

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA (THE "CITY") MET IN SPECIAL SESSION IN THE THIRD FLOOR COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING LOCATED AT 229 W. OKMULGEE, IN MUSKOGEE, OKLAHOMA, ON THE 20TH DAY OF MAY, 2024, AT 4:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the special meeting of the City Council of the City of Muskogee, Oklahoma, was given in writing to the City Clerk at ____ o'clock __.m. on the ____ day of May, 2024, and public notice of this meeting, setting forth the date, time, place and agenda was posted at the entry of the Municipal Building, 229 W. Okmulgee, Muskogee, Oklahoma, 74401, the place of this meeting in prominent view and open to the public twenty-four (24) hours each day, seven (7) days each week at ____ o'clock __.m., on the ____ day of May, 2024, being twenty-four (24) hours or more prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act. Further, as required by Title 25 Oklahoma Statutes § 311A(9)(b), the City made the notice of a public meeting available to the public in the principal office of the public body (229 W. Okmulgee, Muskogee, Oklahoma, 74401) during normal business hours at least twenty-four (24) hours prior to the meeting.

(OTHER PROCEEDINGS)

Thereupon, the Mayor introduced an Ordinance, which was read in full by the Clerk and considered by sections, and upon motion by Councilmember _____, seconded by Councilmember _____, said Ordinance was adopted by the following vote:

YEAS:

NAYS:

Thereupon, the Councilmember _____ moved that an emergency be declared and that the Ordinance become effective immediately. Councilmember _____ seconded the motion. The motion was adopted by the following vote:

YEAS:

NAYS:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality, and is as follows:

ORDINANCE NO. 4234-A

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF MUSKOGEE, STATE OF OKLAHOMA (THE "CITY"), ON THE 27TH DAY OF AUGUST, 2024, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SAID CITY IN AN AMOUNT NOT TO EXCEED THE SUM OF SEVENTY EIGHT MILLION SIX HUNDRED EIGHTY FIVE THOUSAND DOLLARS (\$78,685,000) TO BE ISSUED IN SERIES TO PROVIDE FUNDS FOR THE PURPOSES OF: (I) ACQUIRING, CONSTRUCTING, EXPANDING, RENOVATING, REPAIRING, AND/OR EQUIPPING PUBLIC SAFETY BUILDINGS, FACILITIES, AND EQUIPMENT, ALL TO BE OWNED EXCLUSIVELY BY THE CITY, (II) CONSTRUCTING, RECONSTRUCTING, REPAIRING, IMPROVING, AND REHABILITATING STREETS, ROADS, BRIDGES, AND INTERSECTIONS IN THE CITY (INCLUDING LIGHTING, SIDEWALKS/BIKEPATHS, LANDSCAPING, RELATED DRAINAGE IMPROVEMENTS, DRIVEWAY RECONSTRUCTION, UTILITY RELOCATION, AND OTHER RELATED IMPROVEMENTS); AND (III) CONSTRUCTING, EXPANDING, REPAIRING, WHICH MAY ALSO INCLUDE IMPROVING, RENOVATING, ACQUIRING AND EQUIPPING COMMUNITY FACILITIES, ALL TO BE OWNED EXCLUSIVELY BY THE CITY; ALL TO BE COMPLETED WITH OR WITHOUT THE USE OF OTHER FUNDS, AND LEVYING AND COLLECTING AN ANNUAL TAX, IN ADDITION TO ALL OTHER TAXES, UPON ALL THE TAXABLE PROPERTY IN SAID CITY FOR THE PAYMENT OF THE INTEREST AND PRINCIPAL ON SAID BONDS; PROVIDING FOR ELECTION PROCEDURES; AUTHORIZING PROFESSIONAL SERVICES AGREEMENTS PERTAINING TO THE ISSUANCE OF SAID BONDS; DECLARING AN EMERGENCY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

WHEREAS, it is deemed advisable by the City of Muskogee, State of Oklahoma (the "City") to provide funds for the following purposes:

- (i) Public Safety Buildings, Facilities, and Equipment: To provide funds for the purpose of acquiring, constructing, expanding, renovating, repairing, and/or equipping public safety buildings, facilities, and equipment, all to be owned exclusively by the City; and
- (ii) Streets and Bridges: To provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating streets, roads, bridges, and intersections in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, utility relocation, and other related improvements); and

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- (iii) Community Facilities: To provide funds for the purpose of constructing, expanding, repairing, which may also include improving, renovating, acquiring and equipping community facilities, all to be owned exclusively by the City; and

WHEREAS, the estimated amounts necessary for such purposes as listed above are as follows:

- (i) Public Safety Buildings, Facilities, and Equipment: Forty Seven Million One Hundred Seventy Five Thousand Dollars (\$47,175,000); and
- (ii) Streets and Bridges: Fourteen Million One Hundred Ten Thousand Dollars (\$14,110,000); and
- (iii) Community Facilities: Seventeen Million Four Hundred Thousand Dollars (\$17,400,000); and

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Section 27, Article 10, of the Oklahoma Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same is authorized by the registered qualified voters thereof, voting at an election held for such purpose.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSKOGEE, OKLAHOMA:

Section 1. Propositions. That the Mayor of the City, or in his absence or incapacity, the duly qualified Vice Mayor, be and hereby is authorized and directed to call a special election to be held in the City on the 27th day of August, 2024, for the purpose of submitting to the registered qualified voters of the City, for their approval or rejection, the following propositions:

PROPOSITION NO. 1

Public Safety Buildings, Facilities, and Equipment Projects

Shall the City of Muskogee, State of Oklahoma, incur an indebtedness by issuing its general obligation bonds in the sum of Forty Seven Million One Hundred Seventy Five Thousand Dollars (\$47,175,000) to provide funds for the purpose of acquiring, constructing, expanding, renovating, repairing, and/or equipping public safety buildings, facilities, and equipment, all to be owned exclusively by the City, to be completed with or without the use of other funds, and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty-five (25) years from their date?

PROPOSITION NO. 2

Street and Bridge Projects

Shall the City of Muskogee, State of Oklahoma, incur an indebtedness by issuing its general obligation bonds in the sum of Fourteen Million One Hundred Ten Thousand Dollars (\$14,110,000) to provide funds for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating streets, roads, bridges, and intersections in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, utility relocation, and other related improvements), to be completed with or without the use of other funds, and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty-five (25) years from their date?

PROPOSITION NO. 3

Community Facilities Projects

Shall the City of Muskogee, State of Oklahoma, incur an indebtedness by issuing its general obligation bonds in the sum of Seventeen Million Four Hundred Thousand Dollars (\$17,400,000) to provide funds for the purpose of constructing, expanding, repairing, which may also include improving, renovating, acquiring and equipping community facilities, all to be owned exclusively by the City, to be completed with or without the use of other funds, and levy and collect an annual tax, in addition to all other taxes, upon all the taxable property in said City sufficient to pay the interest on said bonds as it falls due, and also to constitute a sinking fund for the payment of the principal thereof when due, said bonds to be competitively sold and bear interest at the lowest rate not to exceed ten percentum (10%) per annum, payable semi-annually and to become due within twenty-five (25) years from their date?

Section 2. Description of Projects and Use of Proceeds.

(Proposition No. 1)

Public Safety Buildings, Facilities, and Equipment Projects

The Public Safety Buildings, Facilities, and Equipment Projects for which the proceeds of the aforesaid not to exceed \$47,175,000 general obligation bonds shall be expended consist of acquiring, constructing, expanding, renovating, repairing, and/or equipping public safety buildings, facilities, and equipment, all to be owned exclusively by the City. The projects may be

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accomplished through participation with other governmental agencies and others, and may be accomplished in phases. The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

New Police Department Building	\$11,500,000
New Fire Station #5 in the vicinity of North York Street	\$4,000,000
Acquisition of firefighting vehicles, apparatus, and equipment including but not limited to fire engines, ladder trucks, brush trucks, rescue air bags, communications equipment, bunker gear, and extrication equipment	\$11,365,000
Acquisition of police vehicles, apparatus and equipment, including but not limited to vehicles, ballistic armor, communications equipment, non-lethal weapons, body cameras, mobile computers, gas masks, firearms, and personal radios	\$19,300,000
Estimated costs of issuance and contingency funds. Any funds not required to complete the foregoing projects shall be utilized for the purpose of acquiring, constructing, expanding, renovating, repairing, and/or equipping public safety buildings, facilities, and equipment, all to be owned exclusively by the City	<u>\$1,010,000</u>
TOTAL: (representing over 70% of \$47,175,000)	\$47,175,000

(Proposition No. 2)

Street and Bridge Projects

The Street and Bridge Projects for which the proceeds of the aforesaid not to exceed \$14,110,000 general obligation bonds shall be expended consist of constructing, reconstructing, repairing, improving, and rehabilitating streets, roads, bridges, and intersections in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, utility relocation, and other related improvements). The projects may be accomplished through participation with other governmental agencies and others, and may be accomplished in phases. Project costs include related construction testing, inspection, project implementation and administration, planning, permitting, engineering and design, right of way and real property acquisition. The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

Downtown Muskogee improvements to Broadway from Main Street to 5th Street, including but not limited to utility infrastructure

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improvements, parking modifications, bike/pedestrian lane, bus stop improvements, alley rehabilitation, sidewalks and lighting, traffic improvements, and greenspace furniture and landscaping	\$3,900,000
East Smith Ferry Road reconstruction from US Highway 64 to Gulick Street, including but not limited to a new three (3) lane road with curb and gutter, underground storm sewer, utility relocation, right of way acquisition, and a dry detention pond	\$5,560,000
Denver Street reconstruction from S. 40 th Street to US Highway 69, and S. 36 th Street reconstruction from US Highway 64 to Denver Street, including but not limited to sidewalks along Denver Street, sidewalks along S. 34 th Street from Denver Street to Arline Avenue, a stormwater detention basin at Denver Street and S. 34 th Street, land acquisition, storm sewer improvements, and utility relocation	\$2,100,000
Improvements to the intersection of N. Country Club Road and Shawnee Road (US Highway 62), including but not limited to a wider intersection, protected left turn lane, utility relocation, and drainage improvements to increase the safety of the intersection during rain events	\$1,790,000
Construction and design of a new decorative pedestrian bridge crossing US Highway 69 north of Border Street to replace the existing pedestrian bridge set to be removed in the expansion of US Highway 69	\$460,000
Estimated costs of issuance and contingency funds. Any funds not required to complete the foregoing projects shall be utilized for the purpose of constructing, reconstructing, repairing, improving, and rehabilitating streets, roads, bridges, and intersections in the City (including lighting, sidewalks/bikepaths, landscaping, related drainage improvements, driveway reconstruction, utility relocation, and other related improvements).	<u>\$300,000</u>
TOTAL: (representing over 70% of \$14,110,000)	\$14,110,000

(Proposition No. 3)

Community Facilities Projects

The Community Facilities Projects for which the proceeds of the aforesaid not to exceed \$17,400,000 general obligation bonds shall be expended consist of constructing, expanding, repairing, which may include improving, renovating, acquiring and equipping community facilities, which may also include green spaces, playgrounds, athletic facilities, aquatic facilities, maintenance facilities, recreation facilities, picnic and multi-purpose shelters, restrooms,

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concessions facilities, landscaping, utilities and utility relocation, technology improvements, lighting, equipment, furniture, furnishings, park materials, fencing, drainage improvements, water features, waterways, park parking, paths, sidewalks, trails, park roadways, traffic control improvements, demolition, park infrastructure, irrigation and park access and accessibility improvements, along with related construction testing, inspection, project implementation and administration, planning, permitting, engineering and design, right of way and real property acquisition, all to be owned exclusively by the City, and may be accomplished through participation with other governmental agencies and others, and may be accomplished in phases. The specific projects for which at least seventy percent (70%) of the proceeds of the aforesaid bonds shall be expended and the dollar amount of each such project shall be as follows:

Acquisition and installation of a new HVAC system in the Muskogee Civic Center, and any funds not required for the HVAC system will be utilized for interior updates to the Muskogee Civic Center	\$5,500,000
Acquisition and installation of softball, baseball, and football/soccer fields, including but not limited to artificial turf infields, fencing, shade, and irrigation	\$3,725,000
Expansion and improvement of the Dr. Martin Luther King Jr. Community Center, including but not limited to an approximately 13,300 square foot west addition containing a gymnasium with spectator seating, youth center, new entry with dedicated vehicle drop-off, and support spaces including restrooms; an approximately 6,600 square foot north addition containing a four (4) classroom addition (with option to combine classrooms via movable partition); new restrooms accessible to the outdoor basketball courts and play areas; and limited interior remodeling	\$7,800,000
Estimated costs of issuance and contingency funds. Any funds not required to complete the foregoing projects shall be utilized for the purpose of improving, renovating, acquiring and equipping community facilities, all to be owned exclusively by the City	<u>\$375,000</u>
TOTAL: (representing over 70% of \$17,400,000)	\$17,400,000

Section 3. That such call for said election shall be by proclamation, signed by the Mayor or Vice Mayor and attested by the City Clerk or Deputy City Clerk, setting forth the propositions to be voted upon, a statement regarding the specific projects for which the proceeds of the aforesaid Bonds shall be expended and the dollar amount to be expended on such projects; that the ballots shall set forth the propositions to be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be canvassed and certified to by the Muskogee County Election Board.

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Section 4. That the number and location of the polling places, the hours of opening and closing of the polls, and the names of the officers who shall conduct the election shall be the same as the regular polling places and persons prescribed and selected by the Muskogee County Election Board, for elections in Muskogee, Oklahoma. As provided in Title 26, Oklahoma Statutes Section 13-103, the City authorizes the Muskogee County Election Board to open all precincts located within the municipal boundaries of the City.

Section 5. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling said election is hereby approved in all respects, and the Mayor or Vice Mayor is hereby authorized to execute said Special Election Proclamation and Notice on behalf of the City, and the City Clerk or Deputy City Clerk is hereby authorized to attest and affix the seal of the City to said Special Election Proclamation and Notice, and to cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Muskogee County Election Board not later than seventy-five (75) days prior to the date of election.

Section 6. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and the Special Election Proclamation and Notice upon the office of the Muskogee County Election Board as required by law.

Section 7. Pursuant to Title 62, Section 896.1, the City Clerk is hereby directed to publish such project information related to the City's outstanding general obligation bonds, and project information related to the proposed general obligation bonds to be voted upon on August 27, 2024, in accordance with the Bond Transparency Act of 2017.

Section 8. In connection with the issuance of the above referenced bonds, the Mayor or Vice Mayor, on behalf of the City, is authorized to enter into professional services agreements with The Public Finance Law Group PLLC for bond counsel services and with Municipal Finance Services, Inc. for financial advisory services, and the City Clerk or Deputy City Clerk is hereby authorized to attest and affix the seal of the City to said professional services agreements.

Section 9. It is immediately necessary for the preservation of the public health, peace, and safety of the City, and the inhabitants thereof that the provisions of this Ordinance become operative immediately and therefore, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

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PASSED AND APPROVED AND THE EMERGENCY CLAUSE RULED UPON SEPARATELY THIS **20TH DAY OF MAY, 2024.**

CITY OF MUSKOGEE, OKLAHOMA

(SEAL)

By: _____
W. PATRICK CALE, MAYOR

ATTEST:

By: _____
TAMMY L. TRACY, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS **20TH DAY OF MAY, 2024.**

KATRINA BODENHAMER, CITY ATTORNEY

