

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

POSTING DATE: JUNE 13, 2024

**AGENDA
SPECIAL CALL
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE
JUNE 17, 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.

SPECIAL CALL SESSION - 11:30 A.M., 2ND FLOOR CONFERENCE ROOM, MUNICIPAL BUILDING, 229 W. OKMULGEE, MUSKOGEE, OKLAHOMA

ROLL CALL

1. Discuss and review Ordinance No. 4198-A, which establishes the Economic Development Advisory Committee, or take other necessary action. (Mike Miller)
2. Discuss and take action on the appointment of a Chair and Vice Chair for the Economic Development Advisory Committee, or take other necessary action. (Mike Miller)
3. Discuss the upcoming General Obligation (GO) Bond and Capital Improvement Project (CIP) Sales Tax Election, to be held on August 27, 2024. (Mike Miller)
4. Pursuant to 25 O.S. § 307 C.11, consider convening in Executive Session to confer on matters pertaining to an economic development project, including the possible transfer of real property, in the northern quadrant of the City, and if necessary, take appropriate action in Open Session. (Roger Kolman)

ADJOURN

**Special Call Economic Development Advisory Committee
Agenda**

1.

Meeting Date: 06/17/2024
Submitted For: Mike Miller, City Manager
Initiator: Judy Villalobos, Executive Assistant
Department: City Manager
Staff Information Source:

AGENDA ITEM TITLE:

Discuss and review Ordinance No. 4198-A, which establishes the Economic Development Advisory Committee, or take other necessary action. (Mike Miller)

BACKGROUND:

Ordinance No. 4198-A (h) authorizes the creation of an economic development advisory committee to review housing and retail economic development proposals and incentive requests.

(i) Facilitate economic growth, enhance business opportunities, and improve the overall economic well-being of our city. The committee will provide valuable input and recommendations to the City Council.

(1) The committee will focus on retail and housing economic development plans and projects including:

- a. Strategic Planning: Develop and recommend economic development strategies and initiatives to the City Council;
- b. Project Evaluation: Review and assess proposed retail and housing economic development projects for their potential impact and feasibility;
- c. Resource Allocation: Advise on the allocation of resources to support economic development efforts;
- d. Contract Review: Examine and evaluate contracts and agreements related to economic development projects, ensuring compliance with city policies and legal requirements; and
- e. Reporting: Provide regular updates and reports to the City Council on committee activities and recommendations as needed.

(2) The committee will provide direction and recommendations to the City Council, 5 but the City Council will retain final approval authority for all economic development incentives.

RECOMMENDED ACTION:

discuss and review Ordinance No. 4198-A

Fiscal Impact

Attachments

Ordinance No. 4198-A

AMENDED ORDINANCE NO. 4198-A

AN AMENDED ORDINANCE AMENDING THE CITY OF MUSKOGEE CODE OF ORDINANCES BY AMENDING CHAPTER 74, TAXATION, ARTICLE VIII, USE TAX, 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.

AN AMENDED ORDINANCE

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Muskogee, Oklahoma, as follows:

Section 1. The City of Muskogee Code of Ordinances, Chapter 74, Taxation, Article VII, Use Tax Section 74-237, Economic Development Fund, is hereby amended to read as follows:

SECTION 74-237. ECONOMIC DEVELOPMENT FUND.

- (a) There is hereby created an "economic development fund" for the city as fund is defined in section 2-551 of the Code. The fund shall consist of all monies, including interest thereon, deposited therein pursuant to section 74-236 and as may from time to time be appropriated by the city council. The monies accruing to the credit of the fund may be budgeted and expended only for the following purposes:
- (1) To provide revenue to provide incentives to be used to create new jobs and retain existing jobs for high-impact business projects as defined below;
 - (2) To pay for debt service on obligations issued to assist in the establishment of manufacturing or distribution facilities;
 - (3) To fund job creation incentives and capital improvements, including the acquisition of land and facilities;
 - (4) To fund infrastructure improvements serving the proposed development area;
 - (5) To fund marketing of the city to prospective companies or to implement such program through contractual services with other agencies; and
 - (6) To provide for necessary city staff or consultants and supplies to implement this activity.
- (b) Within the economic development fund there shall be a general account. The account shall consist of all such monies, including interest thereon, deposited therein pursuant to this section. Monies accruing to the credit of the general account may be budgeted and expended for any purpose of the economic development fund.

- (c) Within the economic development fund there shall be an economic opportunity account. The account shall consist of all such monies, including interest thereon, deposited therein pursuant to this section. Monies accruing to the credit of the economic opportunity account may be budgeted and expended for only those purposes set out in subsection (1) below.
- (1) a. For the purpose of assisting in the development of a high-impact business project or facility or retaining such project or facility, a high-impact business project is defined as a retail or nonretail development activity that creates new, high-skill, high-wage jobs which foster the sound growth of the local economy. "New jobs" includes both the expansion of existing local firms, as well as relocation of firms from outside the area;
 - b. For the purpose of assisting in the development or redevelopment activities located in areas targeted for development and redevelopment in the city's comprehensive plan, such as, but not limited to, blighted areas or urban renewal project areas; or
 - c. For the purpose of assisting in projects that will make a unique or unequalled contribution to development or redevelopment efforts in the city, due to the project's magnitude, significance to the community or aesthetic quality.
- (2) A two-thirds majority vote (six votes) of all the members of the city council is required to authorize any expenditure of monies from the economic opportunity account.
- (3) The city council shall not consider approval of any payments from the economic opportunity account unless the city has received the following information, as appropriate, and presented the same to the city council:
- a. The number of jobs created by a new business establishment;
 - b. The number of jobs retained by the existing business establishment;
 - c. The average salary of jobs to be created by a new establishment;
 - d. The average salary of jobs to be retained by an existing business;
 - e. The total capital investment to be made by the business establishment;
 - f. The likelihood of other business establishments locating within the same vicinity or within the Muskogee metropolitan area as a result of the business activity; and
 - g. Such other factors as the city council may determine to be relevant including, but not limited to:
 1. Cost of the development assistance (including labor costs of city staff);
 2. Cost of city services such as police and fire;
 3. Wear and tear on city streets and roads serving the proposed development;
 4. Increased burden on water, sewer and storm systems;
 5. Estimated "transfer losses" from existing merchants.
- (d) For the fiscal year beginning July 1, 2014, and each fiscal year thereafter, all revenue deposited within the economic development fund shall be distributed and apportioned monthly as follows:

- (1) Sixty percent shall be deposited into the general account; and
- (2) Forty percent shall be deposited into the economic opportunity account until such time as the amount of said account equals \$5,000,000.00. All monies directed to the economic opportunity account by this subsection not necessary to maintain this balance shall be deposited into the general fund of the city.
- (3) For a one-year period only, beginning July 1, 2019, the distribution referenced in subsections (1) and (2) shall be modified as follows:
 - a. 66.67 percent shall be deposited into the general account; and
 - b. 33.33 percent shall be deposited into the economic opportunity account.
- (e) All monies accruing to the credit of the economic development fund that are not expended by the end of the then current fiscal year shall be redeposited within said fund for use in the next fiscal year.
- (f) Amounts set aside in the city budget as "economic development fund" may be expended for purposes other than those established in subsections (a), (b) and (c) of this section only when certain specific circumstances exist. The circumstances requiring the expenditure of economic development funds are not expected to recur on a routine basis. The circumstances when it is necessary to appropriate or spend economic development fund amounts are subject to the objective criteria outlining the parameters of acceptable uses of these funds are as follows and must be declared by a two-thirds majority vote of all of the members of the governing body establishing that one or more of the criteria listed below exists:
 - (1) Expenditures for emergency situations as defined above for life, health, or public safety issues for which no existing appropriation exists;
 - (2) Situations where an expense or unexpected revenue decline or arises that could not have reasonably been foreseen, and for which new revenue is not available to offset and transfers of existing appropriations are not considered feasible or appropriate in maintaining existing service levels;
 - (3) Situations where the proposed use is of a nonoperational nature involving capital or equipment purchases having a useful life of greater than five years;
 - (4) Situations where the proposed use is of a nonrecurring nature, such as a study, or for start-up costs of a program whose ongoing costs are otherwise funded;
 - (5) To temporarily satisfy a judgment from a court of competent jurisdiction that will be reimbursed from property tax levies;
 - (6) To pay debt service on economic development projects;
 - (7) To pay levies of ad valorem taxes on behalf of the City of Muskogee Urban Renewal Authority.
- (g) The City Council further authorizes the City of Muskogee to manage the economic development program and economic development funds.

(h) City Council authorizes the creation of an economic development advisory committee to review housing and retail economic development proposals and incentive requests. The group will consist of:

- (1) The mayor or a council member designated by the mayor,
- (2) Two other city councilors nominated by the mayor and confirmed by the council.
- (3) The city manager or designee (ex officio)
- (4) The city attorney or designee from the city attorney's office (ex officio)
- (5) The city's lead economic development staff member (ex officio)
- (6) Port Muskogee's lead industrial development staff member
- (7) The lead employee of the Small Business Development Center (a shared employee paid for by the Port, ICTC, the City, Muskogee Forward, etc.)
- (8) Two members of the Urban Renewal Authority as appointed by the Chair of the Authority

(i) Facilitate economic growth, enhance business opportunities, and improve the overall economic well-being of our city. The committee will provide valuable input and recommendations to the City Council.

(1) The committee will focus on retail and housing economic development plans and projects including:

- a. **Strategic Planning:** Develop and recommend economic development strategies and initiatives to the City Council;
- b. **Project Evaluation:** Review and assess proposed retail and housing economic development projects for their potential impact and feasibility;
- c. **Resource Allocation:** Advise on the allocation of resources to support economic development efforts;
- d. **Contract Review:** Examine and evaluate contracts and agreements related to economic development projects, ensuring compliance with city policies and legal requirements; and
- e. **Reporting:** Provide regular updates and reports to the City Council on committee activities and recommendations as needed.

(2) The committee will provide direction and recommendations to the City Council, but the City Council will retain final approval authority for all economic development incentives.

- a. Open Meetings Act Compliance: The Economic Development advisory Committee will operate in full compliance with the Open Meetings Act to ensure transparency and accessibility to the public. Meetings will be open to the public, and agendas and minutes will be made available on the city's website. The committee will meet quarterly, with special call meetings as necessary.
- b. Terms of Members: Terms of members of the committee created in section (h) above shall run concurrently with the term of the office under which the member is serving; e.g. the Mayor or Councilors would no longer be on the committee when they leave office; a URA member would no longer be on the committee when they leave office, etc.

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 30 days from publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, THIS 26th DAY OF February, 2024.

CITY OF MUSKOGEE

Marlon J. Coleman

MARLON J. COLEMAN, MAYOR



ATTEST:

Tammy L. Tracy
TAMMY L. TRACY, CITY CLERK

Approved as to form and legality this 27 day of February, 2023.

Katrina Bodenhamer
KATRINA BODENHAMER, CITY ATTORNEY

**Special Call Economic Development Advisory Committee
Agenda**

2.

Meeting Date: 06/17/2024
Submitted For: Mike Miller, City Manager
Initiator: Judy Villalobos, Executive Assistant
Department: City Manager
Staff Information Source:

AGENDA ITEM TITLE:

Discuss and take action on the appointment of a Chair and Vice Chair for the Economic Development Advisory Committee, or take other necessary action. (Mike Miller)

BACKGROUND:

Appointments of a Chair and Vice Chair is needed on this newly established Economic Development Advisory Committee.

The City Council amended this ordinance in September of 2023, establishing an economic development committee. In October and November meetings, Councilors discussed possible amendments and changes to the committee's structure, duties and composition. Councilor Hoos has gathered input from those meetings and discussions and proposes the attached changes to the ordinance, which expands the committee to include members of the Urban Renewal Authority, Port Muskogee, and other economic development partners.

RECOMMENDED ACTION:

appointment of Chair and Vice Chair.

Fiscal Impact

Attachments

No file(s) attached.

**Special Call Economic Development Advisory Committee
Agenda**

3.

Meeting Date: 06/17/2024
Submitted For: Mike Miller, City Manager
Initiator: Judy Villalobos, Executive Assistant
Department: City Manager
Staff Information Source:

AGENDA ITEM TITLE:

Discuss the upcoming General Obligation (GO) Bond and Capital Improvement Project (CIP) Sales Tax Election, to be held on August 27, 2024. (Mike Miller)

BACKGROUND:

On August 27, 2024, Muskogee voters will consider whether to approve a general obligation bond to accomplish key projects across our community. If passed, this \$77,000,000 bond will be used to build a new police station, build a new fire station and rehabilitate several other fire stations, widen and improve roadways, improve stormwater drainage and management, rehabilitate or improve key civic buildings, invest in our downtown and medical districts, and improve pedestrian and bicycle access.

Three propositions will represent portions of a general obligation bond that will fund a variety of vital city projects. A fourth proposition will allow voters to choose to renew the funding for an existing Capital Improvement Project sales tax in Muskogee for an additional six years (2025-2031). You can see the entire project list, including funding needed, at www.buildingabettermuskogee.com

Muskogee has not passed a city general obligation (GO) bond in more than 50 years; the GO Bond would therefore increase property tax in the city by about 15 mills, or about \$12.50/month for a property with an assessed value of \$100,000. The sales tax would be a six-year extension of existing sales tax, so approving it will not change the sales tax rate in Muskogee.

RECOMMENDED ACTION:

discuss.

Fiscal Impact

Attachments

No file(s) attached.

**Special Call Economic Development Advisory Committee
Agenda**

4.

Meeting Date: 06/17/2024
Submitted For: Mike Miller, City Manager
Initiator: Judy Villalobos, Executive Assistant
Department: City Manager
Staff Information Source:

AGENDA ITEM TITLE:

Pursuant to 25 O.S. § 307 C.11, consider convening in Executive Session to confer on matters pertaining to an economic development project, including the possible transfer of real property, in the northern quadrant of the City, and if necessary, take appropriate action in Open Session. (Roger Kolman)

BACKGROUND:

Executive Session to confer on matters pertaining to an economic development project, including the possible transfer of real property, in the northern quadrant of the City.

RECOMMENDED ACTION:

if necessary, take appropriate action in Open Session.

Fiscal Impact

Attachments

No file(s) attached.
