

THE COUNCIL OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, MET IN REGULAR SESSION IN CITY COUNCIL CHAMBERS AT THE CITY HALL, 220 SOUTH FIRST, IN SAID CITY ON THE 4TH DAY OF JUNE, 2018, AT 6:30 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2018 having been given in writing to the Clerk of the municipality on or before December 15, 2017, and public notice of this meeting having been posted in prominent view at the entry to City Hall twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and state designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon, the Mayor introduced the proposed municipal ordinance set forth herein below, which proposed ordinance 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:

AYE:

NAY:

and upon motion by Councilmember _____, seconded by Councilmember _____, the question of emergency was ruled upon separately and approved with the following vote:

AYE:

NAY:

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. 3528

AN ORDINANCE NOT TO BE CODIFIED, AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF THE ISSUANCE OF THE BONDS OF SAID CITY IN ONE OR MORE SERIES IN AMOUNTS NOT TO EXCEED THE FOLLOWING SUMS: ONE HUNDRED FORTY TWO MILLION SIX HUNDRED TWENTY FIVE THOUSAND DOLLARS (\$142,625,000) FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, IMPROVING AND REPAIRING STREETS WITHIN SAID CITY; TWENTY MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$20,350,000) FOR THE PURPOSE OF PURCHASING, CONSTRUCTING AND REPAIRING PUBLIC SAFETY UTILITIES; SEVENTEEN MILLION SEVEN HUNDRED FIFTY THOUSAND DOLLARS (\$17,750,000) FOR THE PURPOSE OF PURCHASING, CONSTRUCTING AND REPAIRING PARKS AND RECREATION UTILITIES; SIXTEEN MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$16,800,000) FOR THE PURPOSE OF PURCHASING LAND AND CONSTRUCTING PUBLIC BUILDINGS AND FACILITIES; AND SEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$7,500,000) FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, IMPROVING AND REPAIRING STORMWATER FACILITIES; ALL TO BE OWNED EXCLUSIVELY BY SAID CITY; FIVE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$5,500,000) FOR THE PURPOSE OF MAKING DRAINAGE IMPROVEMENTS TO PROPERTY NOT OWNED EXCLUSIVELY BY SAID CITY; 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 ON AND PRINCIPAL OF SAID BONDS AND CONTAINING OTHER PROVISIONS RELATING TO THE ISSUANCE OF MUNICIPAL BONDS AND DECLARING AN EMERGENCY.

WHEREAS, it is deemed advisable by the City of Broken Arrow, Oklahoma, to (i) construct, reconstruct, improve or repair certain streets, (ii) purchase, construct, furnish and equip certain public safety utilities, (iii) purchase, construct, furnish and equip improvements to certain parks and recreation utilities, (iv) purchase land and construct, furnish and equip certain public buildings and (v) construct, reconstruct, improve or repair certain stormwater facilities, all to be located within and owned exclusively by the City and the amount necessary to finance such acquisitions and improvements, inclusive of costs of issuance of bonds to finance the same, is currently estimated to be the sum of Two Hundred Ten Million Five Hundred Twenty Five Thousand Dollars (\$210,525,000); and,

WHEREAS, the City of Broken Arrow has an absolute need for drainage improvements to be made to property not owned exclusively by said City and the amount necessary to finance such improvements, inclusive of costs of issuance of bonds to finance the same, is currently estimated to

be the sum of Five Million Five Hundred thousand Dollars (\$5,500,000); and,

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Article 10, Section 26 and 27 of the Constitution and laws of the State of Oklahoma, to issue bonds to provide funds for such purposes, provided the same be authorized by the registered qualified voters thereof, voting at an election held for such purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA:

Section 1. That the Mayor of said City be, and is hereby authorized and directed to call a special election to be held in said City on the 28th day of August, 2018, for the purpose of submitting to the registered qualified voters thereof the following propositions:

PROPOSITION NUMBER 1

“Shall the City of Broken Arrow, State of Oklahoma, incur an indebtedness by issuing its bonds in one or more series in an amount not to exceed the sum of One Hundred Forty Two Million Six Hundred Twenty Five Thousand Dollars (\$142,625,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of constructing, reconstructing and repairing streets 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 bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within twenty (20) years from their date?”

PROPOSITION NUMBER 2

“Shall the City of Broken Arrow, State of Oklahoma, incur an indebtedness by issuing its bonds in one or more series in an amount not to exceed the sum of Twenty Million Three Hundred Fifty Thousand Dollars (\$20,350,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of purchasing, constructing, and repairing public safety utilities to be owned exclusively by said City, 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 bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within twenty (20) years from their date?”

PROPOSITION NUMBER 3

“Shall the City of Broken Arrow, State of Oklahoma, incur an indebtedness by issuing its bonds in one or more series in an amount not to exceed the sum of Seventeen Million Seven Hundred Fifty Thousand Dollars (\$17,750,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of purchasing, constructing and repairing parks and recreation facilities to be owned exclusively by said City, 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 bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within twenty (20) years from their date?”

PROPOSITION NUMBER 4

“Shall the City of Broken Arrow, State of Oklahoma, incur an indebtedness by issuing its bonds in one or more series in an amount not to exceed the sum of Sixteen Million Eight Hundred Thousand Dollars (\$16,800,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of purchasing land and constructing, furnishing and equipping public buildings and facilities to be owned exclusively by said City, 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 bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within twenty (20) years from their date?”

PROPOSITION NUMBER 5

“Shall the City of Broken Arrow, State of Oklahoma, incur an indebtedness by issuing its bonds in one or more series in an amount not to exceed the sum of Seven Million Five Hundred Thousand Dollars (\$7,500,000) pursuant to Article 10, Section 27 of the Constitution of the State of Oklahoma to provide funds for the purpose of constructing, reconstructing and repairing stormwater facilities to be owned exclusively by said City, 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 bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within twenty (20) years from their date?”

PROPOSITION NUMBER 6

“Shall the City of Broken Arrow, State of Oklahoma, incur an indebtedness by issuing its bonds in one or more series in an amount not to exceed the sum of Five Million Five Hundred Thousand Dollars (\$5,500,000) pursuant to Article 10, Section 26 of the Constitution of the State of Oklahoma to provide funds for the purpose of drainage improvements to property not owned exclusively by said City 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 bear interest at not to exceed the rate of ten percent (10%) per annum, payable semiannually and to become due serially within twenty (20) years from their date?”

Section 2.

(A) The specific projects for which at least 70% of the proceeds of the aforesaid street improvement bonds subject of Proposition Number 1 shall be expended and the dollar amounts for each project shall be as follows:

Widen Houston Street (81st Street South) from 9th Street (Lynn Lane) to Old Highway 51, including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$7,400,000

Widen Houston Street (81st Street South) from Garnett Road (113th East Avenue) to Olive Avenue (129th East Avenue), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$5,900,000

Widen Houston Street (81st Street South) from Olive Avenue (129th East Avenue) to Aspen Avenue (145th East Avenue), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$4,600,000

Widen Washington Street (91st Street South) from Olive Avenue (129th East Avenue) to Aspen Avenue (145th East Avenue), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$4,700,000

Construct improvements to the intersection Washington Street (91st Street South) and Aspen Avenue (145th East Avenue), including engineering, design and construction of required appurtenances and acquisition of easements and right-of-way.

\$2,200,000

Widen Washington Street (91st Street South) from 9th Street (Lynn Lane) to 23rd Street (County Line Road), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$5,200,000

Resurface Tucson Street (121st East Avenue) from 1st Street to 5th Street, including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$800,000

Resurface Aspen Avenue (145th East Avenue) from Albany Street (61st Street South) to Kenosha Street (71st Street South), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$2,000,000

Widen Aspen Avenue (145th East Avenue) from Tucson Street (121st East Avenue) to West Shreveport Street, including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$7,500,000

Widen Elm Place (161st East Avenue) from Kenosha Street (71st Street South) to State Highway 51 (Broken Arrow Expressway), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$6,400,000

Construct improvements to the intersection at Elm Place (161st East Avenue) and New Orleans Street (101st Street South), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$600,000

Construct improvements to the intersection at 9th Street (Lynn Lane) and Kenosha Street (71st Street South), including engineering, design, installation of required appurtenances, milling of asphalt, laying new asphalt as required.

\$2,200,000

Construct improvements to the intersection at 9th Street (Lynn Lane) and Hillside Drive, including engineering, design, installation of required appurtenances, milling of asphalt and laying new asphalt as required.

\$1,900,000

Widen 9th Street (Lynn Lane) from Houston Street (81st Street South) to Washington Street (91st Street South), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$5,200,000

Widen 9th Street (Lynn Lane) from Washington Street (91st Street South) to New Orleans Street (101st Street South), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$5,200,000

Widen 23rd Street (County Line) from Omaha Street (51st Street South) to Albany Street (61st Street South), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$5,000,000

Construct bridge replacement on 23rd Street (County Line) between Omaha Street (51st Street South) and Albany Street (61st Street South), including engineering, design and construction of required appurtenances.

\$4,100,000

Widen 37th Street (209th East Avenue) from Dearborn Street (41st Street South) to Omaha Street (51st Street South), including engineering, design, construction of required appurtenances and acquisition of easements and right-of-way.

\$5,300,000

Rehabilitate and/or resurface various residential streets located throughout the city. Rehabilitation work may include reconstruction, mill and overlay, patching, engineering, right-of-way and design.

\$25,000,000

TOTAL: \$ 101,200,000
(71% of \$142,625,000)

(B) The specific projects for which at least 70% of the proceeds of the aforesaid public safety facilities bonds subject of Proposition Number 2 shall be expended and the dollar amounts for each project shall be as follows:

Acquisition, construction, equipping and furnishing of a new fire station, located at Washington Street (91st Street South) and South 1st Place, for replacement of Fire Station No. 7.

\$4,500,000

Construction, renovation, equipping and furnishing of fire department improvements to the Police and Fire Training Center Facility located at 4205 East Omaha Street.

\$1,000,000

Acquisition and equipping of fire truck(s) and/or ambulance(s).

\$5,000,000

Expansion, renovation, equipping and furnishing of the existing Broken Arrow Police Department Jail, 2304 South 1st Place.

\$3,250,000

Acquisition, replacement, construction and renovation of city wide civil defense sirens.

\$600,000

Design, engineering and resurfacing of parking lot at the Public Safety Complex, located at 1101 North 6th Street, Broken Arrow, Oklahoma.

\$500,000

TOTAL: \$14,850,000
(73% of \$20,350,000)

(C) The specific projects for which at least 70% of the proceeds of the aforesaid parks and recreation bonds subject of Proposition Number 3 shall be expended and dollar amounts for each project shall be as follows:

Improvements to Indian Springs Sports Complex near Jasper Street (131st Street South) and Aspen Avenue (145th East Avenue) including installation of synthetic turf on the soccer fields.

\$3,000,000

Construction of additional restrooms and improvements to existing restrooms at Jackson Park, located at 4800 West Washington Street.

\$300,000

Improvements to Nienhuis Park, located at 3201 N. 9th Street, including expansion of the playground.

\$300,000

Improvements, including renovations to the playgrounds at the following parks:

Wolf Creek Park, located at 2501 West Fulton Street.

Urbana Park, located at 400 West Urbana Street.

Sieling Park, located at 525 West Iola Street.

Lions Park, located at 1948 South Lions Avenue.

Wedgewood Park, located at 1501 West Knoxville Street.

Rockwood East Park, located at 901 West Queens Street.

Country Aire Tot-Lot, located at 2604 West Joliet Court.

Rockwood West Park, located at 1301 North Redbud Avenue.

\$665,000

Replace existing picnic pavilion with new picnic pavilion at Wolf Creek Park, 2501 West Fulton Street.

\$35,000

Improvements to Nienhuis Park Skate Park located at 3201 N. 9th Street.

\$650,000

Improvements to the Indian Springs Sports Complex, near Jasper Street (131st Street South) and Aspen Avenue (145th East Avenue), including construction of new shade structures for the baseball fields.

\$250,000

Construct, furnish and equip a new park to be located in the southwest part of Broken Arrow, including architectural/engineering design and construction of necessary infrastructure, including water and sewer lines, roads and parking.

\$3,000,000

Improvements to Nienhuis Park located at 3201 N. 9th Street, including construction of a picnic pavilion.

\$50,000

Acquisition and construction of pedestrian trails for a community trail network in accordance with the City-Wide Trail Master Plan.

\$2,000,000

Construction of approximately two (2) miles of the Nienhuis Park Pedestrian Trail.

\$450,000

Improvements to Arrowhead Park, located near South 1st Place and Washington Street (91st Street South), including construction /replacements of shade structures for the softball fields.

\$300,000

Improvements to Arrowhead Park, located near South 1st Place and Washington Street (91st Street South), including improvements to restrooms and concessions.

\$500,000

Design and construction of new community trail in the vicinity of South 1st Place from New Orleans Street (101st Street South) to Washington Street (91st Street South).

\$1,000,000

TOTAL: \$ 12,500,000
(70.4% of \$17,750,000)

(D) The specific projects for which at least 70% of the proceeds of the aforesaid land purchase and public building and facilities bonds subject of Proposition Number 4 shall be expended and dollar amounts for each project shall be as follows:

Construction and renovations to the city maintenance facilities located at 1700 West Detroit Street.

\$3,000,000

Construction and renovations to city maintenance facilities at 2302 South 1st Place and possible acquisition of the adjacent properties thereto, including renovations to the maintenance garage, storage facility and secondary access.

\$2,000,000

Construct an Armed Forces Meeting Hall near Veteran's Park in downtown area, including architectural/engineering design, acquisition of necessary land and construction of necessary infrastructure, including water and sewer lines, roads and parking.

\$2,000,000

Construct a new Senior Citizens meeting/activity center located in the downtown area, including architectural design and engineering, and construction of necessary infrastructure, including water and sewer lines, roads and parking.

\$3,500,000

Acquisition of land for additional Senior Citizen Center and improvements to serve Senior Citizen Center and Arrowhead Park located in the downtown area.

\$1,300,000

TOTAL: \$11,800,000
(70.2% of \$16,800,000)

(E) The specific projects for which at least 70% of the proceeds of the aforesaid stormwater facilities bonds subject of Proposition Number 5 shall be expended and dollar amounts for each project shall be as follows:

Drainage improvements in the vicinity of Stone Ridge Towne Center located at Albany Street (61st Street South) and State Highway 51 (Broken Arrow Expressway).

\$3,000,000

Drainage improvements in the vicinity of Village Square II & Vandever Acres, near Washington Street (91st Street South) and Elm Place (161 E. Avenue), including upgrading the stormwater conveyance system and necessary design, acquisition of right-of-way, and construction of necessary utilities.

\$400,000

Drainage and channelization improvements in the vicinity of Indian Springs, near Jasper Street (131st Street South) and Aspen Avenue (145th E. Avenue), including upgrades to the culvert and conveyance system, including necessary engineering and design.

\$600,000

Drainage improvements in the vicinity of Arrowwood Estates, near 115th Street South and 23rd Street (County Line Road).

\$500,000

Drainage improvements in the vicinity of the Lancaster Park Detention Facility located near Kenosha Street (71st Street South) and Garnett Road (113th E. Avenue).

\$500,000

Drainage improvements in the vicinity of Tiger Creek Nature Park and Tiger Creek floodplain improvements located near Albany Street (61st Street South) between 9th Street (Lynn Lane) and 23rd Street (County Line Road).

\$500,000

Drainage improvements in the vicinity of the Detention Facility within the Shops at Adams Creek Wetlands Preserve, located along Hillside Drive between 9th Street (Lynn Lane) and 23rd Street (County Line Road).

\$500,000

TOTAL: \$6,000,000
(80% of \$7,500,000)

(F) The specific projects for which at least 70% of the proceeds of the aforesaid drainage improvement bonds subject of Proposition Number 6 shall be expended and dollar amounts for each project shall be as follows:

Drainage improvements in Adams Creek Basin-channelization, bank stabilization, detention, clearing of drainageway.

\$1,000,000

Drainage improvements in Broken Arrow Creek Basin- channelization, bank stabilization, detention, clearing of drainageway.

\$1,000,000

Drainage improvements in Haikey Creek Basin- Channelization, bank stabilization, detention, clearing of drainageway.

\$1,000,000

Drainage improvements in Elm or Aspen Creek Basin- Channelization, bank stabilization, detention, clearing of drainageway.

\$850,000

TOTAL: \$3,850,000
(70% of \$5,500,000)

Section 3. That such call for said election shall be by proclamation, signed by the Mayor and attested by the City Clerk, setting forth the propositions to be voted upon, the number and location of the polling places, the hours of opening and closing of the polls, and the names of the persons who shall conduct said election. That the ballots shall set forth the propositions to be voted upon substantially as set out in Section 1 thereof, and that the returns of said election shall be made to and canvassed by the Tulsa County Election Board.

Section 4. That by reason of said City being without adequate streets, public safety facilities, park and recreation facilities, public buildings and stormwater and drainage facilities, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, 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.

PASSED AND APPROVED this 4th day of June, 2018.

CITY OF BROKEN ARROW, OKLAHOMA

Mayor

ATTEST:
(Seal)

City Clerk

APPROVED AS TO FORM:

Acting City Attorney

STATE OF OKLAHOMA)
)SS
COUNTY OF TULSA)

I, the undersigned, the duly qualified and acting Clerk of the City of Broken Arrow, Oklahoma, hereby certify that the foregoing is a true and complete copy of an ordinance authorizing the calling and holding of an election for the purposes therein set out adopted by the governing body of said municipality and Transcript of Proceedings of said governing body at a regular meeting thereof held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto is a true and complete copy of the of public notice posted at the entry to City Council Chambers in said municipality at least twenty-four (24) hours prior to the meeting wherein said ordinance was adopted, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 4th day of June, 2018.

(SEAL)

City Clerk