

## **RESOLUTION NO. 1141**

**A RESOLUTION OF THE BROKEN ARROW CITY COUNCIL DECLARING AN EMERGENCY AS A RESULT OF A BRIDGE FAILURE RESULTING IN UNDERMINING OF THE ROADWAY ON SOUTH POPLAR BETWEEN WEST OAKRIDGE STREET AND WEST PITTSBURG COURT; ACTIVATION OF THE CITY'S EMERGENCY OPERATION PROTOCOLS, INCLUDING WAIVING STATE AND LOCAL PROVISIONS PERTAINING TO COMPETITIVE BIDDING AS ALLOWED BY LAW; AUTHORIZING AN INFORMAL BIDDING PROCESS; AUTHORIZING THE CITY MANAGER TO EXECUTE EMERGENCY CONTRACTS AS NECESSARY FOR REPAIRS AND ANY SUBSEQUENT CRITICAL EVENTS; RATIFYING ALL PRIOR ACTIONS OF THE CITY MANAGER, INCLUDING THE PURCHASE OF NECESSARY MATERIALS FOR REPAIR OF THE BRIDGE AND THE CLOSURE OF SOUTH POPLAR AVENUE; PROVIDING FOR THE TERMINATION AND EXTENSION OF THE PROVISIONS OF THIS RESOLUTION; AND DIRECTING THE CITY MANAGER TO CARRY OUT ALL APPLICABLE PROVISIONS**

**WHEREAS**, in the afternoon hours of September 21, 2018 during a significant rain event, representatives of the Streets and Stormwater Department were advised that the street on South Poplar Avenue, between West Oakridge Street and West Pittsburg Court in the Wedgewood 2nd Addition had undermined; and

**WHEREAS**, Engineering Department staff reported to the area and discovered that this section of roadway is a bridge that consists of three (3) 84" corrugated steel stormwater pipes; and

**WHEREAS**, Engineering Department staff immediately began to investigate the cause of the significant failure and undermining; and

**WHEREAS**, upon further investigation Engineering Department staff discovered that one (1) of the three (3) 84" corrugated steel stormwater pipes located under South Poplar Avenue had deflected or otherwise experienced a significant failure; and

**WHEREAS**, the affected bridge is a critical part of the Wedgewood 2nd Addition connectivity for Lynn Wood Elementary School and for public safety and welfare; and

**WHEREAS**, on September 21, 2018, Streets and Stormwater staff closed South Poplar Avenue at the bridge eliminating connectivity for vehicular and pedestrian traffic; and

**WHEREAS**, it is further necessary to expeditiously purchase materials and supplies necessary for repairs to the deficient bridge; and

**WHEREAS**, said repairs need to be done as soon as possible, to restore connectivity within the affected area for both vehicular and pedestrian traffic; and

**WHEREAS**, on September 22, 2018, city staff immediately began the process of preparing for repair of the deficient structure; and

**WHEREAS**, in accordance with the provisions of the Broken Arrow Code of Ordinances, the City Manager authorized closure of South Poplar Avenue to facilitate repair of the bridge.

**WHEREAS**, and in accordance with the provisions of the Broken Arrow Code of Ordinances, the City Council hereby authorizes the City Manager to declare an emergency and further authorizes the purchase of 112 LF of ten (10) foot by eight (8) foot reinforced concrete boxes necessary to make the identified repairs; and

**WHEREAS**, it is reasonable and proper for the City Council to authorize the City Manager's decision to close South Poplar Avenue and purchase the reinforced concrete box and all other materials and supplies necessary to effectuate repair of the bridge; and

**WHEREAS**, the deficient bridge constitutes a natural emergency as defined in Section 9-1 of the Broken Arrow Code justifying adoption of a Resolution to such effect; and

**WHEREAS**, immediate attention has been required and continues to be required to protect the public safety, public welfare and insure public safety; and

**WHEREAS**, this bridge failure constitutes a significant event as defined in the Oklahoma Emergency Management Act of 2003, and justifies declaration of an emergency and notification to the Oklahoma Department of Emergency Management; and

**WHEREAS**, during this period of declared emergency, it is necessary and prudent that the City Manager be able to take action and implement policies quickly and expeditiously in the best interest of the residents of the City of Broken Arrow; and

**WHEREAS**, the procedures set forth in the Public Competitive Bidding Act codified in 61 O.S. § 101, et seq., and § 2-28 of the Broken Arrow Code will take in excess of sixty (60) days; and

**WHEREAS**, it is estimated that the savings that would occur as a result of the competitive bidding process would not be sufficient to justify the potential danger to the safety of the public; and

**WHEREAS**, it is necessary that the City Manager be able to enter into contracts quickly and expeditiously during this time of declared emergency, in order to serve the residents of Broken Arrow; and

**WHEREAS**, it is further necessary that during this period of declared emergency, it is necessary and prudent that the City Manager be able to take action and implement policies quickly and expeditiously in the best interest of the residents of the City of Broken Arrow; and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROKEN ARROW THAT** an emergency exists due to one (1) of the 84" corrugated steel stormwater pipes failure and the resultant undermining of City infrastructure, both of which compromises the safety and welfare of the public; and

**BE IT FURTHER RESOLVED THAT** the City of Broken Arrow, its agents, employees, contractors and assigns are hereby authorized to enter onto private and public property for the purpose of repairing the City's bridge and public infrastructure; and

**BE IT FURTHER RESOLVED THAT** the City of Broken Arrow, its agents, employees, contractors, and assigns will suffer neither liability nor be responsible for any damages caused to private or public property during this emergency; and

**BE IT FURTHER RESOLVED THAT** City staff is prepared for full activation of the City's Emergency Operations Protocols; and

**BE IT FURTHER RESOLVED THAT** during this period of declared emergency, the City Manager is hereby authorized and directed to exercise the powers possessed by the City Manager as set forth in the Code of Ordinances, in state law, and as directed by this Resolution, and to further expressly take all actions necessary in the best interest of the citizens of Broken Arrow, in keeping with the policies of the City; and

**BE IT FURTHER RESOLVED THAT** all acts and policies taken, made, and implemented to this date by the City Manger are hereby ratified and approved, including, but not limited to the closure of South Poplar Avenue and the purchase of the reinforced concrete boxes and other supplies necessary for repairs; and

**BE IT FURTHER RESOLVED THAT** the City Manager is expressly authorized to contact other political subdivisions and the State of Oklahoma pursuant to mutual aid agreements, the state mutual aid agreement, and in accordance with state law, as are necessary in his judgment; and

**BE IT FURTHER RESOLVED THAT** the City Manager is hereby authorized to accept all services, equipment, supplies and aid from other political subdivisions, agencies, and the State of Oklahoma in assistance with this emergency; and

**BE IT FURTHER RESOLVED THAT** the City Council hereby authorizes and directs that the amounts set forth in the Broken Arrow Code which defines the limits of the contracting authority for the City Manager are hereby suspended during the effective period of this Resolution and the City Manager is hereby authorized to contract for, purchase, or issue purchase authorizations as provided in the Code, but without necessity of the approval of the City Council; and

**BE IT FURTHER RESOLVED THAT** the City Council hereby waives the competitive bidding procedure, authorizes an informal bidding process, and authorizes the City Manager to execute emergency contracts and bonds as are necessary in the repair of the trunk line and any subsequent catastrophic event; and

**BE IT FURTHER RESOLVED THAT** the provisions of this Resolution shall expire ten (10) days from this date; and

**BE IT FURTHER RESOLVED THAT** the City Council may terminate or extend the provisions

of this Resolution prior to said date of expiration; and

**BE IT FURTHER RESOLVED THAT** these actions are all taken for the safety and general welfare of the City of Broken Arrow and its residents.

**ADOPTED BY THE BROKEN ARROW CITY COUNCIL THIS 2<sup>ND</sup> DAY OF OCTOBER, 2018.**

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MAYOR

ATTEST:

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(Seal) City Clerk

APPROVED AS TO FORM:

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Assistant City Attorney