

**City of Bixby
City Council Meeting
Minutes
City Hall Municipal Building
116 W Needles, Bixby, OK 74008
June 26, 2017 6:00 P.M.**

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on June 23rd, 2017 on or before 5:00 p.m.

Mayor Easton called the meeting to order at 6:02 p.m.

Yvonne Adams City Clerk called the roll and all members were present.

Members Present

**Guthrie
Stewart
Blair
Decatur
Easton**

Staff Present

**Jared Cottle, City Manager
Tammy Ewing, City Attorney
Ike Shirley, Police Chief
Marcae Hilton, City Planner
Jason Mohler, Dev. Services Dir.
Charles Barnes, Finance Dir.
Bryan Wood, Fire Chief
Yvonne Adams, City Clerk**

PLEDGE OF ALLEGIANCE

Invocation was given by City Clerk Yvonne Adams

Mayor Easton asked to take care of some business first, Mayor Easton stated that we have about 28 or 30 people to speak on the Bridge Church item and for time allow for speakers and time allowed for rebuttal it would be about 3 hours. Mayor Easton stated that if anyone has the same argument please work between yourselves or condense it with each other or we will be here a long time. Mayor Easton stated that we do have a couple of matters on the agenda that will not take a lot of time so we are going to move those items up.

**Mayor Easton said Item #1 on the Consent Agenda is:
CITY CLERKS REPORT**

Consider and approve:

- a) Minutes for the Regular City Council meeting dated 06/05/17.
- b) Minutes for the Special Work Session meeting dated 06/12/17.

- c) Minutes for the Regular City Council meeting dated 06/12/17.
- d) Renewal Memorandum of Understanding with the Indian Nations Council of Government (INCOG) in the amount of \$4,215.28.
- e) Collective Bargaining Agreement between the City of Bixby and the Fraternal Order of Police (FOP), Lodge 189 for Fiscal Year 2017-2020.
- f) Ram Air Gear Dryer as a sole source vendor (Purchasing Ordinance No. 2121, 2-4-80) for Protective Gear Dryer for Fire Department not to exceed \$9,000 to be purchased from Capital Improvement Funding.

Mayor Easton asked if there are any questions or amendments to the consent agenda. Mayor Easton asked for a motion on the consent agenda. Vice Mayor Guthrie made motion to approve, seconded by Councilor Decatur. The vote was taken with the following results:

Carried 5-0

Yes: Guthrie, Decatur, Stewart, Blair, Easton.

No: None.

Mayor Easton moved Item #4 first on the agenda. Agenda items were not presented in order.

Mayor Easton said item #1 on the Regular Agenda is:

Discussion on an amendment to Bixby City Code Section 6-11-1 B. regarding riding a motorcycle or a motor scooter on a sidewalk.

Presented by: Vice Mayor Guthrie

Vice Mayor Guthrie stated that this came to my attention from some constituents and looking through this I found that our code is not necessarily in line with the products of today. Vice Mayor Guthrie stated that our current code does not allow anyone to ride a motor scooter on the sidewalk and what he is stated it a motor scooter like a “razor” electronic under 25 mile an hour, so this came up because police responded to a call the Ordinance was violated for this reason, so I did some research on these “razors” and they are electric and they go under 25 mile and hour and I had a child I would want them to ride on the sidewalk and not in the street and I think they should be able to ride on the sidewalk. Vice Mayor Guthrie stated that our current Ordinance does not allow it so I wanted to bring this to the council to reconsider writhing the Ordinance to allow motor scooters under 25 mile and hour to be road on the sidewalks in the City of Bixby.

Discussion continued on this item.

Discussion only. No action taken.

Mayor Easton said on Item #2 on the Regular Agenda is:

Discussion and Action to Re-zone the subject property from Commercial Shopping (CS), accompanied by a Planned Unit Development (PUD) with the following underlying zoning: (RS-3, RM-3, OL, CS & PUD) Residential Single-Family, Residential Multi-Family, Office,

Commercial Shopping and PUD for the purpose of a Church within a Mixed-use Development, for an undeveloped parcel containing approximately 28.46 Acres. Property generally located north of 121st Street and West of Memorial in the City of Bixby, Ok. Action includes first reading and/or possible approval of Ordinance No. 2221.

Presented by: Marcae Hilton

Others that spoke: Orlando Juarez 11216 S. 73rd E Ave, Judi Burlton 11204 S. 75th E. Ave, Lori Scalt 7365 E. 119th Pl S., Jan Swafford 11974 S. 73 E. Ave, Pam Eggers 11963 S. 76th E Ave, Jay Mauldin 7341 E. 119 Pl, David Keese 7711 E. 111th St., Tracy Marion 11978 S. 73rd E Ave., Scott Baker 11322 S. Fulton Ave., Dana Loft 7346 E. 119 St, Judy Williams 7345 E. 119 Place So., Christi Finley 7359 E. 119 Place So., Amy Goldstone 4681 E. 148th Pl S., Debbie Dennis 12610 S. 2nd St, Amber Waid 11959 S. 73rd E Ave, Guy Donahue 3939 E. 110th St., Dean Tedder 11807 S. 82nd, Lynn Ledford 7734 E. 118th St., Henry Smith 9270 E. 119th St, Mark Overcash 7337 E. 119th Pl. Stacy Overcash 7337 E. 119th Pl S., Jamie and Katherine Gonzalez. Jeff Blackard.

City Planner Marcae Hilton stated that action includes a first reading and possible approval of Ordinance No. 2221 with a separate approvals of an Emergency Clause. Marcae stated that this request is for recommendation of approval for a Master Planned, Multi-Use Development through a proposed amendment to a zoning district of the City of Bixby, Oklahoma & proposed amendment for a supplemental zoning planned unit development district of the City of Bixby, Oklahoma, (PUD) Planned Unit Development. Marcae stated that the existing zoning is (CS) Commercial Shopping, and about 50 foot strip of (OL) Office Low Intensity and the requested zoning is a combination and we would not do away with CS and OL but include (RS-3) Single Family (RM-3) Residential Multi-Family. Marcae stated that as it exists it is owned by the Bridge Church and they have a right through our zoning code to build a church without changing the zoning for anything, the Comp Plan recognizes High Intensity zoning classifications within Corridors specifically including and recommending CG, CH, IM, and IH when used with a PUD. Marcae stated that the Planning Commission has heard this with several hours of conversation on this and staff has had about 6 months of conversations on this item and there has been multiple HOA meetings and community meetings and some councilors have had the opportunity to show for those, Planning Commission and Staff unanimously recommend approval of zoning cases BXZO-17.2 & BXPUD-17.04 with conditions (not a complete list) because you have the options to make modifications even as late as tonight, Marcae read the items listed and comments found by the Planning Commission in the PUD from 6/15/17 all have been met by the applicant with one or two exceptions. Marcae stated that Staff and Planning Commission recommend approval unanimously of the PUD and Zoning per the conditions.

Jeff Blackard 401 Parkway McKinney Texas which is the developer explained the history of his developments and which he used to be in the Master Plan business and while explaining his portfolio history which he presented a presentation for the Council and citizens to see his developments thought out the world.

With many citizens wanting to voice their concerns and views on this proposed project, Mayor Easton allowed citizens to speak with a time limit that were signed up on the sign in sheet available before the regular meeting started, however Jay Mauldin 7371 E. 119 Pl. time had expired but Mayor Easton wanted to extend his time with a motion.

Mayor Easton asked for a motion to extend Mr. Mauldin's speaking time. Mayor Easton asked for a motion, seconded by Vice Mayor Guthrie. The vote was taken with the following results:

Carried 5-0

Yes: Easton, Guthrie, Decatur, Blair, Stewart.

No: None.

After Mayor Easton let those that spoke it was 13 in favor of the development and 5 opposed on this agenda item. Mayor Easton asked Jeff if he could answer some question and concerns from the council members. Jeff explained to council in detail about the water tower that would be placed in the village and he laid out his plan for this proposed project and design of a real main street and what it would look like.

Councilor Decatur asked Jeff who would manage this project, Jeff stated that he would own the project but the Church would maintain the entire project.

Councilor Stewart stated it is a pleasure to meet you and not to take things personally and the people at the Bridge are the salt of the earth and they are very dear to my heart. Council Stewart stated that we have this other complex that is going in right across the street with 400 apartment units and retail the same with what you have that is going on here, and the concern I have is that we are going to have two rival villages now and my question is can we focus on the retail first to allow the other complex to sale their units and then supplement your project. Jeff stated that there is no comparison that is across the street and what I am doing, Councilor Stewart asked Jeff has he built so close to other complexes before, Jeff stated absolutely, and he explained where his other projects are. Jeff explained that the millennials like this because they want to be part of a village. Councilor Stewart had more question and concerns about the proposed project and Jeff answer his questions in detail.

Discussion continued on this proposed development. Vice Mayor Guthrie stated that he has been to meetings with the home owners for several months and I have been to all the meetings except the very first one because this does matter to me, and my house is one of the homes up there that sits in the corner and I probably have a better view than any person in this room and I am one of the guys that will vote on this, and I was like everyone else about apartments but I have seen changes Vice Mayor Guthrie stated that what caught my eye on this project at the beginning, you told me and everyone else in that room you could see this project stone all four sides, and I looked at photos online and I like that, I could see the quality in it and that is what got me interested in this project which is something different, Jeff stated that I still say stone and I want something that is unique and that's what we need in Bixby Ok. Vice Mayor Guthrie stated that he has more question concerning this project for more detailed clarification.

Mayor Easton asked for a motion on item #2. Mayor Easton made motion to approve zoning amendment BXZO-17.02 & BXPUD-17.04 with conditions recommended by Staff and agreed by applicant tonight & with the legal descriptions required by INCOG, seconded by Councilor Blair. The vote was taken with the following results:

Carried 4-1

Yes: Easton, Blair, Decatur, Guthrie.

No: Stewart

Mayor Easton said on Item #3 on the Regular Agenda is:

Discussion and approve to attach an Emergency Clause to the previous item Ordinance.

Presented by: Marcae Hilton

Mayor Easton asked for a motion on Item #3. Councilor Decatur made motion to approve, seconded by Councilor Stewart. The vote was taken with the following results:

Carried 5-0

Yes: Decatur, Stewart, Guthrie, Blair, Easton.

No: None

Mayor Easton asked for a short break after a lengthy discussion on agenda item #2.

Mayor Easton reopened the meeting at 10:10 p.m.

Mayor Easton said on Item #4 on the Regular Agenda is:

Discussion and possible action to approve Final Plat for Hadlee Manor, One (1) Lot, One (1) Block for approximately 10.915 acres, the property is located south of 161st Street and west of Memorial Drive in the City of Bixby (16900 S Memorial Drive).

Presented by: Marcae Hilton

City Planner Marcae Hilton stated that this is a discussion and action to approve the final plat for Hadlee Manor and it is one lot and one block and approximately 10.915 acres, and the property is located south of 161st Street and west of Memorial Drive in the City of Bixby with an address of 16900 S. Memorial Drive. Marcae stated that the consult is here if you have any specific question, the Bixby City Council granted this this applicant approve June 26, 2016 of the (RM-2) Residential Multi-family zoning in conjunction with a Lot Split. The applicant is in the Platting Phase of development, if the Final Plat is approved by City Council, they will move forward with plans to submit a building permit. Marcae is Gardner Capital they will be building (48) Forty-eight affordable Senior Housing units within a nine building campus including a community room and storm shelters. The majority of the west half of the parcel is within the 100-year floodplain and will be dedicated in the reserve. Marcae stated that Staff, TAC and Planning Commission recommend approval of the final plat for Hadlee Manor with the conditions listed in the plat check list.

Vice Mayor Guthrie stated that his main concern is drainage, Marcae stated that our City Engineer Jason Mohler did a review some lengths and is available for question. City Engineer Jason Mohler stated that he will give you a quick overview and the drainage report has been submitted we are at a point that I have approved this report and feel good about it, Jason stated that it is unique because the back half of the property is in the flood plain and none of the buildings will be in the floodplain today or in the future, so how do you dentation on the back part lot which has historic flooding, so they platted all of it they had put it in a drainage reserve area as we talked through the certain rain

fall events to the 2, 5, 10, 25, 50, and 100 year rain fall events with the Arkansas River in the equation there is a detention pond that handles that. Jason stated that were the flow from the Arkansas River is backup in this low line area they have accommodated that with providing with access volume to hold back for that additional run off. Jason stated that his review there is no adverse impact up stream or downstream and because of this development it works.

Councilor Stewart stated that one of the other things that was discussed was traffic flow coming out on highway 64. Vice Mayor Guthrie stated that we had talked about that and I know that ODOT has plans on widening that area between 161st and Mingo with three different designs possible there, which something we want to communicate with them on this development. City Manager Jared Cottle stated that Jason could coordinate with ODOT on the traffic issue.

Mayor Easton asked for a motion on Item #4. Council Stewart made motion to approve, seconded by Vice Mayor Guthrie. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Guthrie, Decatur, Blair, Easton.

No: None.

Mayor Easton said on Item #5 on the Regular Agenda is:

Discussion and Action on a recommendation to amend the Comprehensive Plan and Re-zone the subject property from Agriculture (AG) to Commercial Shopping (CS), accompanied by a Planned Unit Development, for the purpose of retail and office development. Property location: 7060 EAST 121ST SOUTH, Bixby, OK (South of 121ST East of Sheridan), containing approximately 2.115 Acres. Action includes first reading and/or possible approval of Ordinance No. 2219 & Ordinance No. 2220.

Presented by: Marcae Hilton

Others that spoke: Marc Bullock 7060 East 121st South, Bixby Ok

City Planner Marcae Hilton stated that this project is coming from the applicant Mr. Marc Bullock and there is approximately 2.115 acres and the action does include a first reading and possible approval of the Ordinance, so in this case there are two Ordinances that will require your approval with the first will be for the Comprehensive Plan Amendment and the second will be for Zoning and PUD. Marcae stated that this is the third phase of the development for the applicant along 121st which the land was previously restricted Indian Land until fall 2016 when the Tulsa District Court ordered it be sold at auction on behalf of the remaining Tiger family members. Marcae stated the applicant has included plans to improve the 708-foot along 121st Street to provide parking for the commercial development and trailhead. Marcae stated that staff has review the preliminary parking concept and is acceptable to the proposal noting it will need approval from the appropriate parties. Marcae stated that if BXPUD-17.6 and the proposed trail entry parking is approved the applicant will complete a zoning application requesting a change from AG to the required OL, no Comp Plan change will be necessary on the parking portion. Marcae stated that Planning Commission and Staff recommend conditional approval of the request to change the zoning for the following cases: a propose amendment to the comprehensive plan of the City of Bixby, Oklahoma; Proposed

amendment to a zoning district of the City of Bixby, Oklahoma; and proposed amendment for a supplemental zoning planned unit development district of the City of Bixby, Oklahoma (PUD) with conditions. Marcae stated that Staff and Planning Commission recommend approval of these items.

Vice Mayor Guthrie asked Mr. Bullock if the parking area if that is the City of Bixby property, Marc stated that yes sir, it is City of Bixby property purchased with federal money for the Hardwood Mitigation Area, at the time 121st was widen to 5 lanes that there was a certain amount of maintenance on either side that had to be mowed and to continue to have maintenance access so we are proposing that area only would be for the parking only and we would improve it and it is for the property and as well as the City of Bixby.

Mayor Easton asked for motion to approve Ordinance 2219. Councilor Stewart made motion to approve Ordinance 2219 Comprehensive Plan Amendment BXPUD-17.06 per Staff recommendation, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, Blair, Guthrie

No: None

Mayor Easton asked for a motion on the Emergency Clause. Councilor Stewart made motion to approve Ordinance 2219, seconded by Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, Blair, Guthrie.

No: None.

Mayor Easton asked for a motion the recommended zoning amendment and PUD for Ordinance 2220. Councilor Blair made motion to approve Ordinance 2220, seconded by Councilor Decatur. The vote was taken with the following results:

Yes: Blair, Decatur, Stewart, Guthrie, Easton.

No: None.

Mayor Easton said on Item #6 on the Regular Agenda is:

Discussion and approve to attach an Emergency Clause to the previous item Ordinance.

Presented by: Marcae Hilton

Mayor Easton asked for a motion on Item #6. Councilor Stewart made motion to approve Ordinance 2220, seconded by Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Blair, Decatur, Guthrie.

No: None.

Mayor Easton wanted to acknowledge and welcome Andrew Deibert with the local boy scouts to the City Council meeting.

Mayor Easton said on Item #7 on the Regular Agenda is:

Approve renewing of mowing contract for FY-18 to mow Bixby Cemetery

Presented by: Bea Aamodt

City Manager Jared Cottle stated that Public Works Director was not at the meeting due to being sick, she sent me memo to Council from her and the mowing contractor. Jared stated that the other mowing contractor will be voted separately which we do every four or five years and the contracts are renewal at the same price and I think that all three of contractor performance has exceeded a lot of those we have had in the past and that's why that are all on for renewal.

Mayor Easton stated that on the contract at the cemetery did we authorize chemicals to be put around gravestones, Jared stated that we authorize chemicals because of the issues in the past was that weed eating in the past was damaging stones and displays so using the chemical spray was to try and reduce those type of issues, and if you don't get that right you create vegetation damage. Jared stated that spraying reduces damages to the monuments overall. Mayor Easton stated that he agrees with that and he would like to see more supervision or control on this issue.

Councilor Decatur stated that she had spoken to Public Works Director Bea Aamodt and wanted to know at what point does that start causing and erosion issue around the head stones and know we have sinking head stones, and I have asked her to look into that which has been two days ago. Jared stated that I don't think we have a lot of erosion and a lot of times it's the compaction leans more to the sinking of the head stones and we will have tighter control and more supervision out there. Mayor Easton stated that he would consider a growth regulator instead of a steroid, which would be my only suggestion.

Mayor Easton asked for a motion on item #7. Mayor Easton made motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried 4-1

Yes: Easton, Blair, Decatur, Guthrie.

No: Stewart

Mayor Easton said on Item #8 on the Regular Agenda is:

Approve renewing of mowing contract with Shields Lawn Care for FY-18 to mow Right-of-Ways.

Presented by: Bea Aamodt

Mayor Easton asked for a motion on item #8. Mayor Easton made motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried 5-0

Yes: Easton, Stewart, Decatur, Blair, Guthrie.

No: None

Mayor Easton said on Item #9 on the Regular Agenda is:

Approve renewing mowing of contract with Precision Fencing for FY-18 to mow Fry Creek channels, Bixby Creek channel, and R-O-W.

Presented by: Bea Aamodt

Vice Mayor Guthrie asked about the trees and if they are supposed to take of those, Jared stated yes and it is a certain number of applications per year, Vice Mayor Guthrie stated that he would like someone to keep an eye on this, Jared stated he would check in to it.

Mayor Easton asked for a motion on item #9. Councilor Decatur made motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried 5-0

Yes; Decatur, Blair, Stewart, Guthrie, Easton.

No: None.

Mayor Easton said on Item #10 on the Regular Agenda is:

Discussion and action to approve Ordinance No. 2215, amending Bixby City Code, Title 3, "Business and License Regulations," to add Chapter 11, titled "Mobile Food Vendors," to provide for licensing and regulation of mobile food vendors in the City of Bixby.

Prepared by: Jared Cottle

City Manager Jared Cottle stated that I will past this to our City Attorney Tammy Ewing. Tammy stated that changes were made that was suggested at the work session and if you have any question I will answer them.

Mayor Easton asked for a motion on item #10. Councilor Stewart made motion to approve, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, Blair, Guthrie.

No: None.

Mayor Easton said on Item #11 on the Regular Agenda is:

Discussion and approve to attach an Emergency Clause to the previous item ordinance.

Presented by: Jared Cottle

Mayor Easton asked for a motion on item #11. Councilor Stewart made motion to approve, seconded by Mayor Easton. The vote was taken with the following results:

Carried 5-0

Yes: Stewart, Easton, Decatur, Blair, Guthrie.

No: None.

Mayor Easton said on Item #12 on the Regular Agenda is:

City Manager's Report

- Congratulation to the Optimist Club on the Green Corn Festival
- Fireworks permits are still on sale through the 3rd, and they will be allowed to discharge on the 3rd and 4th of July.
- Jason Mohler gave Comp. Plan notes: we would want as people as we can to take our survey and it is open until July 7th, and we do have a Comp Plan office the Armory which is the old ATM and that will be open for citizens with office hours Tuesday, Thursday and Friday from 11:00-1:30 and Wednesday from 4:00-6:00 for anyone to fill out the survey or fill out a Comp. card there.
- July 3rd will be start of our new fees that were approved will become effective.

Mayor Easton said on Item #13 on the Regular Agenda is:

New Business

There being no new business.

Adjournment was called at 10:30 p.m.

MAYOR

ATTEST

CITY CLERK

BIXBY PUBLIC WORKS AUTHORITY MEETING

Board of Trustees

Municipal Building

Minutes

116 W. Needles, Bixby, OK 74008

June 26, 2017 6:00 P.M.

Time: 6:00 P.M. or immediately Following the City Council Meeting

The agenda for the regularly scheduled meeting of the City Council of the City of Bixby was posted on the bulletin board at City Hall, 116 West Needles Avenue, Bixby, Oklahoma on June 23, 2017 on or before 5:00 p.m.

Mayor Easton called the Bixby Public Works Authority Meeting to order at 10:30 p.m.

Members Present

Decatur

Blair

Stewart

Guthrie

Easton

Staff Present

Jared Cottle, City Manager

Tammy Ewing, City Attorney

Ike Shirley, Police Chief

Bryan Wood, Fire Chief

Marcae Hilton, City Planner

Jason Mohler, Dev. Service Dir.

Yvonne Adams, City Clerk

Mayor Easton said Item #1 on the BPWA Consent Agenda is:

CITY CLERKS REPORT

Consider and approve:

- a) Minutes for the Bixby Public Works Authority dated 06/05/17.
- b) Minutes for the Bixby Public Works Authority dated 06/12/17.
- c) To clean trash from pumps at Main and Spring Tree Lift Stations to L & L in the amount of \$4,040.

Mayor Easton asked if there were any amendments or corrections to the consent agenda Councilor Decatur made motion to approve, seconded by Mayor Easton. The vote was taken with the following results.

Carried 5-0

Yes: Decatur, Easton, Stewart, Blair, Guthrie.

No: None

Mayor Easton said on Item #1 on the Regular BPWA agenda is:

New Business

There being no new business

Adjournment was called at 10:30 p.m.

MAYOR

ATTEST

CITY CLERK