The State of Oklahoma Cybersecurity Planning Committee requires a quote to be attached for each request.**
- Once each IJ is complete it must be submitted, along with required attachments to [hsgs@okohs.ok.gov](mailto:hsgs@okohs.ok.gov)

**ELIGIBILITY**

**Eligible Subrecipient Entities**

“Local government” is defined in 6 U.S.C. § 101(13) as:

1. A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government;
2. \*An Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
3. A rural community, unincorporated town or village, or other public entity.

\*Although tribes are not eligible to apply directly for SLCGP funding, they may be eligible subrecipients, and can receive SLCGP funding as a local government.

Each individual SAA may determine whether and how much SLCGP funding to pass through to tribal entities. Additionally, funding will be directly available to eligible tribal entities under the Tribal Cybersecurity Grant Program.

**Ineligible subrecipient entities include:**

1. Nonprofit organizations; and
2. Private corporations.

**SUB-APPLICANT POINT OF CONTACT (POC) INFORMATION**

STATE, LOCAL, TRIBAL AGENCY:

SLT UEI Number:

SLT POC Name:

SLT POC Title:

SLT Address:

SLT POC Phone Number:

SLT POC Email Address:

**PART I. BACKGROUND FOR PROJECT NARRATIVE**

**1. A. Provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces which have influenced the development of this Investment Justification (IJ). Also, please include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks.**

**1. B. Describe how this IJ and the associated project(s) addresses gaps and/or sustainment in the approved Cybersecurity Plan.**



**PART II. SPECIFIC INVESTMENT INFORMATION**

**2. A. Investment Name:** Provide the Investment Name:

**2. B. Investment Type:** Please identify the corresponding SLCGP Objective Number for this IJ (Objective 1, 2, 3 or 4). Each objective must have at least one project. Choose an item.

**2. C. Funding Year:** Please identify the corresponding SLCGP funding year. You may select more than one.

**2022** – Cost Share Waived      **2024** – 30% Cost Share

**2023** – 20% Cost Share Waived      **2025** – 40% Cost Share

**2. D. Funding Year:** If funding is no longer available in the year you selected are you okay with us moving your funding to the next available grant year which may have a higher cost share. Choose an item.

**2. F. Cost Share Type:** Choose an item.

**2. E. Describe how your agency plans to meet the cost share requirements for this grant:**

**PART III. PROJECT INFORMATION**

**3. A. Project Name:** Provide the name(s) of the project(s).

**3. B. Project(s) Alignment to the 16 Required Cybersecurity Elements as detailed in the Statewide Cybersecurity Plan:** Please describe how this project(s) aligns to the cybersecurity elements in the Statewide Cybersecurity Plan on pages 13 and 14.

**PART IV. PROJECT IMPLEMENTATION SCHEDULE**

**4. A. Please describe project implementation and estimated timeline:**

**4. B. In this section, list all proposed equipment, projects, or activities, the vulnerability any of those items will address, and the estimated funding requested (round up to the nearest dollar) for each. AEL – Authorized Equipment List**

AEL Number	Equipment, Project, or Activity	Vulnerability Addressed	Estimated Cost	Estimated Cost Share
		Total Funding Requested		

**SLCGP SUB-APPLICANT CONTACT INFORMATION**

This application was written by:

By clicking this box, I certify that I am an employee or affiliated volunteer on behalf of the organization or have been hired by the organization to apply on their behalf for the State and Local Cyber Security Grant Program, have reviewed the SLCGP NOFO, as well as the Oklahoma Cyber-Security Plan and agree to the terms and conditions of all on behalf of the organization.

FULL NAME	POSITION/TITLE
EMAIL	WORK PHONE

**Regular City Council**

**16.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Chris Cummings, Information Technology  
**Initiator:** Chris Cummings, IT Director  
**Department:** Information Technology  
**Staff Information Source:** Chris Cummings

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**Information**

**AGENDA ITEM TITLE:**

Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for end-user cybersecurity training as a sub-recipient in the amount of up to \$50,000.00, including \$10,000.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

**BACKGROUND:**

The State of Oklahoma applied for and received grant funds from FEMA to address cybersecurity for the state and agencies within the state. We are applying for funds as a sub-recipient of this grant. Any award will be an 80/20 match with the city responsible for 20% of the total awarded.

The funds from this grant will be used to address the ongoing cybersecurity threat to municipalities by providing 5 years of end-user cybersecurity training from KnowBe4. Our end users are actually the first wall of defense, even before our firewall. By training them to recognize cybersecurity threats that may come in through email, telephone, physical mail, websites and other sources, they will be better prepared to act accordingly to keep our networks and data (city, customer, employee, etc.) safe from bad actors.

The matching grant fund request for \$10,000.00 will allow us to possibly receive \$40,000.00 in state and federal funds.

**RECOMMENDED ACTION:**

Approval to accept the funds from the Cybersecurity grant, if awarded.

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**Fiscal Impact**

**FUNDING SOURCE:**

Matching funds will come from the City's grant match fund.

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**Attachments**

KnowBe4 Application

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**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION  
(IJ) TEMPLATE INTRODUCTION AND INSTRUCTIONS**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Act of 2007, 6 U.S.C. §§ 605 and 606 The Homeland Security Act of 2002, as amended by Title I of the Implementing Recommendations of the 9/11 Commission), and Infrastructure Investments and Jobs Appropriations Act (Pub. L. No. 117, Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g-58).

**PRINCIPAL PURPOSE(S):** This information is being collected for the primary purpose of facilitating correspondence between the grant applicant and the Oklahoma Office of Homeland Security and the State of Oklahoma Cybersecurity Planning Committee and for determining eligibility and administration of FEMA Preparedness Grant Programs, specifically, the State and Local Cybersecurity Grant Program.

**DISCLOSURE:** The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the organization from receiving grant funding.

**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION (IJ) INSTRUCTIONS**

Each sub-applicant can submit one application/investment justification per State Cybersecurity Plan objective.

The IJ Template is useful for the **Program Narrative** portion of the application.

Requirements:

- **Application level:** Each application must include between one (1) IJ. The IJ must be associated with one of the four objectives outlined in the NOFO and State Cybersecurity Plan. No more than four (4) IJ’s can be submitted.
- **Projects:** Project-level information will vary based on the associated SLCGP objectives and sub-objectives as outlined in the NOFO and State Cybersecurity Plan.
- **The State of Oklahoma Cybersecurity Planning Committee requires a quote to be attached for each request.**
- Once each IJ is complete it must be submitted, along with required attachments to [hsgiants@okohs.ok.gov](mailto:hsgiants@okohs.ok.gov)

**ELIGIBILITY**

**Eligible Subrecipient Entities**

“Local government” is defined in 6 U.S.C. § 101(13) as:

1. A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government;
2. \*An Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
3. A rural community, unincorporated town or village, or other public entity.

\*Although tribes are not eligible to apply directly for SLCGP funding, they may be eligible subrecipients, and can receive SLCGP funding as a local government.

Each individual SAA may determine whether and how much SLCGP funding to pass through to tribal entities. Additionally, funding will be directly available to eligible tribal entities under the Tribal Cybersecurity Grant Program.

**Ineligible subrecipient entities include:**

1. Nonprofit organizations; and
2. Private corporations.

**SUB-APPLICANT POINT OF CONTACT (POC) INFORMATION**

STATE, LOCAL, TRIBAL AGENCY:

SLT UEI Number:

SLT POC Name:

SLT POC Title:

SLT Address:

SLT POC Phone Number:

SLT POC Email Address:

**PART I. BACKGROUND FOR PROJECT NARRATIVE**

**1. A. Provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces which have influenced the development of this Investment Justification (IJ). Also, please include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks.**

**1. B. Describe how this IJ and the associated project(s) addresses gaps and/or sustainment in the approved Cybersecurity Plan.**

**PART II. SPECIFIC INVESTMENT INFORMATION**

**2. A. Investment Name:** Provide the Investment Name:

**2. B. Investment Type:** Please identify the corresponding SLCGP Objective Number for this IJ (Objective 1, 2, 3 or 4). Each objective must have at least one project. Choose an item.

**2. C. Funding Year:** Please identify the corresponding SLCGP funding year. You may select more than one.

**2022** – Cost Share Waived      **2024** – 30% Cost Share

**2023** – 20% Cost Share Waived      **2025** – 40% Cost Share

**2. D. Funding Year:** If funding is no longer available in the year you selected are you okay with us moving your funding to the next available grant year which may have a higher cost share. Choose an item.

**2. F. Cost Share Type:** Choose an item.

**2. E. Describe how your agency plans to meet the cost share requirements for this grant:**

**PART III. PROJECT INFORMATION**

**3. A. Project Name:** Provide the name(s) of the project(s).

**3. B. Project(s) Alignment to the 16 Required Cybersecurity Elements as detailed in the Statewide Cybersecurity Plan:** Please describe how this project(s) aligns to the cybersecurity elements in the Statewide Cybersecurity Plan on pages 13 and 14.

**PART IV. PROJECT IMPLEMENTATION SCHEDULE**

**4. A. Please describe project implementation and estimated timeline:**

**4. B. In this section, list all proposed equipment, projects, or activities, the vulnerability any of those items will address, and the estimated funding requested (round up to the nearest dollar) for each. AEL – Authorized Equipment List**

AEL Number	Equipment, Project, or Activity	Vulnerability Addressed	Estimated Cost	Estimated Cost Share
		Total Funding Requested		

**SLCGP SUB-APPLICANT CONTACT INFORMATION**

This application was written by:

By clicking this box, I certify that I am an employee or affiliated volunteer on behalf of the organization or have been hired by the organization to apply on their behalf for the State and Local Cyber Security Grant Program, have reviewed the SLCGP NOFO, as well as the Oklahoma Cyber-Security Plan and agree to the terms and conditions of all on behalf of the organization.

FULL NAME	POSITION/TITLE
EMAIL	WORK PHONE

**Regular City Council**

17.

**Meeting Date:** 03/25/2024  
**Submitted For:** Chris Cummings, Information Technology  
**Initiator:** Chris Cummings, IT Director  
**Department:** Information Technology  
**Staff Information Source:** Chris Cummings

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**Information**

**AGENDA ITEM TITLE:**

Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for firewall upgrades as a sub-recipient in the amount of up to \$52,000.00, including \$10,400.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

**BACKGROUND:**

The State of Oklahoma applied for and received grant funds from FEMA to address cybersecurity for the state and agencies within the state. We are applying for funds as a sub-recipient of this grant. Any award will be an 80/20 match with the city responsible for 20% of the total awarded.

The funds from this grant will be used to address the ongoing cybersecurity threat to municipalities by updating our firewall system here at the City. This will increase our capabilities to detect and block ever-evolving threats and keep our systems, information and customer data safe as well as ensure we are able to continue to provide our citizens with the services they need.

The matching grant fund request for \$10,400 will allow us to possibly receive \$41,600 in state and federal funds.

**RECOMMENDED ACTION:**

Approval to accept the funds from the Cybersecurity grant, if awarded.

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**Fiscal Impact**

**FUNDING SOURCE:**

Matching funds will come from the City's grant match fund.

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**Attachments**

Firewall Grant Application

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**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION  
(IJ) TEMPLATE INTRODUCTION AND INSTRUCTIONS**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Act of 2007, 6 U.S.C. §§ 605 and 606 The Homeland Security Act of 2002, as amended by Title I of the Implementing Recommendations of the 9/11 Commission), and Infrastructure Investments and Jobs Appropriations Act (Pub. L. No. 117, Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g-58).

**PRINCIPAL PURPOSE(S):** This information is being collected for the primary purpose of facilitating correspondence between the grant applicant and the Oklahoma Office of Homeland Security and the State of Oklahoma Cybersecurity Planning Committee and for determining eligibility and administration of FEMA Preparedness Grant Programs, specifically, the State and Local Cybersecurity Grant Program.

**DISCLOSURE:** The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the organization from receiving grant funding.

**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION (IJ) INSTRUCTIONS**

Each sub-applicant can submit one application/investment justification per State Cybersecurity Plan objective.

The IJ Template is useful for the **Program Narrative** portion of the application.

Requirements:

- **Application level:** Each application must include between one (1) IJ. The IJ must be associated with one of the four objectives outlined in the NOFO and State Cybersecurity Plan. No more than four (4) IJ's can be submitted.
- **Projects:** Project-level information will vary based on the associated SLCGP objectives and sub-objectives as outlined in the NOFO and State Cybersecurity Plan.
- **The State of Oklahoma Cybersecurity Planning Committee requires a quote to be attached for each request.**
- Once each IJ is complete it must be submitted, along with required attachments to [hsgnants@okohs.ok.gov](mailto:hsgnants@okohs.ok.gov)

**ELIGIBILITY**

**Eligible Subrecipient Entities**

“Local government” is defined in 6 U.S.C. § 101(13) as:

1. A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government;
2. \*An Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
3. A rural community, unincorporated town or village, or other public entity.

\*Although tribes are not eligible to apply directly for SLCGP funding, they may be eligible subrecipients, and can receive SLCGP funding as a local government.

Each individual SAA may determine whether and how much SLCGP funding to pass through to tribal entities. Additionally, funding will be directly available to eligible tribal entities under the Tribal Cybersecurity Grant Program.

**Ineligible subrecipient entities include:**

1. Nonprofit organizations; and
2. Private corporations.

**SUB-APPLICANT POINT OF CONTACT (POC) INFORMATION**

STATE, LOCAL, TRIBAL AGENCY:

SLT UEI Number:

SLT POC Name:

SLT POC Title:

SLT Address:

SLT POC Phone Number:

SLT POC Email Address:

**PART I. BACKGROUND FOR PROJECT NARRATIVE**

**1. A. Provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces which have influenced the development of this Investment Justification (IJ). Also, please include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks.**

**1. B. Describe how this IJ and the associated project(s) addresses gaps and/or sustainment in the approved Cybersecurity Plan.**

**PART II. SPECIFIC INVESTMENT INFORMATION**

**2. A. Investment Name:** Provide the Investment Name:

**2. B. Investment Type:** Please identify the corresponding SLCGP Objective Number for this IJ (Objective 1, 2, 3 or 4). Each objective must have at least one project. Choose an item.

**2. C. Funding Year:** Please identify the corresponding SLCGP funding year. You may select more than one.

**2022** – Cost Share Waived      **2024** – 30% Cost Share

**2023** – 20% Cost Share Waived      **2025** – 40% Cost Share

**2. D. Funding Year:** If funding is no longer available in the year you selected are you okay with us moving your funding to the next available grant year which may have a higher cost share. Choose an item.

**2. F. Cost Share Type:** Choose an item.

**2. E. Describe how your agency plans to meet the cost share requirements for this grant:**

**PART III. PROJECT INFORMATION**

**3. A. Project Name:** Provide the name(s) of the project(s).

**3. B. Project(s) Alignment to the 16 Required Cybersecurity Elements as detailed in the Statewide Cybersecurity Plan:** Please describe how this project(s) aligns to the cybersecurity elements in the Statewide Cybersecurity Plan on pages 13 and 14.

**PART IV. PROJECT IMPLEMENTATION SCHEDULE**

**4. A. Please describe project implementation and estimated timeline:**

**4. B. In this section, list all proposed equipment, projects, or activities, the vulnerability any of those items will address, and the estimated funding requested (round up to the nearest dollar) for each. AEL – Authorized Equipment List**

AEL Number	Equipment, Project, or Activity	Vulnerability Addressed	Estimated Cost	Estimated Cost Share
		Total Funding Requested		

**SLCGP SUB-APPLICANT CONTACT INFORMATION**

This application was written by:

By clicking this box, I certify that I am an employee or affiliated volunteer on behalf of the organization or have been hired by the organization to apply on their behalf for the State and Local Cyber Security Grant Program, have reviewed the SLCGP NOFO, as well as the Oklahoma Cyber-Security Plan and agree to the terms and conditions of all on behalf of the organization.

FULL NAME	POSITION/TITLE
EMAIL	WORK PHONE

**Regular City Council**

**18.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Chris Cummings, Information Technology  
**Initiator:** Chris Cummings, IT Director  
**Department:** Information Technology  
**Staff Information Source:** Chris Cummings

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**Information**

**AGENDA ITEM TITLE:**

Consider approval to apply for and if awarded, accept funds from the FEMA Cybersecurity Grant for Penetration Testing as a sub-recipient in the amount up to \$5,200.00, including \$1,040.00 from the matching grant fund, or take other necessary action. (Chris Cummings)

**BACKGROUND:**

The State of Oklahoma applied for and received grant funds from FEMA to address cybersecurity for the state and agencies within the state. We are applying for funds as a sub-recipient of this grant. Any award will be an 80/20 match with the city responsible for 20% of the total awarded.

The funds from this grant will be used to address the ongoing cybersecurity threat to municipalities by testing our network security here at the City. We will hire a responsible company to test our defenses by attempting to break in, much like any bad actor would do. This will allow us to identify any weaknesses and make appropriate changes to mitigate any threats and keep our systems, information and customer data safe as well as ensure we are able to continue to provide our citizens with the services they need.

The request for \$1,040 in matching grant funds will allow us to bring in \$4,160 in state and federal funds.

**RECOMMENDED ACTION:**

Approval to accept the funds from the Cybersecurity grant, if awarded.

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**Fiscal Impact**

**FUNDING SOURCE:**

Matching funds will come from the City's grant match fund.

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**Attachments**

Cybersecurity Penetration Testing Grant Application

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OKLAHOMA OFFICE OF HOMELAND SECURITY

**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION  
(IJ) TEMPLATE INTRODUCTION AND INSTRUCTIONS**

**PRIVACY ACT STATEMENT**

**AUTHORITY:** Act of 2007, 6 U.S.C. §§ 605 and 606 The Homeland Security Act of 2002, as amended by Title I of the Implementing Recommendations of the 9/11 Commission), and Infrastructure Investments and Jobs Appropriations Act (Pub. L. No. 117, Section 2220A of the Homeland Security Act of 2002, as amended (Pub. L. No. 107-296) (6 U.S.C. § 665g-58).

**PRINCIPAL PURPOSE(S):** This information is being collected for the primary purpose of facilitating correspondence between the grant applicant and the Oklahoma Office of Homeland Security and the State of Oklahoma Cybersecurity Planning Committee and for determining eligibility and administration of FEMA Preparedness Grant Programs, specifically, the State and Local Cybersecurity Grant Program.

**DISCLOSURE:** The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the organization from receiving grant funding.

**CYBERSECURITY GRANT PROGRAMS INVESTMENT JUSTIFICATION (IJ) INSTRUCTIONS**

Each sub-applicant can submit one application/investment justification per State Cybersecurity Plan objective.

The IJ Template is useful for the **Program Narrative** portion of the application.

Requirements:

- **Application level:** Each application must include between one (1) IJ. The IJ must be associated with one of the four objectives outlined in the NOFO and State Cybersecurity Plan. No more than four (4) IJ's can be submitted.
- **Projects:** Project-level information will vary based on the associated SLCGP objectives and sub-objectives as outlined in the NOFO and State Cybersecurity Plan.
- **The State of Oklahoma Cybersecurity Planning Committee requires a quote to be attached for each request.**
- Once each IJ is complete it must be submitted, along with required attachments to [hsgnants@okohs.ok.gov](mailto:hsgnants@okohs.ok.gov)

**ELIGIBILITY**

**Eligible Subrecipient Entities**

“Local government” is defined in 6 U.S.C. § 101(13) as:

1. A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government;
2. \*An Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and
3. A rural community, unincorporated town or village, or other public entity.

\*Although tribes are not eligible to apply directly for SLCGP funding, they may be eligible subrecipients, and can receive SLCGP funding as a local government.

Each individual SAA may determine whether and how much SLCGP funding to pass through to tribal entities. Additionally, funding will be directly available to eligible tribal entities under the Tribal Cybersecurity Grant Program.

**Ineligible subrecipient entities include:**

1. Nonprofit organizations; and
2. Private corporations.

**SUB-APPLICANT POINT OF CONTACT (POC) INFORMATION**

STATE, LOCAL, TRIBAL AGENCY:

SLT UEI Number:

SLT POC Name:

SLT POC Title:

SLT Address:

SLT POC Phone Number:

SLT POC Email Address:

**PART I. BACKGROUND FOR PROJECT NARRATIVE**

**1. A. Provide a baseline understanding of the existing cybersecurity gaps, risks, and threats that the applicant entity faces which have influenced the development of this Investment Justification (IJ). Also, please include a summary of the current capabilities within the applicant jurisdiction to address these threats and risks.**

**1. B. Describe how this IJ and the associated project(s) addresses gaps and/or sustainment in the approved Cybersecurity Plan.**

**PART II. SPECIFIC INVESTMENT INFORMATION**

**2. A. Investment Name:** Provide the Investment Name:

**2. B. Investment Type:** Please identify the corresponding SLCGP Objective Number for this IJ (Objective 1, 2, 3 or 4). Each objective must have at least one project. Choose an item.

**2. C. Funding Year:** Please identify the corresponding SLCGP funding year. You may select more than one.

**2022** – Cost Share Waived      **2024** – 30% Cost Share

**2023** – 20% Cost Share Waived      **2025** – 40% Cost Share

**2. D. Funding Year:** If funding is no longer available in the year you selected are you okay with us moving your funding to the next available grant year which may have a higher cost share. Choose an item.

**2. F. Cost Share Type:** Choose an item.

**2. E. Describe how your agency plans to meet the cost share requirements for this grant:**

**PART III. PROJECT INFORMATION**

**3. A. Project Name:** Provide the name(s) of the project(s).

**3. B. Project(s) Alignment to the 16 Required Cybersecurity Elements as detailed in the Statewide Cybersecurity Plan:** Please describe how this project(s) aligns to the cybersecurity elements in the Statewide Cybersecurity Plan on pages 13 and 14.



**PART IV. PROJECT IMPLEMENTATION SCHEDULE**

**4. A. Please describe project implementation and estimated timeline:**

**4. B. In this section, list all proposed equipment, projects, or activities, the vulnerability any of those items will address, and the estimated funding requested (round up to the nearest dollar) for each. AEL – Authorized Equipment List**

AEL Number	Equipment, Project, or Activity	Vulnerability Addressed	Estimated Cost	Estimated Cost Share
		Total Funding Requested		

**SLCGP SUB-APPLICANT CONTACT INFORMATION**

This application was written by:

By clicking this box, I certify that I am an employee or affiliated volunteer on behalf of the organization or have been hired by the organization to apply on their behalf for the State and Local Cyber Security Grant Program, have reviewed the SLCGP NOFO, as well as the Oklahoma Cyber-Security Plan and agree to the terms and conditions of all on behalf of the organization.

FULL NAME	POSITION/TITLE
EMAIL	WORK PHONE

**Regular City Council**

**19. a.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Leslie Arnold, Legal Assistant  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the Worker's Compensation Claim Number 10-23-27, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

The City Attorney desires to discuss with the Mayor and Council pending worker's compensation claim number 10-23-27 arising from an injury occurring on or about 10/11/2023.

The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to defend the City's interest, and from that determination, the Council should convene in executive session to discuss this matter.

**RECOMMENDED ACTION:**

Convene in Executive session to discuss Worker's Compensation claim number 10-23-27, and if necessary, take appropriate action in Open Session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**19. b.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Mike Miller, City Manager  
**Initiator:** Judy Villalobos, Executive Assistant  
**Department:** City Manager  
**Staff Information Source:** My tea,: CD Eva.

---

**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss matters pertaining to a proposed Economic Development Project located in the Southeast Quadrant of the City of Muskogee, including an incentive request, and if necessary, take appropriate action in Open Session. (Mike Miller)

**BACKGROUND:**

City Staff wishes to discuss with City Council a potential economic development project, and an incentive request, for a project located in the Southeast Quadrant of the City. The City Attorney advises the City Council that public disclosure of the matter discussed would interfere with the development of the property, and that public disclosure would violate the confidentiality of the business.

**RECOMMENDED ACTION:**

Convene in Executive Session and, if appropriate, take appropriate action in Open Session

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**19. c.**

Meeting Date: 03/25/2024  
Submitted For: Mike Miller, City Manager  
Initiator: Judy Villalobos, Executive Assistant  
Department: City Manager  
Staff Information Source:

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Information

AGENDA ITEM TITLE:

Pursuant to Section 307 C.11, Title 25, Oklahoma Statutes, consider convening in Executive Session to confer on matters pertaining to Economic Development concerning real property located within the Northwest Quadrant of the City of Muskogee, and if necessary, take appropriate action in Open Session. (Mike Miller)

BACKGROUND:

The City Manager wishes to discuss with the City Council about matters pertaining to economic development concerning real property within the northwest quadrant of the City. The Council is further notified that public disclosure of the matter discussed would interfere with the development of the property.

RECOMMENDED ACTION:

Convene in Executive Session, and if necessary, take appropriate action in Open Session.

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Fiscal Impact

Attachments

*No file(s) attached.*

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**Regular City Council**

**19. d.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the status of Case No. CV-2022-991, City of Muskogee vs. Jun Green LLC, filed in the District Court in and for Muskogee County, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

Section 307 B.4 of Title 25 Oklahoma Statutes provide that an executive session is permitted if:

Confidential communications between a public body and its attorney concerning a pending investigation, claim or other action, if the public body, with the advice of its attorney, determines that the 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.

**RECOMMENDED ACTION:**

Convene in Executive Session and, if necessary, take appropriate action in open session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**19. e.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Austin Witt, Deputy City Attorney  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss the status of Case No. CV-2022-157, City of Muskogee vs. Ken Black, filed in the District Court in and for Muskogee County, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

Section 307 B.4 of Title 25 Oklahoma Statutes provide that an executive session is permitted if:

Confidential communications between a public body and its attorney concerning a pending investigation, claim or other action, if the public body, with the advice of its attorney, determines that the 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.

**RECOMMENDED ACTION:**

Convene in Executive Session and, if necessary, take appropriate action in open session.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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**Regular City Council**

**19. f.**

**Meeting Date:** 03/25/2024  
**Submitted For:** Katrina Bodenhamer, City Attorney  
**Initiator:** Leslie Arnold, Legal Assistant  
**Department:** City Attorney  
**Staff Information Source:**

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**Information**

**AGENDA ITEM TITLE:**

Pursuant to Section 307 B.4, Title 25, Oklahoma Statutes, consider convening in Executive Session to discuss three (3) lawsuits styled, England v. City of Muskogee, Case No. CV-2007-20; Lacey v. City of Muskogee, Case No. CV-2007-1377; Taft v. City of Muskogee, Case No. CJ-2007-1410, filed in the District Court in and for Muskogee County, Oklahoma, and if necessary, take appropriate action in Open Session. (Katrina Bodenhamer)

**BACKGROUND:**

The City Attorney desires to discuss with the Mayor and Council the above-styled litigation. The City Attorney advises the City Council that the Council should determine that disclosure of confidential communications between the Council and the City Attorney regarding the above referenced item will seriously impair the ability of the City to defend the City's interest, and from that determination, the Council should convene in executive session to discuss this matter.

**RECOMMENDED ACTION:**

Convene in Executive Session and, if necessary, take appropriate action in Open Session which may arise therefrom.

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**Fiscal Impact**

**Attachments**

*No file(s) attached.*

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