

THE COUNCIL OF THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, MET IN SPECIAL SESSION IN CITY COUNCIL CHAMBERS AT THE CITY HALL, 220 SOUTH FIRST, IN SAID CITY ON THE 9TH DAY OF JUNE, 2014, AT 6:00 O'CLOCK P.M.

PRESENT:

ABSENT:

Notice of this Special Meeting having been given in writing to the Clerk of the municipality forty-eight (48) hours prior to such meeting 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 Resolution 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. 3267**

**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: THIRTY SIX MILLION FOUR HUNDRED SEVENTY FIVE THOUSAND DOLLARS (\$36,475,000) FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, IMPROVING AND REPAIRING STREETS WITHIN SAID CITY; EIGHT MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$8,550,000) FOR THE PURPOSE OF PURCHASING, CONSTRUCTING AND REPAIRING PUBLIC SAFETY UTILITIES; TEN MILLION SIXTY FIVE THOUSAND DOLLARS (\$10,065,000) FOR THE PURPOSE OF PURCHASING, CONSTRUCTING AND REPAIRING PARKS AND RECREATION UTILITIES; ONE MILLION ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$1,115,000) FOR THE PURPOSE OF PURCHASING LAND AND CONSTRUCTING PUBLIC BUILDINGS; AND THREE MILLION SEVEN HUNDRED THIRTY THOUSAND DOLLARS (\$3,730,000) FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, IMPROVING AND REPAIRING STORMWATER FACILITIES; ALL TO BE 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; REPURPOSING PRIOR BOND AUTHORIZATIONS; INCREASING HOTEL OCCUPANCY TAX; APPROVING A LEGAL SERVICES AGREEMENT; 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 Fifty Nine Million Nine Hundred Thirty-five Thousand Dollars (\$59,935,000); and,

WHEREAS, there are no funds in the treasury for such purposes, and power is granted said City by Article 10, Section 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 26th day of August, 2014, 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 Thirty Six Million Four Hundred Seventy Five Thousand Dollars (\$36,475,000) 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 Eight Million Five Hundred Fifty Thousand Dollars (\$8,550,000) 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 Ten Million Sixty Five Thousand Dollars (\$10,065,000) 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 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 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 One Million One Hundred Fifteen Thousand Dollars (\$1,115,000) 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 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 Three Million Seven Hundred Thirty Thousand Dollars (\$3,730,000) 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?”

Section 2. (A) The specific projects for which the proceeds of the aforesaid \$36,475,000 street improvement bonds subject of Proposition Number 1 shall be expended and the respective dollar amounts for such projects are as follows:

Widening 23rd Street (193<sup>rd</sup> East Avenue, County Line Road) from Kenosha (71st Street South) to Houston (81st Street South), including required appurtenances and acquisition of required easements and right-of-way.

**\$3,150,000**



Constructing Main Street streetscapes from Dallas Street to Houston (81st Street South), including required appurtenances and acquisition of required easements and right-of-way.

**\$1,312,500**

Resurfacing Ash Avenue and First Street from College Street to Dallas Street, including curb repair and handicap access ramps construction as required, milling off existing surface and laying down new asphalt.

**\$1,050,000**

Constructing 37th Street (209<sup>th</sup> East Avenue) from Omaha (51<sup>st</sup> Street South) to Albany (61st Street South), including required appurtenances and acquisition of required easements and right-of-way.

**\$4,200,000**

Widening Albany (61st Street South) from the intersection of Lynn Lane (9<sup>th</sup> Street, 177<sup>th</sup> East Avenue) to 23rd Street (193<sup>rd</sup> East Avenue, County Line Road), including improvements to the intersection of Albany Street and 23<sup>rd</sup> Street and including required appurtenances and acquisition of required easements and right-of-way.

**\$4,305,000**

Widening Florence Street (111th Street South) from Olive Avenue (129th East Avenue) to Aspen Avenue (145th East Avenue), including required appurtenances and acquisition of required easements and right-of-way.

**\$3,675,000**

Widening Washington Street (91<sup>st</sup> Street South) from Garnett Road to Olive Avenue (129th East Avenue), including required appurtenances and acquisition of required easements and right-of-way.

**\$4,400,000**

Widening Kenosha Street (71st Street South) from Date Avenue to Main Street, including required appurtenances and acquisition of required easements and right-of-way.

**\$1,890,000**

Widening Olive Avenue (129th East Avenue) from Albany Street (61st Street South) to Kenosha Street (71st Street South), including required appurtenances and acquisition of required easements and right-of-way.

**\$3,000,000**

Widening Lynn Lane (9<sup>th</sup> Street, 177th East Avenue) from Houston Avenue (81st Street South) to North of Elgin Street, including required appurtenances and acquisition of required easements and right-of-way.

**\$1,800,000**

Resurfacing Kenosha Street (71st Street South) from Aspen Avenue (145th East Avenue) to Garnett Road, including curb repair and handicap access ramps construction as required, milling off existing surface and laying down new asphalt.

**\$1,050,000**

Engineering and design for widening of Houston Street (81st Street South) from Elm Place (161st East Avenue) to Garnett Road.

**\$ 262,500**

Resurfacing seven miles of 2-lane arterial streets in Broken Arrow, including curb repair and handicap access ramps construction as required, milling off existing surface and laying down new asphalt.

**\$ 750,000**

Resurfacing Aspen Avenue (145th East Avenue) from Washington (91st Street South) to New Orleans Street (101<sup>st</sup> Street South), including curb repair and handicap access ramps construction as required, milling off existing surface as required and laying down new asphalt.

**\$ 800,000**

Resurfacing streets within Arrow Acres subdivision located at Washington Street and Main Street, and within Arrow Springs subdivision located at Elm Place and Lynn Lane Road (9th Street, 177<sup>th</sup> East Avenue) including curb repair and handicap access ramps construction as required, milling off existing surface as required and laying down new asphalt.

**\$ 945,000**

Resurfacing streets within Aspen Creek subdivisions located at Houston Street between Aspen Avenue and Elm Place, including curb repair and handicap access ramps construction as required, milling off existing surface as required and laying down new asphalt.

**\$ 472,500**

Repairing concrete streets within Central Parks Estates and Central Park Plaza subdivisions located at Elm Place between Houston Street and Washington Street, including curb repair and handicap access ramps construction as required, removing existing surface and placing new concrete.

**\$ 840,000**

Resurfacing streets within Lancaster Park and Lancaster Place subdivisions located at Kenosha Street/Houston Street between Garnett Road and Olive Avenue, including curb repair and handicap access ramps construction as required, milling off existing surface as required and laying down new asphalt.

**\$ 393,750**

Repairing concrete streets within Wedgewood subdivisions located at Houston Street between Elm Place and Aspen Avenue, including curb repair and handicap access ramps construction as required, removing existing surface as required and placing new concrete.

**\$ 393,750**

Repairing concrete streets within Wolf Creek Estates subdivisions located at Aspen Avenue between Washington Street and New Orleans Street, including curb repair and handicap access ramps construction as required, removing existing surface as required and placing new concrete.

**\$ 1,785,000**

**TOTAL \$36,475,000**

(B) The specific projects for which the proceeds of the aforesaid \$8,550,000 public safety facilities bonds subject of Proposition Number 2 shall be expended and the dollar amounts for each project shall be as follows:

Construction of an additional outdoor building adjacent to the existing Police and Fire Training Center, to include specialized training areas, restrooms and fencing.

**\$ 367,500**

Acquisition and installation of equipment and software for a mobile data system for public safety, including computers, docking stations, readers, printers, software, switching capability and data relay capability as required.

**\$ 630,000**

Acquisition and construction of a new radio communications tower in the southern part of the City.

**\$ 500,000**

Acquisition and equipping of a police and fire command vehicle and acquisition and equipping of two (2) Special Operations Team Vehicles.

**\$ 500,000**

Construction, equipping, and completion of Phase I of the Public Safety Complex located west of Lynn Lane (9<sup>th</sup> Street) between Kenosha (71<sup>st</sup> Street South) and the Broken Arrow Expressway.

**\$ 450,000**

Renovation, construction, equipping and furnishing Phase 2 of the Public Safety Complex located West of Lynn Lane (9<sup>th</sup> Street) between Kenosha (71<sup>st</sup> Street South) and the Broken Arrow Expressway.

**\$ 950,000**

Acquisition, construction, equipping and furnishing of a new fire station to replace existing Fire Station No. 3, which will serve the southern and eastern portions of the City. Project will include the purchase of a new Fire Truck.

**\$1,800,000**



Widening the access road from West 6<sup>th</sup> Street between Kenosha Street (71<sup>st</sup> Street South) and Madison, including required appurtenances and acquisition of required easement and right-of-way.

**\$ 525,000**

Acquisition and equipping of aerial Fire Truck.

**\$1,200,000**

Acquisition of multiple Self-Contained Breathing Apparatus (SCBA).

**\$ 840,000**

Acquisition of land and architectural/engineering design for a new fire station.

**\$ 787,500**

**TOTAL \$8,550,000**

(C) The specific projects for which the proceeds of the aforesaid \$10,065,000 parks and recreation bonds subject of Proposition Number 3 shall be expended and dollar amounts for each project shall be as follows:

Construction of Rose West Park, located on West New Orleans Street (101st Street South) east of Garnett Road, including facilities for a dog park, a trail head restroom, and expansion of a parking area.

**\$ 473,000**

Construction of restroom along the Liberty Parkway Trail between Aspen Avenue (145<sup>th</sup> East Avenue) and Lynn Lane (9<sup>th</sup> Street).

**\$ 315,000**

Acquisition of additional land and improvements at the Chisholm Trail South Park located on the east side of Broken Arrow in the vicinity of the Creek Turnpike, including construction of multi-purpose recreational facilities, softball fields, trails system, playground, installation of lights, and restrooms.

**\$5,000,000**

Improvements to Arrowhead Park, including expansion of the concession stand and restrooms, and construction of a building for umpires.

**\$ 225,000**

Improvements to the Indian Springs Sports Complex, including construction of soccer field lighting and construction of a playground.

**\$ 600,000**

Improvements to Battle Creek Golf Club, including construction of a connection between the banquet facilities and the pro shop.

**\$ 158,000**



Construction of a new splash pad and playground at Leisure Park, located north of Florence Avenue (111<sup>th</sup> Street South), west of Elm Place (161<sup>st</sup> East Avenue).

**\$ 368,000**

Construction of a new playground at Country Aire Park, located at College Avenue and Fir Street.

**\$ 158,000**

Improvements to Copper Creek Park located at Urbana and Joshua, including renovations to the playground.

**\$ 126,000**

Construction of a new playground at Vandever Park, located at Juniper and Ithica.

**\$ 179,000**

Improvements to Nienhuis Park, including installation of synthetic turf on football fields and construction of lighting.

**\$1,000,000**

Acquisition and construction of trails for a community trail network in accordance with the Trail Master Plan within the City of Broken Arrow.

**\$1,000,000**

Improvements at 37<sup>th</sup> Street Regional Detention Facility Park to be located at Adams Creek between Albany (61<sup>st</sup> Street South) and Omaha (51<sup>st</sup> Street South), and including construction of a playground, parking lot and splash pad.

**\$ 263,000**

Improvements to Highland Park located on Quincy near Oneta Road, including construction of a playground and multi-purpose recreational facilities.

**\$ 200,000**

**TOTAL \$10,065,000**

(D) The specific projects for which the proceeds of the aforesaid \$1,115,000 land purchase and public building bonds subject to Proposition Number 4 shall be expended and dollar amounts for the project shall be as follows:

Acquisition of land and architectural/engineering design for a maintenance center.

**\$ 790,000**

Acquisition of land for the storage of sand and salt.

**\$ 325,000**

**TOTAL \$1,115,000**

(E) The specific projects for which the proceeds of the aforesaid \$3,730,000 stormwater facilities bonds subject to Proposition Number 5 shall be expended and dollar amounts for the project shall be as follows:

Acquisition of land and construction of drainage improvements to an area in the vicinity of the Broken Arrow Expressway and Elm Place, including earthwork and construction of drainage structures (Phase I).

**\$ 315,000**

Acquisition of land and construction of drainage improvements to an area in the vicinity of the Broken Arrow Expressway and Elm Place, including earthwork and construction of drainage structures (Phase II).

**\$ 315,000**

Drainage improvements in the vicinity of New Orleans Street (101<sup>st</sup> Street South) east of Garnett Road, 23<sup>rd</sup> Street south of 151<sup>st</sup> East Avenue, West Shreveport Street east of Aspen Avenue, including improvements to the bridges.

**\$ 315,000**

Drainage improvements in the vicinity of Tucson Street (121<sup>st</sup> Street South) east of Lynn Lane (9<sup>th</sup> Street), 23<sup>rd</sup> Street south of Washington Street (91<sup>st</sup> Street South), including improvements to the bridges.

**\$ 315,000**

Drainage improvements to 37<sup>th</sup> Street Regional Detention Facility – Adams Creek between Albany Street (61<sup>st</sup> Street South) and Omaha Street (51<sup>st</sup> Street South).

**\$ 370,000**

Drainage improvements in the vicinity of Albany Street (61<sup>st</sup> Street South), between Lynn Lane (9<sup>th</sup> Street) and 23<sup>rd</sup> Street (County Line), including earthwork and construction of culverts and drainage structures.

**\$2,100,000**

**TOTAL \$3,730,000**

Section 3. Repurposing Prior Bond Authorizations. That the following propositions be submitted to the registered qualified voters of the City at the election to be held on August 26, 2014:

PROPOSITION NUMBER 6

“Shall \$5,855,000 principal amount of bonds authorized at an election conducted on May 11, 2004 for the purpose of acquisition, construction, equipping and furnishing a new one story conference/convention center to be located along the Broken Arrow Expressway comprising approximately 50,000 square feet be issued for the alternate purpose of purchasing land along the Broken Arrow Expressway to be owned exclusively by the City of Broken Arrow?”



PROPOSITION NUMBER 7

“Shall \$1,400,000 principal amount of bonds authorized at an election conducted on December 9, 2008 for the purpose of acquisition of a building and land for an arts center located at Houston and Date and required improvements be issued for the alternate purpose of acquisition of land and potential construction of a building for an arts center located near central Broken Arrow?”

Section 4. Hotel Occupancy Tax. That the following proposition be submitted to the registered qualified voters of the City at the election to be held on August 26, 2014:

PROPOSITION NUMBER 8

“Shall the hotel occupancy tax within the City of Broken Arrow be increased from the presently existing rate of four percent (4%) to seven percent (7%)?”

Section 5. 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 6. Professional Service Agreements. The Legal Services Agreement with the Kiser Law Firm, PLLC for services as Bond Counsel dated of even date hereof is approved and the Mayor is authorized to execute the same for and on behalf the City.

Section 7. That by reason of said City being without adequate streets, public safety facilities, park and recreation facilities, public buildings and stormwater 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 9th day of June, 2014.

ATTEST:  
(Seal)

*Mary E. Boyce*  
City Clerk



CITY OF BROKEN ARROW, OKLAHOMA

*[Signature]*  
Mayor

APPROVED AS TO FORM:

*Benjamin Wilkerson*  
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 board of said municipality and Transcript of Proceedings of said governing board at a special 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 copies of the notice given to the City Clerk of Broken Arrow, Oklahoma at least Forty-eight (48) hours prior to the meeting at which said Ordinance was adopted, and of public notice posted at the entry to City Council Chambers in said municipality twenty-four (24) hours prior to said meeting, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 9th day of June, 2014.

(SEAL)



*Mandy Snyce*  
\_\_\_\_\_  
City Clerk