

Notice and Agenda Special Work Session Meeting of The Bixby City Council

Dawes Conference Room
113 West Dawes, Bixby, Oklahoma 74008
May 24th, 2021, at 4:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Agenda

1. Discussion on FY 2022 Budget.

Charles Barnes

Notice of Posting

This Notice and Agenda was posted on the bulletin board May 19th 2021, on or before 3:00 p.m., at City Hall, 116 West Needles, Bixby Oklahoma.

Respectfully submitted,

Yvonne Adams, City Clerk

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or via Email: yadams@bixbyok.gov as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Notice and Agenda Work Session Meeting of The Bixby City Council

Dawes Conference Room
113 West Dawes, Bixby, Oklahoma 74008
May 24th, 2021, at 5:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Agenda

1. Discussion on FY 2022 Budget.

Charles Barnes

2. Discuss sales tax incentive proposal for Downtown restaurant.

Joshua Forrest

3. Discuss event agreement proposal for fitness program.

Paul Campbell

Notice of Posting

This Notice and Agenda was posted on the bulletin board May 21st 2021, on or before 3:00 p.m., at City Hall, 116 West Needles, Bixby Oklahoma.

Respectfully submitted,

Yvonne Adams, City Clerk

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City Council Meeting Agenda

Municipal Building
116 W. Needles Ave., Bixby, OK 74008
May 24th 2021 at 6:00 P.M.

Call to Order

Mayor Guthrie

Roll Call

City Clerk Yvonne Adams

Pledge of Allegiance

Invocation

Consent Agenda

City Clerk's Report

Consider and approve:

- a) Minutes for the Work Session meeting dated 05/10/21.
- b) Minutes for the City Council meeting dated 5/10/21.
- c) Consider and/or approve 2021-2022 Oklahoma Municipal League service Fees in the amount of \$9,345.02 (City portion).
- d) Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's property insurance in the amount of \$51,787.31 (City portion of total bill).

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email [City Clerk Yvonne Adams](mailto:yadams@bixbyok.gov) (yadams@bixbyok.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact **Oklahoma Relay** at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

- e) Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's general liability and automobile insurance in the amount of \$76,337.35 (City's portion of total bill- includes General Fund, Parks and Economic Dev.).
- f) Discuss and/or approve renewal memorandum of Understanding with The Indian Nations Council of Government (INCOG) in the amount of \$4,694.59.
- g) Consider and approve a denial claim for Richard Major from Oklahoma Municipal Assurance Group (OMAG).
- h) Consider and/or approve annual renewal of internal and external work order software package from CivicPlus, Inc. for FY22 in the amount of \$10,500.
- i) Discuss and/or approve advertising for bids for 2021 Water System Improvements-Mingo Water Storage Tank Rehabilitation.
- j) Discuss and/or approve Agreement with Graver, LLC to design the repair of Bridges #167 and #168. The proposed design and construction services fee is a lump sum, not to exceed amount of \$54,100.
- k) Acknowledge receipt of Permit No. SL000072210160, Facility No S-20438, First Baptist Church, Bixby Sanitary Sewer.
- l) Acknowledge receipt of Permit No. WL000072210161, Facility No 3007243, First Baptist Church Waterline.
- m) Harris Corporation as a sole source vendor pursuant to (Purchasing Ordinance No. 2121, 2-4-8) for (Harris XL 200 Portable Radios and Operating Equipment) for Fire Department not to exceed \$12573.40 funding from 2020-2021 General Budget.

Public comments are limited to items listed on the agenda.

Those wishing to speak on agenda items will need to appear in the City Council Chamber

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Regular Agenda

1. Consider and/or approve FY22 budget including budget resolution.

Charles Barnes

2. Consider and take action on enacting Ordinance No. 2337, Repealing Chapter 5, Sections 5-5E-3A, B & C, and amending Chapter 5, Section 5-5E-3H and Chapter 5, Section 5-5E-3J of the Bixby City Code, Weapons and Firearms.

Phil Frazier

3. Consider and take action on declaring and emergency enacting Ordinance No. 2337, such action being for the protection of the public safety, health, and welfare.

Phil Frazier

4. Request to approve Ordinance Number 2339 approving the Petition for Annexation filed by Rowan Grove, LLC, for a tract of land situated in the south half of the northeast quarter of the northwest quarter (S/2 NE/4 NW/4) and the south half of Government Lot 1 (S/2 Lot 1) and the north half of the north half of the south half of the northwest quarter (N/2 N/2 S/2 NW/4) of Section Seven (7), Township Seventeen (17) North, Range fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, According to the United States Government survey thereof. Located in the general vicinity South and East of the Southeast corner of East 131st Street and South Mingo Road.

Carolyn Back

5. Request to approve Emergency Clause for Ordinance Number 2339 after having had a second reading.

Carolyn Back

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6. Request to approve Ordinance Number 2338 approving the Petition for Annexation filed by 151 Bixby LLC, for two tracts of land that is part of the south half of the northwest quarter (S/2 NW/4) of Section Seven (7), Township Seventeen (17) North, Range fourteen (14) East, of the Indian Meridian, Tulsa County, State of Oklahoma, According to the United States Government survey thereof. Located in the general vicinity South and East of the Southeast corner of East 131st Street and South Mingo Road.

Carolyn Back

7. Request to approve Emergency Clause for Ordinance Number 2338 after having had a second reading.

Carolyn Back

8. Consider, discuss, and approve BXZO-21.03 a Rezone of 4.72 Acres (+/-) from Agriculture (AG) to Commercial Shopping (CS) located on the Southeast corner of East 141st Street South and South Lewis Avenue, Bixby, OK.

Carolyn Back

9. Consider, discuss, and approve BXZO-21.04 a Rezone of 156.66 Acres (+/-) from Agriculture (AG) to Residential Single-Family (RS-3) located on the Southeast corner of East 141st Street South and South Lewis Avenue, Bixby, OK.

Carolyn Back

10. Consider, discuss, and approve BXPUD-21.04 a Planned Unit Development (PUD) to allow for a Commercial and Single-Family Residential Development located on the Southeast corner of East 141st Street South and South Lewis Avenue, Bixby, OK.

Carolyn Back

Carolyn Back

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11. Consider, discuss, and approve BXZO-21.05 a Rezone of 10.7154 Acres (+/-) from Agriculture (AG) to Commercial Shopping (CS) located 610 feet East of South Memorial Drive at East 126th Place.

Carolyn Back

12. Consider, discuss, and approve BXSUP-21.03 a Specific Use Permit requested for a Nursing Home use which is allowed in a CS zoned district with an approved Specific Use Permit located 610 feet East of South Memorial Drive at East 126th Place.

Carolyn Back

13. Consider, discuss, and approve BXZO-21.07 a Rezone of 0.82 Acres (+/-) from Agriculture (AG) and Residential Multi-Family (RM-3) to Commercial General (CG) located on the Northeast corner of East 134th Street and South Memorial Drive.

Carolyn Back

14. Consider, discuss, and approve BXPT-21.05 a Preliminary Plat for 35,540.2 SF / 0.82 Acres, Lot 1, Block 1, Domino's Bixby) located on the Northeast corner of East 134th Street and South Memorial Drive.

15. City Manager's Report

Jared Cottle

16. New Business

Mayor or Vice-Mayor

17. Adjournment

Mayor or Vice-Mayor

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of May 21st 2021, on or before 6:00 p.m., at City Hall, 116 W. Needles, Bixby Oklahoma.

Respectfully Submitted

Yvonne Adams
City Clerk

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email [City Clerk Yvonne Adams](mailto:yadams@bixbyok.gov) (yadams@bixbyok.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact **Oklahoma Relay** at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

Bixby Public Works Authority Meeting

**Board of Trustees
Municipal Building
116 W. Needles Ave., Bixby, OK 74008**

May 24th, 2021

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

Call to Order

Chairman

Roll Call

Secretary

Consent Agenda

Secretary's Report

Consider and approve:

- a. Minutes for Bixby Public Works Authority regular meeting 05/10/21.
- b. Consider and/or approve 2021-2022 Oklahoma Municipal League service Fees in the amount of \$9,345.02 (BPWA portion).

Persons who require a special accommodation to participate in this meeting should contact City Clerk Yvonne Adams, 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email [City Clerk Yvonne Adams](mailto:yadams@bixbyok.gov) (yadams@bixbyok.gov) as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a Telecommunication Device for the Deaf may contact **Oklahoma Relay** at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

- c. Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's property insurance in the amount of \$33,958.69 (BPWA's portion of total bill).
- d. Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's general liability and automobile insurance in the amount of \$21,727.65 (BPWA's portion of total bill).
- e. Discuss and/or take action on dedicating Utility Easements to Oklahoma Gas and Electric Company for the purpose of supplying electrical service to the Bixby Water Reclamation Facility (WWTP).

Regular Agenda

- 1. Consider and/or approve FY22 budget including budget resolution.
Charles Barnes
- 2. New Business
Chairman
- 3. Adjournment
Chairman

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of May 21st 2021, on or before 6:00 p.m., at City Hall, 116 W. Needles, Bixby, Oklahoma.

Respectfully Submitted

Yvonne Adams

City Clerk

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City of Bixby City Council Work Session Meeting Minutes

**Dawes Conference Room
113 W Dawes, Bixby, OK 74008
May 10th, 2021 5:00 P.M.**

The Work Session agenda for the regularly scheduled meeting of the City of Bixby was posted on the bulletin board at City Hall, 116 W. Needles Avenue, Bixby, Oklahoma on May 7th on or before 4:00 p.m.

Mayor Guthrie called the meeting to order at 5:00 p.m. City Clerk Yvonne Adams called the roll and all members were present.

Members Present

Guthrie
Girard
Founds
Crawford
Blair

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Bea Aamodt, Public Works
Carolyn Back, Dev. Serv. Dir.
Joey Wiedel, Fire Chief
Yvonne Adams, City Clerk

Mayor Guthrie started with item #2 first on the agenda.

Mayor Guthrie said item #1 on the Work Session agenda is:

Discussion on FY 2022 Budget

Presented by: Charles Barnes

This item was brought for discussion on concerns or question regarding the proposed FY 2022 Budget. This item had discussion on estimated revenues and estimated expenditures. The public hearing for the proposed FY 2022 budget is scheduled on tonight's regular agenda.

Discussion ensued.
No action taken.

Mayor Guthrie said item #2 on the Work Session agenda is:

Discussion of Fire Department Subrogation and Providers.

Presented by: Joey Wiedel

Others that spoke: Angi Graham Fire Recovery Fire & EMS Billing Solutions

This item was brought for discussion regarding the Subrogation and Providers on preparing the City for the ambulance transport. Angi Graham Region Account Manager for Fire Recovery Fire & EMS Billing Solutions gave council a brief overview and presentation on customer setup, billing and collections for a solution for the City of Bixby. Angi gave council information on the objectives concerning the revenue generation ideas, how they would assist the Bixby Fire Department with insurance and Medicare/Medicaid paperwork to bill ambulance transports and assist in structuring a billing program for the City of Bixby with positive revenue stream.

Discussion ensued.

No action taken.

Adjournment was called at 5:56 p.m.

Mayor

Attest

City Clerk

City of Bixby City Council Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
May 10, 2021 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 May 7th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 6:06 pm.

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

Members Present

Guthrie
Girard
Blair
Crawford
Founds

Staff Present

Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barnes, Finance Dir.
Bea Aamodt, Public Works
Ike Shirley, Police Chief
John Wood, Parks Director
Carolyn Back, Dev. Service Dir.
Yvonne Adams, City Clerk

Pledge of Allegiance

Invocation was given by Phil Frazier

Mayor Guthrie said Item #1 on the Consent Agenda is:

City Clerks Report

Consider and approve:

- a) Minutes of the City Council Regular meeting minutes dated 04/26/21.
- b) Minutes for the City Council meeting dated 04/26/21.
- c) Resolution No. 2021-11, providing for the annual renewal ratification and reaffirmation, in Fiscal Year 2021-2022, of a certain Security Agreement between the City of Bixby and the Bixby Public Works Authority, dated November 30, 2017.
- d) Consider and/or approve to purchase one (1) LifePak 15's from Heartland AED Incorporated in the amount of \$24,041.00.

- e) Discuss and/or approve the purchase of two (2) Flir K65 Thermal Imaging Cameras from MSC Industrial Direct not to exceed \$10,990.00.
- f) Consider and/or approve to purchase eight (8) sets of wildand firefighting gear from CASCO Industries in the amount of \$9,309.00.
- g) Approve final acceptance of the Downtown River District Phase 1-North River Access Project and a final contract amount of \$836,373.90.
- h) Approve replacement of the transfer switch for the generator at the 131st Lift Station (West Main); cost was \$12,917.
- i) Acknowledge receipt of Permit No. WL000072210313, Facility No 3007243, Bixby Village Potable Water Line Extension.
- j) Acknowledge receipt of Permit No. SL000072210314, Facility No S-20407, Bixby Village.
- k) Discuss and/or take action on adopting FY2021 Supplemental Surface Transportation Program Project Resolutions and authorizing Application for FY2021 STP Program Funds for various projects.
- l) Consider and/or approve a Waiver of Park Rental Fee(s) required for Charley Young Event Park related to Special Event Permit to Gambler Crits Race Series.

Public comments are limited to items listed on the agenda.

Those wishing to speak on agenda items will need to appear in the City Council Chambers.

The first item to come before the council meeting was the Consent Agenda. Vice Mayor Blair asked for some clarifications on items “g”, “i”, “k” and “l”. Discussion and clarification were given by staff concerning these items. Joshua Bradley spoke on regarding item “L”, Council approved no fees with BOC on May 30 and \$200 park fees for the events in June and establish fees for the next season.

Mayor Guthrie asked for a motion on the Consent Agenda. Councilor Girard made motion to approve seconded by Councilor Founds. the vote was taken with the following results:

Carried 5-0

Yes: Girard, Founds, Crawford, Blair, Guthrie.

No: None.

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

Public hearing to receive input on the FY-22 Budget.

Presented by: Charles Barnes

This item is regarding Public hearing to receive input on the FY-22 Budget. Charles presented his screen for council and public viewing, a detail review was given for any input by council or public. Charles stated that there is a place on the website to submit any question or concerns. That concludes the public hearing.

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

Discuss and/or take action on awarding contract to Envision Civil Contractors, LLC for South Bixby Drainage Phase II.; Envision Civil Contractors, LLC submitted the lowest and best bid of \$621,501.90.

Presented by: Bea Aamodt

This item is in regard to the awarding contract to Envision Civil Contractors, LLC the South Bixby Drainage Phase II. Bea read the submitted bids and would like to award the contract to Envision Civil Contractors for this project.

Discussion continued.

Mayor Guthrie asked for a motion on item #2. Councilor Girard made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Crawford, Founds, Blair, Guthrie.

No: None.

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

Discuss and/or take action on awarding contract to Ira M. Green Construction for the White Hawk Basin Sewer Interceptor; Ira M. Green Construction submitted the lowest and best bid of \$1,074,454.00.

Presented by: Bea Aamodt

This item is in regarding awarding contract to Ira M. Green Construction for the White Hawk Basin Sewer Interceptor. Bea read the submitted bids and would like to award the bid to Ira M. Green Construction.

Discussion continued.

Mayor Guthrie asked for a motion for item #3. Councilor Girard made motion to approve, seconded by Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Girard, Crawford, Founds, Blair, Guthrie.

No: None.

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

Discuss and/or take action on Sign License Agreement with Encore MF Tulsa, LLC.

Presented by: Jared Cottle

This item is to take action on Sign License Agreement with Encore MF Tulsa, LLC. This agreement was done 2014 for installation of a sign within the 126th & Memorial right-of-way for the benefit of the Encore Apartment complex. This sign is on the north side of 126th, adjacent to the commercial development owned by Memorial Real Estate Investment, LLC who have submitted a request for removal of the sign in accordance with paragraph's 1 and 2 of the agreement.

Discussion continued.

Mayor Guthrie asked for a motion on item 4. Councilor Founds made motion to approve to end the agreement, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Founds, Crawford, Girard, Blair, Guthrie.

No: None.

Recess at 7:20 p.m.

Reconvene at 7:26 p.m.

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

City Manager's Report

- The Market @Bixby May 13, 27, & June 10th 3:pm. -7pm. Charley Young Event Park.
- Fishing Derby May 15 8am-Noon @Bixhoma Lake.
- A Day with the Bixby Bands Mayo 15th 1pm. To 6pm. Charley Young Event Park.
- Tulsa Walking Club May 15. 7:30am to 3pm @Washington Irving Park.
- Gambler Crit Series May 20th 4pm-10pm Downtown Bixby.
- Food Trucks for Kinds May 20th 5pm-8pm Downtown Bixby.
- Gambler Crit Series June 30th 4pm-1pm Downtown Bixby.
- Green Corn Festival June 24th, 25th and 26th @Charley Young Event Park.
- Green Corn Parade June 26th 10:30 am.

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

New Business

Adjournment was called at 7:29 p.m.

Attest

Mayor

City Clerk

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve 2021-2022 Oklahoma Municipal League service Fees in the amount of \$9,345.02 (City portion)

INITIATOR: OML

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: This is for the City of Bixby's participation in the Oklahoma Municipal League

EXHIBITS: Letter from OML

KEY ISSUE: Bixby's participation in OML

COUNCIL ACTION: Approve or deny

RECOMMENDATION: None

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

Meeting: City



2021-2022 Service Fees for Bixby

How Does It All Add Up?

2021-2022

Base	\$ 550.00
Formula	\$ 17,304.68
Per Capita	\$ 835.36
21-22 Service Fees	\$ 18,690.04

The following formula was used to figure your 2021-2022 service fees:

2010 Census Population	20,884
2020 Total Sales Tax Receipts	\$ 14,016,789.99
2020 Municipal Sales Tax Rate	4.05 %

Base = \$ 550

Formula = 2020 Total Sales Tax Receipts divided by 2020 Municipal Sales Tax Rate times .005

Per Capita = 2010 Census Population times .04.

If a payment plan works best, please feel free to contact OML and make those arrangements.

OK
James Conley
5/11/21

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's property insurance in the amount of \$51,787.31 (City portion of total bill)

INITIATOR: Charles Barnes

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: The City's total property insurance for FY22 is \$85,746.00. This represents a \$13,591.00 or 18.84% increase over last year. We requested new valuations on several properties due to renovations; plus acquisitions, etc.

EXHIBITS: OMAG invoice

KEY ISSUE: Property insurance coverage for FY-22.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

MEETING: City



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

May 12, 2021

Charles Barnes
City of Bixby
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: City of Bixby, Policy Number PRO140040405

Your OMAG Municipal Property Protection Plan (MPPP) renewal has been processed. Your invoice is enclosed. All of your policy documents may be accessed through the new OMAG Portal. If you already have an OMAG Portal account, or if you have never registered for a portal account and would like to, visit <http://www.omag.org/origami> to get started. The process is quick and easy, and the portal gives you great access to many useful tools.

The total premium for your MPPP renewal is \$85,746.00. You may pay your premium in full, semi-annual or quarterly installments. The initial payment is due by the effective date of your MPPP policy. If you choose to make a 50% or a 25% initial payment, we will send you notices on a semi-annual or quarterly basis, respectively.

Several factors are used to determine your premium. The total insured value of your properties, ISO Fire Protection Class and deductible selected are reviewed annually and allow OMAG to provide a premium that reflects the advantages of your pool membership.

OMAG is created, owned and governed by the cities and towns we serve. We appreciate your support and participation in OMAG's MPPP. Questions regarding your renewal should be directed to me or to Dorie Spitler, Member Services Director, at 800-234-9461 or 405-657-1400.

Sincerely,

A handwritten signature in cursive script that reads "Chris Webb".

Chris Webb
Underwriting Director



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

Date of Invoice: 5/12/2021

INVOICE

Mail To: City of Bixby P.O. Box 70 Bixby, Oklahoma 74008-0070	Insured: City of Bixby Policy No.: PRO140040405 Policy Type: Property Effective Date: 7/1/2021 Expiration Date: 7/1/2022
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Inst. No.	Date	Transaction Type	Amount	Running Total
1	7/1/2021	Renewal	\$21,436.50	\$21,436.50
			Current Amount Due	\$21,436.50
Total Policy Balance Before Payment: \$85,746.00			Payment Due By	7/1/2021

**Thank you for your business. If you have questions about your account,
please call 1-800-234-9461 or 405-657-1400.**

If not paid within 45 days of due date, policy will be cancelled.

Detach along the perforation above. Keep top portion for your records. Return bottom portion with your remittance.

Policy No.: PRO140040405 Insured: City of Bixby	Amount Due: \$21,436.50 Payment Due By: 7/1/2021
--	---

PLEASE REMIT PAYMENT TO:

OMAG
P.O. Box 3091
Edmond, OK 73083

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's general liability and automobile insurance in the amount of \$76,337.35 (City's portion of total bill – includes General Fund, Parks and Economic Dev.)

INITIATOR: Charles Barnes

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: The OMAG total general liability and automobile insurance for FY-22 is \$98,065. This represents a \$7,818.00 or 8.66% increase over last year.

EXHIBITS: OMAG invoice

KEY ISSUE: General liability and automobile insurance coverage for FY-22.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

MEETING: City



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

May 12, 2021

Charles Barnes
City of Bixby
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: City of Bixby - Policy GLA140043605

Your OMAG Municipal Liability Protection Plan (MLPP) renewal has been processed. Your invoice is enclosed. All of your policy documents may be accessed through the new OMAG Portal. If you already have an OMAG Portal account, or if you have never registered for a portal account and would like to, visit <http://www.omag.org/origami> to get started. The process is quick and easy, and the portal gives you great access to many useful tools.

The total premium for your MLPP renewal is \$98,065.00. You may pay your premium in full, semi-annual or quarterly installments. The initial payment is due by the effective date of the MLPP policy. If you choose to make a 50% or a 25% initial payment, we will send you notices on a semi-annual or quarterly basis, respectively.

The principal factors used to determine your premium are your expenditures reported to the Oklahoma State Auditor's office and your autos and equipment that have been added or deleted. If you no longer have a Police Department exposure, you may recognize a reduction in premium.

OMAG is created, owned and governed by the cities and towns we serve. We appreciate your support and participation in OMAG's MLPP. Questions regarding your renewal should be directed to me or to Dorie Spitler, Member Services Director, at 800-234-9461 or 405-657-1400.

Sincerely,

A handwritten signature in cursive script that reads "Chris Webb". The signature is fluid and written in dark ink.

Chris Webb
Underwriting Director



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

**Municipal Liability Protection Plan
Declarations Page**

1. PLAN MEMBER: **City of Bixby** AGREEMENT NUMBER: **GLA140043605**
Mailing Address: P.O. Box 70
Bixby, Oklahoma 74008-0070
2. Plan Period From 12:01 A.M. Central Standard Time at the address of the Plan Member
From 7/1/2021 to 7/1/2022
3. The Plan Member is a(n) Municipality
4. The Coverage afforded by this agreement is only with respect to the following coverages as are indicated by specific limits of coverage, for which a premium is charged.

COVERAGE **PREMIUM**

GENERAL LIABILITY (PARTS I, IV, V, AND VI)

A. Bodily Injury	B. Property Damage	\$54,099
C. Personal Injury	D. Errors and Omissions	<u>Coverages A,B,C,D,I,J,K,L</u>
I. Pollution Damage	J. Defense Reimbursement	
K. Cyber/Data Breach	L. Uncovered Employment Defense	
[] Prior Acts Coverage		\$

AUTOMOBILE LIABILITY (PART II)

E. Bodily and Personal Injury F. Property Damage	<u>Prior Acts</u>
	\$12,074
	<u>Coverages E,F</u>
[X] Hired and Non-owned Automobile Coverage	\$43
	<u>Hired and Non-owned</u>

AUTOMOBILE & EQUIPMENT PHYSICAL DAMAGE (PART III)

G. Automobile Physical Damage	\$28,140
1. Comprehensive	<u>Coverages G</u>
2. Specified Perils	
3. Collision	
[X] Hired Auto Physical Damage Limit: \$150,000	\$0
	<u>Hired Auto Physical Damage</u>
H. Equipment Physical Damage – Per equipment schedule	
[X] Mobile Equipment	\$1,272
[X] Auto/Misc. Equipment Blanket Limit: \$1,701,840	\$2,246
[X] Mobile Equipment Leased/Rented Limit: \$100,000	\$175
	<u>Coverages H</u>

5. LIMITS OF LIABILITY, except for Coverages G,H,I,J,L

Losses subject to the OKLAHOMA GOVERNMENTAL TORT CLAIMS ACT:

\$25,000	Each Property Damage Loss Per Occurrence, including Fire Legal
\$125,000	Each Other Loss Per Occurrence
\$1,000,000	Aggregate Per Occurrence

Losses not subject to the OKLAHOMA GOVERNMENTAL TORT CLAIMS ACT:

\$10,000	Medical Payments for Volunteers-Per Loss	
\$1,000,000	Each Other Loss Per Occurrence	\$98,049
Cyber Coverage:	See Limits on Cyber/Data Breach Declarations Page	<u>Total Premium</u>
Annual Aggregate:	\$2,000,000 Coverages C,D	(This is not an invoice.)
	\$10,000 Coverage J	

6. DEDUCTIBLES

Coverages A,B,E,F,L:	No Deductible, except for sanitary sewer overflows and electrical disruptions, which are subject to the Deductible of C & D.
Coverages C,D:	\$1,000 Per Occurrence
Coverages G,H:	Per Schedule of Endorsement
Coverage I:	\$1,000 Per Pollution Incident
Coverage J:	\$5,000 SIR
Coverage K:	Per Applicable Cyber/Data Breach Deductible

7. This agreement is composed of this Declaration Page, the MLPP Document, Schedules, Forms and Endorsements, if any.

Jonathan D. Woods

OMAG Representative

Issue Date: May 12, 2021

CONSENT ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve renewal Memorandum of Understanding with The Indian Nations Council of Government (INCOG) in the amount of \$4,694.59.

INITIATOR: Chief Ike Shirley

STAFF INFO.SOURCE: Angela Williams

BACKGROUND: Renewal of the MOU with INCOG and Bixby Police Department 911. This allows access/updates to the electronic map street layer and the master street and address guide (MSAG). It allows for the communications center to direct emergency personnel to the accurate location. MSAG provides address information necessary to locate 911 callers and plot the call on an electronic map. Funds for the \$4,694.59 to come from the E-911 account.

EXHIBITS: MOU

KEY ISSUE: Renewal of the MOU with INCOG

COUNCIL ACTION: Approve or Deny

RECOMMENDATION: Approve the MOU with INCOG.

ITEM NO: _____

MEETING DATE: 5/24/2021

MEETING: CITY

MEMORANDUM OF UNDERSTANDING BETWEEN THE INDIAN NATIONS COUNCIL OF GOVERNMENT (INCOG) & BIXBY

This Memorandum of Understanding outlines the duties of INCOG and Bixby to maintain the 9-1-1 electronic map street layer and the master street and address guide (MSAG).

Bixby desires to maintain the accuracy of its street layer used in its 9-1-1 center for locating callers and directing emergency personnel to the correct location, to update and maintain the MSAG, which is the database containing the address information necessary to locate 9-1-1 caller and plot the call on the electronic map, and to verify the correct routing of wireless cell towers to its jurisdiction.

INCOG desires to assist Bixby by taking performing the following tasks.

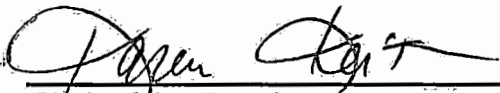
1. INCOG will acquire all newly platted subdivisions, new streets, street closures and any alterations of fire, police and ambulance districts promptly upon approval by the governing body.
2. Using the information acquired, INCOG will:
 - a. Update and maintain an accurate emergency services number (ESN) map layer,
 - b. Update and maintain accurate street files based on the updated ESN layer,
 - c. Draw and segment newly platted street segments on the map,
 - d. Input MSAG database entry of newly platted streets,
 - e. Identify and correct MSAG data errors,
 - f. Identify and correct street mapping errors, and,
 - g. Provide quarterly the newly updated street file to the 9-1-1 center.
 - h. Provide creating and maintaining GIS data will be used to provide location and routing data for Next Generation 9-1-1 services.
3. INCOG will acquire the geo-coded location of all cell phone towers for wireless service providers that have deployed Phase II wireless service in Tulsa County.
4. Using the information acquired INCOG will:
 - a. Place the cell tower location on the map,
 - b. Calculate the footprint of the tower based on data provided by the wireless service provider, and,
 - c. Establish or verify the routing for each tower to the correct PSAP.

Bixby agrees to pay INCOG \$4,694.59 for the performance of its duties outlined in this agreement. Payments shall be made upon receipt of an invoice from INCOG in the total amount.

This Memorandum of Understanding shall become effective July 1, 2021 and continue until June 30, 2022. This MOU may be extended in time or amended upon written agreement of the parties.

**INDIAN NATIONS COUNCIL OF
GOVERNMENTS**

CITY OF BIXBY


Chair of the Board

(Name)
(Title)

(Clerk)
(seal)

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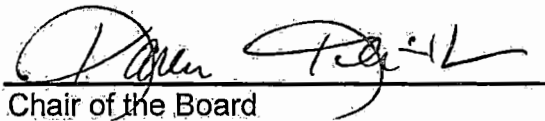
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**INDIAN NATIONS COUNCIL OF
GOVERNMENTS**

CITY OF BIXBY


Chair of the Board

(Name)
(Title)

(Clerk)
(seal)

CONSENT AGENDA

ITEM TITLE: Consider and approve a denial claim for Richard Major from the Oklahoma Municipal Assurance Group.

INITIATOR: Yvonne Adams

STAFF INFO: Yvonne Adams

BACKGROUND: Mr. Major filed a claim on December 10, 2020 and through Oklahoma Municipal Assurance group they have completed their investigation and recommend denial of this claim.

EXHIBITS: Attached documents

KEY ISSUE: Denial of Claim

COUNCIL ACTION: Approve

RECOMMENDATION: Denial

Regular Consent

MEETING DATE: 05/24/2021



May 19, 2021

City of Bixby
Attn: Yvonne Adams
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: Member : City of Bixby
Claimant : Richard Major
Date of Loss : December 10, 2020
Claim No. : 209483-1-HW

Dear Ms. Adams:

We have completed our investigation regarding the above referenced claim. It is our recommendation to the City of Bixby that this claim be denied. We find no liability on the City of Bixby's part regarding this incident.

Under the Governmental Tort Claims Act, 51 Okla. Sec. 157(A), this claim will be deemed denied ninety (90) days after it was received by the City of Bixby. 51 Okla. Stat. Sec. 157 (B) requires any lawsuit under the Act to be commenced within one hundred eighty (180) days after denial of the claim.

Thus to begin the 180-day statute of limitations prior to 6/22/2021, you must deny this claim in writing before 6/22/2021. For the 180-day period to start running, the claimant **must be notified at the address on the claim within five (5) days of the denial.** To document compliance with the Act, we recommend that you send notice of denial of this claim by certified mail.

Please advise us as soon as possible of any official action taken by you on denial of this claim.

Sincerely,

Hailey Whitmarsh,
Claims Adjuster



May 19, 2021

Mr. Richard Major
6720 E. 118th Street S.
Bixby, Oklahoma 74008

RE: Member : City of Bixby
 Claimant : Richard Major
 Date of Loss : December 10, 2020
 Claim No. : 209483-1-HW

Dear Mr. Major:

As the adjuster for the Oklahoma Municipal Assurance Group, the insurer for the City of Bixby, I am recommending denial of this claim and find no liability on the City of Bixby's part for this claim.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hailey Whitmarsh', is written over a horizontal line.

Hailey Whitmarsh,
Claims Adjuster

cc: City of Bixby

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve annual renewal of internal and external workorder software package from CivicPlus, Inc. for FY22 in the amount of \$10,500.

INITIATOR: Charles Barnes

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: The City started using an internal and external workorder software package (that is on our City Website) from CivicPlus last year and we want to renew this software and support for FY22.

EXHIBITS: Renewal Invoice

KEY ISSUE: Renew software package and support for FY22.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

MEETING: City



Invoice

CivicPlus LLC
NEW REMITTANCE ADDRESS
(FOR PAYMENTS ONLY)
CivicPlus
PO Box 1572
Manhattan KS 66505

#213561

7/1/2021

PO #

Bill To

City of Bixby
P.O. Box 70, 116 West Needles Ave
Bixby OK 74008-0070

RECEIVED TOTAL DUE

MAY 19 2021

CITY OF BIXBY

\$10,500.00

Due Date: 7/31/2021

Terms

Net 30

Due Date

7/31/2021

PO #

Approving Authority

Qty	Item	Start Date	End Date
100	SeeClickFix Annual	7/1/2021	6/30/2022
1	Marketplace App Annual	7/1/2021	6/30/2022

Total \$10,500.00

Due \$10,500.00

A finance charge of 1.5% per month will be added to past due accounts. Payments received will be applied first to finance charges, then to the oldest outstanding invoice(s). If you have any questions, please contact accounting@civicplus.com or 888-228-2233 option 1, then option 3. Please retain this statement for your records. Thank you!

CivicPlus
302 S 4th St.
Suite 500
Manhattan KS 66502

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve advertising for bids for *2021 Water System Improvements – Mingo Water Storage Tank Rehabilitation*

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: HUB Engineers was hired to evaluate the feasibility of rehabilitating the existing water tank located at approximately 114th and Mingo. The tank has not been in use since the City converted to the City of Tulsa's water system. HUB provided two options to City Staff:

- Option 1 - Demolition and Removal
- Option 2 – Rehabilitate Tank

Should the City decide to rehabilitate the tank, the exterior shall be mitigated for contaminated paint, repainted, and retrofitted with OSHA compliant ladders.

EXHIBITS: None

KEY ISSUE: Approval

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: _____

MEETING DATE: 5-24-21

MEETING: Council

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or approve Agreement with Garver, LLC to design the repair of Bridges #167 and #168. The proposed design and construction services fee is a lump sum, not to exceed amount of \$54,100.

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: Garver, LLC completed an inventory of bridge conditions for ODOT. Bridges #167 and #168 were both found to be in need of repairs. These bridges are both located along 121st Street on the east and west sides of Memorial and span the Fry Creek Ditch #1 and #2. Garver will perform both design and bidding and construction services for a total of \$54,100.

EXHIBITS: Agreement

KEY ISSUE: Approval

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: _____

- MEETING DATE: 5-24-21

MEETING: Council

AGREEMENT
FOR
PROFESSIONAL ENGINEERING SERVICES
FOR
BRIDGE REPAIR FOR BRIDGE NOS. 167 and 168

PROJECT NO. _____

THIS AGREEMENT, made and entered into this ____ day of _____, 2021 between the City of Bixby, Oklahoma, a Municipal Corporation, of the State of Oklahoma, hereinafter referred to as CITY, and Garver, LLC, hereinafter referred to as ENGINEER;

WITNESSETH:

WHEREAS, CITY intends to make improvements to Bridge Nos. 167 and 168 in Bixby, Oklahoma, hereinafter referred to as the PROJECT; and,

WHEREAS, CITY requires certain professional services in connection with the PROJECT, hereinafter referred to as the SERVICES; and,

WHEREAS, ENGINEER is prepared to provide such SERVICES;

NOW THEREFORE, in consideration of the promises contained herein, the parties hereto agree as follows:

- 1.0 SCOPE OF PROJECT: The scope of this PROJECT is described in Attachment A, SCOPE OF PROJECT, which is attached hereto and incorporated by reference as part of this AGREEMENT.
- 2.0 SERVICES TO BE PERFORMED BY ENGINEER. ENGINEER shall perform the SERVICES described in Attachment B, SCOPE OF SERVICES, which is attached hereto and incorporated by reference as part of this AGREEMENT.
- 2.1 Underground Utilities. Except to the extent expressly included as part of the SERVICES described within Attachment B, ENGINEER will not provide research regarding utilities or survey utilities located and marked by their owners. Furthermore, since many utility companies typically will not locate and mark their underground facilities prior to notice of excavation, ENGINEER is not responsible for knowing whether underground utilities are present or knowing the exact location of such utilities for design and cost estimating purposes. In no event is ENGINEER responsible for damage to underground utilities, unmarked or improperly marked, caused by geotechnical conditions, potholing, construction, or other contractors or subcontractors working under a subcontract to this Agreement.

- 3.0 CITY'S RESPONSIBILITIES. CITY shall be responsible for all matters described in Attachment C, RESPONSIBILITIES OF THE CITY, which is attached hereto and incorporated by reference as part of this AGREEMENT.
- 3.1 CITY shall be responsible for all requirements and instructions that it furnishes to ENGINEER pursuant to this Agreement, and for the accuracy and completeness of all programs, reports, data, and other information furnished by CITY to ENGINEER pursuant to this Agreement. ENGINEER may use and rely upon such requirements, programs, instructions, reports, data, and information in performing or furnishing SERVICES under this Agreement, subject to any express limitations or reservations applicable to the furnished items as further set forth in Exhibit C.
- 4.0 COMPENSATION. CITY shall pay ENGINEER in accordance with Attachment D, COMPENSATION, which is attached hereto and incorporated by reference as part of this AGREEMENT.
- 5.0 RESIDENT INSPECTOR SERVICES. If determined by the CITY, ENGINEER shall perform SERVICES as described in B.4 of this agreement.
- 6.0 STANDARD OF PERFORMANCE. ENGINEER shall perform the SERVICES undertaken in a manner consistent with the prevailing accepted standard for similar services with respect to projects within the same locality of comparable function and complexity and with the applicable laws and regulations published and in effect at the time of performance of the SERVICES. The PROJECT shall be designed and engineered according to the industry standard of care and in strict accordance with this AGREEMENT. All engineering work shall be performed by or under the supervision of Professional Engineers licensed in the State of Oklahoma, and properly qualified to perform such engineering SERVICES, which qualification shall be subject to review by CITY. Other than the obligation of the ENGINEER to perform in accordance with the foregoing industry standard of care, no warranty, either express or implied, shall apply to the SERVICES to be performed by the ENGINEER pursuant to this AGREEMENT or the suitability of ENGINEER'S work product.
- 6.1 Plan Sheets shall be no more than 30' per inch unless specified by CITY.
- 7.0 LIMITATIONS OF RESPONSIBILITY.
- 7.1 ENGINEER shall not be responsible for construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the PROJECT because this is solely the construction contractor(s)' responsibility under the construction contract(s). ENGINEER shall not be responsible for the construction contractor(s)' schedules or failure to carry out the construction work in accordance with the construction contract(s). ENGINEER shall not have control over or charge of acts of omissions of the construction contractor(s), or any of its or their subcontractors, agents, or employees, or of any other persons performing portions of the construction work.
- 8.0 OPINIONS OF COST AND SCHEDULE.

- 8.1 Since ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over contractors', subcontractors', or vendors' methods of determining prices, or over competitive bidding or market conditions, ENGINEER'S cost estimates shall be made on the basis of qualification and experience as a Professional Engineer, however ENGINEER cannot and does not guarantee that proposals, bids, or actual project or construction costs will not vary from estimates prepared by ENGINEER. CITY understands that the construction cost estimates developed by ENGINEER do not establish a limit for the construction contract amount. If the actual amount of the low construction bid or resulting construction contract exceeds the construction budget established by owner, ENGINEER will not be required to re-design the SERVICES without additional compensation. In the event CITY requires greater assurances as to probable construction cost, then CITY must agree to obtain an independent cost estimate.
- 8.2 Since ENGINEER has no control over the resources provided by others to meet construction contract schedules, ENGINEER'S forecast schedules shall be made on the basis of qualification and experience as a Professional Engineer. Time is of material consideration for SERVICES provided under this Agreement.
- 9.0 LIABILITY AND INDEMNIFICATION.
- 9.1 ENGINEER shall defend and indemnify CITY from and against legal liability for damages arising out of the performance of the SERVICES for CITY for any third party claims, costs, attorney fees, or other expenses of whatever nature where harm is caused to tangible property damage or bodily injury (including death), and such liability is caused by the negligent act, error, or omission of ENGINEER or any person or organization for whom ENGINEER is legally liable during performance of SERVICES under this Agreement. Nothing in this paragraph shall make the ENGINEER liable for any damages caused by the CITY or any other Contractor of the CITY.
- 9.2 ENGINEER shall not be liable to CITY for any special, indirect or consequential damages, such as, but not limited to, loss of revenue, or loss of anticipated profits.
- 9.3 Notwithstanding any provision to the contrary herein, and to the extent allowed under applicable law, ENGINEER'S (including its subconsultants, agents, assignees, affiliates and vendors) total aggregate liability under the AGREEMENT shall be limited to the fee received under this AGREEMENT regardless of the cause or action.
- 10.0 COMPLIANCE WITH LAWS.
- 10.1 In performance of the SERVICES, ENGINEER shall comply with applicable regulatory requirements including federal, state, and local laws, rules, regulations, orders, codes, criteria and standards applicable as of the effective date of this AGREEMENT. ENGINEER shall procure the permits, certificates, and licenses necessary to allow ENGINEER to perform the SERVICES. ENGINEER shall not be responsible for procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to ENGINEER in Attachment B, SCOPE OF SERVICES.

- 10.2 The ENGINEER shall take the necessary actions to ensure its facilities are in compliance with the requirements of the Americans With Disabilities Act. It is understood that the program of the ENGINEER is not a program or activity of the CITY OF BIXBY. The ENGINEER agrees that its program or activity will comply with the requirements of the Americans With Disabilities Act. Any costs of such compliance will be the responsibility of the ENGINEER. Under no circumstances will ENGINEER conduct any activity which it deems to not be in compliance with the Americans With Disabilities Act.
- 11.0 INSURANCE.
- 11.1 During the performance of the SERVICES under this AGREEMENT, ENGINEER shall maintain the following insurance:
- 11.1.1 General Liability Insurance with a bodily injury and property damage combined single limit of not less than \$1,000,000 for each occurrence.
- 11.1.2 Automobile Liability Insurance with a bodily injury and property damage combined single limit of not less than \$1,000,000 for each occurrence.
- 11.1.3 Worker's Compensation Insurance in accordance with statutory requirements and when applicable, Employers' Liability Insurance with limits of not less than \$100,000 for each occurrence.
- 11.1.4 Professional Liability Insurance in the amount of \$1,000,000 per claim, to remain in effect for two years after CITY acceptance of the PROJECT.
- 11.2 ENGINEER shall furnish CITY certificates of insurance which shall include a provision that such insurance shall not be canceled without at least 30 days written notice to the CITY.
- 12.0 OWNERSHIP AND REUSE OF DOCUMENTS.
- 12.1 All documents, including original drawings, estimates, specifications, field notes and data shall become and remain the property of the CITY; provided notwithstanding, any and all underlying intellectual property, if any (unless provided by CITY), shall remain the property of ENGINEER such that ENGINEER may continue to perform its business in the normal course. Upon payment in full, ENGINEER hereby grants CITY an irrevocable, non-exclusive, royalty-free license to use the same for the purposes contemplated under this AGREEMENT.
- 12.2 CITY'S reuse of such documents without written verification or adaptation by ENGINEER for the specific purpose intended will be at CITY'S risk without liability to ENGINEER and ENGINEER'S subconsultants. To the extent permitted by applicable law, CITY shall indemnify and hold ENGINEER, ENGINEER'S subconsultants, and their personnel harmless from and against any and all claims, liabilities, damages, losses, and costs, including but not limited to costs of defense arising out of CITY'S use of the Intellectual Property contrary to the rights permitted herein.

13.0 TERMINATION OF AGREEMENT.

13.1 The obligation to continue SERVICES under this AGREEMENT may be terminated by either party upon fifteen days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party.

13.2 CITY shall have the right to terminate this AGREEMENT, or suspend performance thereof, for CITY'S convenience upon written notice to ENGINEER; and ENGINEER shall terminate or suspend performance of SERVICES on a schedule acceptable to CITY. In the event of termination or suspension for CITY'S convenience, CITY shall pay ENGINEER for (i) all SERVICES performed in accordance with provisions of Attachment D, COMPENSATION, (ii) documented and reasonable costs (plus profit on such costs) incurred by ENGINEER to implement such termination (including demobilization costs, and termination/cancellation costs under subcontracts and purchase orders). Upon restart of a suspended project, payment shall be made to ENGINEER in accordance with Attachment D, COMPENSATION.

14.0 NOTICE.

14.1 Any notice, demand, or request required by or made pursuant to this AGREEMENT shall be deemed properly made if personally delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

14.1.1 To ENGINEER: Garver LLC
6450 S. Lewis Ave., Suite 300
Tulsa, OK 74136

14.1.2 To CITY: City Of Bixby, Oklahoma
116 West Needles
Bixby, Oklahoma 74008

14.2 Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of ENGINEER and CITY.

15.0 UNCONTROLLABLE FORCES. Neither CITY nor ENGINEER shall be considered to be in default of this AGREEMENT if delays in or failure of performance shall be due to forces which are beyond the control of the parties; including, but not limited to: fire, flood, earthquakes, storms, lightning, epidemic, war, riot, civil disturbance, sabotage; inability to procure permits, licenses, or authorizations from any state, local, or federal agency or person for any of the supplies, materials, accesses, or services required to be provided by either CITY or ENGINEER under this AGREEMENT; strikes, work slowdowns or other labor disturbances, and judicial restraint.

15.1 An equitable adjustment to schedule and compensation shall be provided to ENGINEER for impacts to schedule and/or fee that occur from events outside ENGINEER'S control.

- 16.0 SEVERABILITY. If any portion of this AGREEMENT shall be construed by a court of competent jurisdiction as unenforceable, such portion shall be severed herefrom, and the balance of this AGREEMENT shall remain in full force and effect.
- 17.0 INTEGRATION AND MODIFICATION. This AGREEMENT includes Attachments A, B, C and D, and represents the entire and integrated AGREEMENT between the Parties; and supersedes all prior negotiations, representations, or agreements pertaining to the SCOPE OF SERVICES herein, either written or oral. This AGREEMENT may be amended only by a written instrument signed by each of the Parties. In the event of conflict of terms between this AGREEMENT and Attachments, the terms of this AGREEMENT shall govern.
- 18.0 DISPUTE RESOLUTION PROCEDURE. In the event of a dispute between the ENGINEER and the CITY over the interpretation or application of the terms of this AGREEMENT, the matter shall be referred to the City's Director of Public Works for resolution. If the Director of Public Works is unable to resolve the dispute, the matter may, in the Director's discretion, be referred to the Mayor for resolution. Regardless of these procedures, neither party shall be precluded from exercising any rights, privileges or opportunities permitted by law to resolve any dispute.
- 18.1 Notwithstanding, each of the parties hereto hereby knowingly, voluntarily, and intentionally waives any rights it may have to a trial by jury in respect of any litigation between the parties or arising out of, under, or in connection with this AGREEMENT or any other documents entered into in connection herewith.
- 18.2 To the extent allowed under applicable law, the prevailing party in any dispute shall receive an award of attorney's fees.
- 19.0 ASSIGNMENT. ENGINEER shall not assign its obligations undertaken pursuant to this AGREEMENT, provided that nothing contained in this paragraph shall prevent ENGINEER from employing such independent consultants, associates, and subcontractors as ENGINEER may deem appropriate to assist ENGINEER in the performance of the SERVICES hereunder.
- 20.0 APPROVAL. It is understood and agreed that all work performed under this AGREEMENT shall be subject to inspection and approval by the Public Works Department of the City of Bixby, and any plans or specifications not meeting the terms set forth in this AGREEMENT will be replaced or corrected at the sole expense of the ENGINEER. The ENGINEER will meet with the City staff initially and monthly thereafter and will be available for public hearings and/or City of Bixby presentations.

IN WITNESS WHEREOF, the parties have executed this AGREEMENT in multiple copies on the respective dates hereinbelow reflected to be effective on the date executed by the Mayor of the City of Bixby or Contracting Authority.

(SEAL)
ATTEST:

(ENGINEER)

Jason C. Langhammer
Senior Project Manager

Brent S. Schniers
Vice President

Date _____

(SEAL)
APPROVED: CITY OF BIXBY, OKLAHOMA

City Clerk

Mayor

Date _____

APPROVED AS TO FORM:

RECOMMENDED:

City Attorney

Director of Public Works

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Acknowledge receipt of Permit No. SL000072210160, Facility No S-20438, First Baptist Church, Bixby Sanitary Sewer

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: This permit is for construction of 727 linear feet of eight (8) inch PVC, 111 linear feet of ten (10) inch PVC, 65 linear feet of ten (10) inch DIP sanitary sewer line, and all appurtenances to serve the First Baptist Church near 151st & Yale.

The ODEQ requires that receipt of this permit be acknowledged at a City Council meeting.

EXHIBITS: ODEQ Permit to Construct

KEY ISSUE: Acknowledge receipt of ODEQ sanitary sewer permit for First Baptist Church, Bixby Sanitary Sewer

COUNCIL ACTION: Acknowledge receipt of permit

RECOMMENDATION: Acknowledge receipt

ITEM NO: _____

MEETING DATE: 05-24-2021

MEETING: City Council



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

May 4, 2021

Mr. Brian Guthrie, Mayor
City of Bixby
116 West Needles
Bixby, Oklahoma 74008

Re: Permit No. SL000072210160
First Baptist Church, Bixby Sanitary Sewer
Facility No. S-20438

Dear Mr. Guthrie:

Enclosed is Permit No. SL000072210160 for the construction of 727 linear feet of eight (8) inch PVC, 111 linear feet of ten (10) inch PVC, 65 linear feet of ten (10) inch DIP sanitary sewer line and all appurtenances, to serve the First Baptist Church, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on May 4, 2021. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Bixby, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

Qusay R. Kabariti, P.E.
Construction Permit Section
Water Quality Division

QRK/RC/md

Enclosure

c: Debbie Nichols, Regional Manager, DEQ
TULSA DEQ OFFICE
Charles K. Howard, P.E., JR Donelson, Inc



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210160

SEWER LINES

FACILITY No. S-20438

PERMIT TO CONSTRUCT

May 4, 2021

Pursuant to O.S. 27A 2-6-304, the City of Bixby is hereby granted this Tier I Permit to construct 727 linear feet of eight (8) inch PVC, 111 linear feet of ten (10) inch PVC, 65 linear feet of ten (10) inch DIP sanitary sewer line and all appurtenances, to serve the First Baptist Church, located in Section 22, T-17-N, R13-E, Tulsa County, Oklahoma, in accordance with the plans approved May 04, 2021.

By acceptance of this permit, the permittee agrees to operate and maintain the facilities in accordance with the "Oklahoma Pollutant Discharge Elimination System Standards - OPDES" (OAC 252:606) rules and to comply with the state certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 2) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 3) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 4) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with OAC 252:656-5-4(c)(3) of the standards for Water Pollution Control Facility Construction.
- 5) That tests will be conducted as necessary to insure that the construction of the sewer lines will prevent excessive infiltration and that the leakage will not exceed 10 gallons per inch of pipe diameter per mile per day.
- 6) That the Oklahoma Department of Environmental Quality shall be kept informed of occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 7) That the permittee will take steps to assure that the connection of house services to the sewers is done in such a manner that the functioning of the sewers will not be impaired and that earth and ground water will be excluded from the sewers when the connection is completed.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. SL000072210160

SEWER LINES

FACILITY No. S-20438

PERMIT TO CONSTRUCT

- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.
- 9) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 10) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 11) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 12) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. 2-6-201 *et. seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 13) That all manholes shall be constructed in accordance with the standards for Water Pollution Control Facility Construction (OAC 252:656-5-3), as adopted by the Oklahoma Department of Environmental Quality.
- 14) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Water Pollution Control Facility Construction OAC 252:656-5-4(c)(1) and OAC 252:656-5-4(c)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested using the ASTM air test procedure with no detectable leakage prior to backfilling, in accordance with the standards for Water Pollution Control Facility Construction OAC 252:656-5-4(c)(3).



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

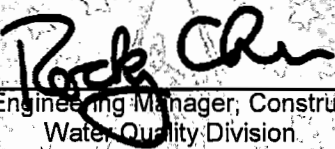
PERMIT No. SL000072210160

SEWER LINES

FACILITY No. S-20438

PERMIT TO CONSTRUCT

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.


Rocky Chen, P.E., Engineering Manager, Construction Permit Section,
Water Quality Division.



CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Acknowledge receipt of Permit No. WL000072210161, Facility No 3007243, First Baptist Church Waterline

INITIATOR: Justin Dowd, Engineering

STAFF INFORMATION SOURCE: Justin Dowd, Engineering

BACKGROUND: This permit is for construction of 1,275 linear feet of eight (8) inch PVC, 1,621 linear feet of six (6) inch PVC potable water line, and all appurtenances to serve the First Baptist Church near 151st & Yale.

The ODEQ requires that receipt of this permit be acknowledged at a City Council meeting.

EXHIBITS: ODEQ Permit to Construct

KEY ISSUE: Acknowledge receipt of ODEQ waterline permit for First Baptist Church Waterline

COUNCIL ACTION: Acknowledge receipt of permit

RECOMMENDATION: Acknowledge receipt

ITEM NO: _____

MEETING DATE: 05-24-2021

MEETING: City Council



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

May 4, 2021

Mr. Brian Guthrie, Mayor
City of Bixby
116 West Needles
Bixby, Oklahoma 74008

Re: Permit No. WL000072210161
First Baptist Church Water Line
Facility No. 3007243

Dear Mr. Guthrie:

Enclosed is Permit No. WL000072210161 for the construction of 1,276 linear feet of eight (8) inch PVC, 1,621 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the First Baptist Church, Tulsa County, Oklahoma.

The project authorized by this permit should be constructed in accordance with the plans approved by this Department on May 4, 2021. Any deviations from the approved plans and specifications affecting capacity, flow or operation of units must be approved, in writing, by the Department before changes are made.

Receipt of this permit should be noted in the minutes of the next regular meeting of the City of Bixby, after which it should be made a matter of permanent record.

We are returning one (1) set of the approved plans to you, one (1) set to your engineer and retaining one (1) set for our files.

Respectfully,

Qusay R. Kabariti, P.E.
Construction Permit Section
Water Quality Division

QRK/RC/md

Enclosure

c: Debbie Nichols, Regional Manager, DEQ
TULSA DEQ OFFICE
Charles K. Howard, P.E., JR Donelson, Inc





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210161

WATER LINES

FACILITY No. 3007243

PERMIT TO CONSTRUCT

May 04, 2021

Pursuant to O.S. 27A 2-6-304, the City of Bixby is hereby granted this Tier I Permit to construct 1,276 linear feet of eight (8) inch PVC, 1,621 linear feet of six (6) inch PVC potable water line and all appurtenances to serve the First Baptist Church, located in Section 22, T-20-N, R-18-E, Tulsa County, Oklahoma, in accordance with the plans approved May 04, 2021.

By acceptance of this permit, the permittee agrees to operate and maintain the facility in accordance with the Public Water Supply Operation rules (OAC 252:631) and to comply with the State Certification laws, Title 59, Section 1101-1116 O.S. and the rules and regulations adopted thereunder regarding the requirements for certified operators.

This permit is issued subject to the following provisions and conditions.

- 1) This water line does not provide fire flow.
- 2) That the recipient of the permit is responsible that the project receives supervision and inspection by competent and qualified personnel.
- 3) That construction of all phases of the project will be started within one year of the date of approval or the phases not under construction will be resubmitted for approval as a new project.
- 4) That no significant information necessary for a proper evaluation of the project has been omitted or no invalid information has been presented in applying for the permit.
- 5) That the Oklahoma Department of Environmental Quality shall be kept informed on occurrences which may affect the eventual performance of the works or that will unduly delay the progress of the project.
- 6) That wherever water and sewer lines are constructed with spacing of 10 feet or less, sanitary protection will be provided in accordance with Public Water Supply Construction Standards [OAC 252:626-19-2].
- 7) That before placing this facility into service, at least two samples of the water, taken on different days, shall be tested for bacteria to show that it is safe for drinking purposes.
- 8) That any deviations from approved plans or specifications affecting capacity, flow or operation of units must be approved by the Department before any such deviations are made in the construction of this project.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210161

WATER LINES

FACILITY No. 3007243

PERMIT TO CONSTRUCT

- 9) That the recipient of the permit is responsible for the continued operation and maintenance of these facilities in accordance with rules and regulations adopted by the Environmental Quality Board, and that this Department will be notified in writing of any sale or transfer of ownership of these facilities.
- 10) The issuance of this permit does not relieve the responsible parties of any obligations or liabilities which the permittee may be under pursuant to prior enforcement action taken by the Department.
- 11) That the permittee is required to inform the developer/builder that a DEQ Storm Water Construction Permit is required for a construction site that will disturb one (1) acre or more in accordance with OPDES, 27A O.S. Section 2-6-201 *et seq.* For information or a copy of the GENERAL PERMIT (OKR10) FOR STORM WATER DISCHARGES FROM CONSTRUCTION ACTIVITIES, Notice of Intent (NOI) form, Notice of Termination (NOT) form, or guidance on preparation of a Pollution Prevention Plan, contact the Storm Water Unit of the Water Quality Division at P.O. Box 1677, Oklahoma City, OK 73101-1677 or by phone at (405) 702-8100.
- 12) That any notations or changes recorded on the official set of plans and specifications in the Oklahoma Department of Environmental Quality files shall be part of the plans as approved.
- 13) That water lines shall be located at least fifteen (15) feet from all parts of septic tanks and absorption fields, or other sewage treatment and disposal systems.
- 14) That whenever plastic pipe is approved and used for potable water, it shall bear the seal of the National Sanitation Foundation and meet the appropriate commercial standards.
- 15) That when it is impossible to obtain proper horizontal and vertical separation as stipulated in Public Water Supply Construction Standards OAC 252:626-19-2(h)(1) and OAC 252:626-19-2(h)(2), respectively, the sewer shall be designed and constructed equal to water pipe, and shall be pressure tested to the highest pressure obtainable under the most severe head conditions of the collection system prior to backfilling.





SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

PERMIT No. WL000072210161

WATER LINES

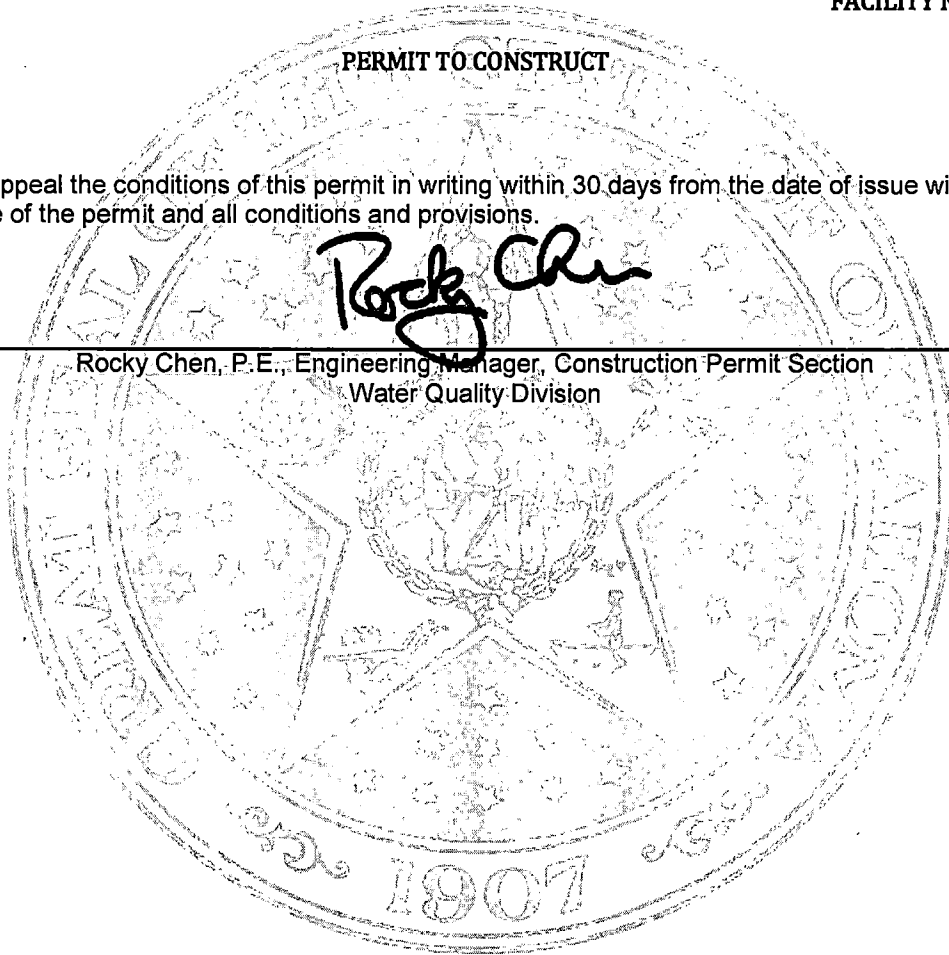
FACILITY No. 3007243

PERMIT TO CONSTRUCT

Failure to appeal the conditions of this permit in writing within 30 days from the date of issue will constitute acceptance of the permit and all conditions and provisions.

A handwritten signature in black ink that reads "Rocky Chen". The signature is written in a cursive, flowing style.

Rocky Chen, P.E., Engineering Manager, Construction Permit Section
Water Quality Division



CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Harris Corporation as a sole source vendor pursuant to (Purchasing Ordinance No. 2121, 2-4-8) for (Harris XL 200 Portable Radios and Operating Equipment) for Fire Department not to exceed \$12573.40 funding from 2020-2021 General Budget.

INITIATOR: Joey Wiedel, Fire Chief

STAFF INFORMATION SOURCE: Joey Wiedel, Fire Chief

BACKGROUND: To purchase Harris radios as to remain consistent and compatible with radio system used by the fire department and police department. Radio purchase will provide the fire department radios for the EMS Chief.

EXHIBITS: See Attached Price Quote from Harris Corporation.

KEY ISSUE: Purchase additional Harris radios to fill compliment of the department.

Funding Source: From General Funds from 2020-2021 Budget.

COUNCIL ACTION: Approve or disapprove the purchase of additional Harris radios.

RECOMMENDATION: Approve the purchase of additional Harris radios.

Meeting Date: 5-20-2021

Location: City



L3Harris Technologies, Inc.
Public Safety and Professional Communications
221 Jefferson Ridge Parkway
Lynchburg, Virginia 24501
Phone: 1-800-368-3277
Fax: 321-409-4393

Quote Name: City of Bixby, FD_XL Terminals_051121

Captain King
Bixby Fire Dept
116 W Needles Ave
Bixby, OK 74008

Date: 5/11/2021 Valid for 30 days
Sales POC: Jason LaForge
S.W. Regional Account Manager
405-513-3895
Jason.LaForge@l3harris.com

L3Harris Internal Use Only
Quote by: S. Spence
CRM #
CCC Case #

Item	Part Number	Description	Qty	List Price	Discount	Sale Price	Extended Sale Price
10	XL-PFM1M	PORTABLE,XL-200P,FULL,MIDNT BLK,US	1	\$ 2,900.00	30%	\$ 2,030.00	\$ 2,030.00
20	XL-FW2X	OPERATION,LOAD NIFOG PERSONALITY	1	\$ 0.01	100%	\$ -	\$ -
30	XL-PL4F	FEATURE,P25 PHASE 2 TDMA	1	\$ 250.00	30%	\$ 175.00	\$ 175.00
40	XL-PL8Y	FEATURE, ENCRYPTION LITE	1	\$ 0.01	100%	\$ -	\$ -
50	XL-PKG8F	FEATURE,256-AES,64-DES ENCRYPTION	1	\$ 695.00	30%	\$ 486.50	\$ 486.50
60	XL-PKGPT	FEATURE PACKAGE,P25 TRUNKING	1	\$ 1,500.00	30%	\$ 1,050.00	\$ 1,050.00
70	XL-PKGF1	FEATURE PACKAGE,ALL BANDS,V+U+7/800	1	\$ 1,500.00	30%	\$ 1,050.00	\$ 1,050.00
80	XL-PA3V	BATTERY,LI-ION,3100 MAH	1	\$ 150.00	30%	\$ 105.00	\$ 105.00
90	XL-NCSZ	ANTENNA,FLEX,HELICAL,136-870 MHZ	1	\$ 110.00	30%	\$ 77.00	\$ 77.00
100	XL-AE9N	SPEAKER MICROPHONE	1	\$ 195.00	30%	\$ 136.50	\$ 136.50
110	XL-HC3L	BELT CLIP,METAL	1	\$ 30.00	30%	\$ 21.00	\$ 21.00
120	XL-CH4X	CHARGER,1-BAY	1	\$ 170.00	30%	\$ 119.00	\$ 119.00
							\$ 5,250.00
130	XZ-MPM1M	MOBILE, XL-200M, MULTIBAND	1	\$ 3,500.00	30%	\$ 2,450.00	\$ 2,450.00
140	XZ-Y3EWP	SERVICE ASSIST,EXT WARRANTY 3 YR, XL200M	1	\$ 200.00	30%	\$ 140.00	\$ 140.00
150	XZ-PL4J	FEATURE, VHF BAND	1	\$ 500.00	30%	\$ 350.00	\$ 350.00
160	XZ-PL4K	FEATURE, UHF BAND	1	\$ 500.00	30%	\$ 350.00	\$ 350.00
170	XZ-PL4L	FEATURE, 700/800 MHZ BAND	1	\$ 500.00	30%	\$ 350.00	\$ 350.00
180	XZ-PL8Y	FEATURE, ENCRYPTION LITE	1	\$ 0.01	100%	\$ -	\$ -
190	XZ-PL4F	FEATURE, PHASE 2 TDMA	1	\$ 250.00	30%	\$ 175.00	\$ 175.00
200	XZ-PKG8F	FEATURE, 256-AES, 64-DES ENCRYPTION	1	\$ 695.00	30%	\$ 486.50	\$ 486.50
210	XZ-PKGPT	FEATURE PACKAGE, P25 TRUNKING	1	\$ 1,500.00	30%	\$ 1,050.00	\$ 1,050.00
220	XZ-MA4A	KIT, MOUNTING XL-MOBILE UNIVERSAL	1	\$ 600.00	30%	\$ 420.00	\$ 420.00
230	XZ-MC6A	MICROPHONE, XL, STANDARD MOBILE	1	\$ 105.00	30%	\$ 73.50	\$ 73.50
240	XZ-AN7G	ANTENNA, FLEX,HEAVY-DUTY	1	\$ 250.00	30%	\$ 175.00	\$ 175.00
250	XZ-ANGU	ANTENNA, BASE, STD ROOF MOUNT LOW LOSS	1	\$ 80.00	30%	\$ 56.00	\$ 56.00
260	XZ-LS6A	SPEAKER, EXTERNAL, MOBILE	1	\$ 60.00	30%	\$ 42.00	\$ 42.00
270	XZ-CA6F	CABLE, XL-MOBILE, SPEAKER ACCY	1	\$ 222.00	30%	\$ 155.40	\$ 155.40
280	XZ-CP6A	CONTROL UNIT, XL-CH	1	\$ 1,500.00	30%	\$ 1,050.00	\$ 1,050.00
							\$ 7,323.40
Lead time is subject to material availability at time of order						Total Sale Price \$	12,573.40

Terms and Conditions:

- The Terms and Conditions are governed by the agreement between L3Harris Technologies and City of Norman. Please reference MBP# 16075 and contract number 1518, if applicable.
- Storing battery packs is not recommended because the chemicals in the battery degrade over time and this affects the functionality of the battery. Improper storage of batteries may void warranty.
- Pricing does not include installation, programming, taxes or shipping (if applicable), unless otherwise noted. These items may be waived based on the terms and conditions which are applicable to this quote (Item 1) and could be subject to change.

Purchase Order requirements:

Purchase Order issued to L3Harris Technologies - PSPC - 221 Jefferson Ridge Parkway - Lynchburg, VA 24501

The Purchase Order should include the following references:

Must include Quote Name and Date. If applicable, include MBP#.

All orders must contain valid model number, quantity, and price for each item.

Frequencies must be supplied with order if applicable.

Requested Delivery Date; If related to Grant Funding, important to provide Grant name, Agency, deadline and product receipt deadline, when applicable.

Shipping will default to Best Way ground, unless otherwise specific. Special shipping/delivery instructions (ex. Delivery lift gate required?) must be noted if applicable. Non Standard packing will be billed to the customer.

Bill to and Ship to addresses along with contact information must be included. Provide customer account number if readily available.

L3Harris DUNS#: 101474992; Cage Code: 1PNR4; Tax ID 34-0276860.

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve FY22 budget including budget resolution

INITIATOR: Charles Barnes

STAFF INFO. SOURCE: Charles Barnes

BACKGROUND: Oklahoma Statutes require that the budget be approved at least 7 days prior to the start of the fiscal year.

EXHIBITS: Budget Resolution 2021-15 and FY-22 Budget

KEY ISSUE: Approval of FY22 Budget prior to beginning of fiscal year.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Agenda

MEETING DATE: 5/24/2021

MEETING: City

CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA

RESOLUTION 2021-15

A RESOLUTION OF THE GOVERNING BODY OF THE CITY OF BIXBY, ADOPTING A FISCAL YEAR 2022-2023 BIENNIAL BUDGET FOR THE CITY.

WHEREAS, a biennial budget enhances strategic long-range planning, decreases budget development time, provides better resource allocation, provides better discipline in the expenditure of funds, tends to improve fund balances, and is viewed by credit rating agencies as enhancing the City's overall financial conditions; and

WHEREAS, each annual budget making up the two-year Biennial budget will be considered and acted upon separately each year of the biennium after public hearing, consistent with the Oklahoma Municipal Budget Act, Title 11 Oklahoma Statutes, Sections 17-201 through 17-216.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BIXBY, OKLAHOMA THAT:

The Bixby City Council approves the 2022-2023 Biennial Budget, providing for the balancing of revenues and expenditures related to same as provided in the 2022-2023 biennial budget documents accompanying this resolution.

ADOPTED and APPROVED by the Bixby City Council on May 24, 2021.

Brian Guthrie, Mayor of the City of Bixby

ATTEST:

City Clerk

APPROVED:

City Attorney

ORDINANCE NO. 2337

AN ORDINANCE REPEALING CHAPTER 5, SECTIONS 5-5E-3A, B, AND C; AND AMENDING CHAPTER 5, SECTION 5-5E-3H AND CHAPTER 5, SECTION 5-5E-3J OF THE BIXBY CITY CODE, WEAPONS AND FIREARMS

WHEREAS, the Bixby City Code is a compilation of City Ordinances duly considered and voted upon by the Bixby City Council; and,

WHEREAS, the Bixby City Code including Chapter 5, Article E, Weapons and Firearms, was adopted prior to May 15, 2012, the date of Oklahoma adopting the Open Carry Act; and,

WHEREAS, the Bixby City Code, Chapter 5-5E-3D is in partial conflict with the subject law of the State of Oklahoma; and,

WHEREAS, the Bixby City Code is silent on prohibition of certain statutory offenses which is necessary for the public, health, safety and welfare protection;

NOW, THEREFORE, BE IT ORDAINED as follows:

1. Chapter 5, Section 5-5E-3A is hereby repealed, vacated, and set aside.
2. Chapter 5, Section 5-5E-3B is hereby repealed, vacated, and set aside.
3. Chapter 5, Section 5-5E-3C is hereby repealed, vacated, and set aside.
4. Chapter 5, Section 5-5E-3H shall be and is hereby amended as follows:

Every person who willfully discharges any pistol, rifle, shotgun, airgun, or other weapon or any other projected missile within the City of Bixby, Oklahoma, except in authorized locations, although no injury to any person shall ensue, is guilty of a misdemeanor.

5. Chapter 5, Section 5-5E-3J, shall be and is hereby amended as follows:

Unlawful Carrying in certain places:

It shall be unlawful for a person, other than those authorized, to carry any firearm into any of the following places:

A. Any structure, building or office space which is owned or leased by any city, town, or governmental authority for the purpose of conducting business with the public;

B. Any meeting of any city, town, county, state, school board activity, municipal function or gathering of elected or appointed officials;

C. Any municipal court, jail, detention facility or any facility used to process, hold, or house arrested persons, prisoners or persons alleged to have violated lawful conduct.

D. In elementary, secondary school, charter school building or technology centers.

E. Any other place where possession of a weapon or firearm is specifically prohibited by law.

All other sections and provisions of Bixby City Code, Chapter 5, Weapons and Firearms, not repealed or amended by this Ordinance shall remain in full force and effect as written and published.

This Ordinance made and entered into on this 10th day of May, 2021, by a vote duly made by the City Council for the City of Bixby, Oklahoma. _____ Yes _____ No

(Seal)

ATTEST:

Brian Guthrie, Mayor of the City of Bixby

City Clerk

APPROVED:

City Attorney

It being determined by City Council that this is a matter directly affecting the public health, safety, welfare and protection of the citizens of the City of Bixby, an emergency is determined to exist. The requirement for a second reading and presentation need not occur. Emergency clause voted upon separately on this 10th day of May, 2021.

_____ Yes _____ No

(Seal)

ATTEST:

Brian Guthrie, Mayor of the City of Bixby

City Clerk

APPROVED:

City Attorney

ORDINANCE NO. 2339

ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF
BIXBY, OKLAHOMA

WHEREAS, on April 26, 2021, the City of Bixby, Oklahoma, received a Petition for Annexation of certain property set forth in Exhibit "A" attached into the City's corporate limits from Jim Roberts, on behalf of Rowan Grove LLC.

WHEREAS, said Petition for Annexation was filed pursuant to the provisions of 11 O.S. Sec. 21-105 by the owners of more than three-fourths (3/4) of said property. That no registered voters residing on said property appear in protest.

WHEREAS, Notice of the hearing before the Bixby City Council was published for two consecutive weeks prior to said hearing as required by 11 O.S. Sec. 21-105.

WHEREAS, the Bixby City Council approves said Petition for Annexation into the City of Bixby, Oklahoma corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, that said property described in Exhibit "A" attached hereto is hereby annexed into the corporate limits of the City of Bixby, Oklahoma.

EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety of the residents of the City of Bixby and, for such reason, this ordinance shall take effect immediately from and after its passage and approval.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: YES, NO, ABSTAINING, ABSENT, on this _____ day of _____, 2021.

Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: YES, NO, ABSTAINING, ABSENT, on this _____ day of _____, 2021.

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION

A TRACT OF LAND SITUATED IN THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER (S/2 NE/4 NW/4) AND THE SOUTH HALF OF GOVERNMENT LOT ONE (S/2 LOT 1) AND THE NORTH HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHWEST QUARTER (N/2 N/2 S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF: (THE "PROPERTY")

ORDINANCE NO. 2338

ANNEXING CERTAIN PROPERTY INTO THE CORPORATE LIMITS OF THE CITY OF
BIXBY, OKLAHOMA

WHEREAS, on April 26, 2021, the City of Bixby, Oklahoma, received a Petition for Annexation of certain property set forth in Exhibit "A" attached into the City's corporate limits from Julius Puma, on behalf of 151 Bixby LLC.

WHEREAS, said Petition for Annexation was filed pursuant to the provisions of 11 O.S. Sec. 21-105 by the owners of more than three-fourths (3/4) of said property. That no registered voters residing on said property appear in protest.

WHEREAS, Notice of the hearing before the Bixby City Council was published for two consecutive weeks prior to said hearing as required by 11 O.S. Sec. 21-105.

WHEREAS, the Bixby City Council approves said Petition for Annexation into the City of Bixby, Oklahoma corporate limits.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIXBY, OKLAHOMA, that said property described in Exhibit "A" attached hereto is hereby annexed into the corporate limits of the City of Bixby, Oklahoma.

EMERGENCY CLAUSE. That an emergency is now declared to exist for the preservation of the public peace, health and safety of the residents of the City of Bixby and, for such reason, this ordinance shall take effect immediately from and after its passage and approval.

APPROVED in an open meeting of the Bixby City Council and PASSED by an affirmative majority vote of the entire membership of the City Council, to-wit: YES, NO, ABSTAINING, ABSENT, on this day of , 2021.

Mayor of the City of Bixby, Oklahoma

APPROVED as an Emergency Measure ruled upon separately and PASSED by an affirmative majority vote of at least four-fifths (4/5) of the entire membership of the Bixby City Council, to-wit: YES, NO, ABSTAINING, ABSENT, on this day of , 2021.

Mayor of the City of Bixby, Oklahoma

(Seal)
ATTEST:

City Clerk

APPROVED:

City Attorney

EXHIBIT A

TWO TRACTS OF LAND THAT IS A PART OF THE SOUTH HALF OF THE NORTHWEST QUARTER (S/2 NW/4) OF SECTION SEVEN (7), TOWNSHIP SEVENTEEN (17) NORTH, RANGE FOURTEEN (14) EAST OF THE INDIAN MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING SOUTHWEST CORNER OF THE NORTHWEST QUARTER (NW/4) OF SAID SECTION 7; THENCE NORTH 88°32'06" EAST AND ALONG THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 448.66 FEET; TO A POINT AT THE SOUTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE THEREOF A DISTANCE OF 62.06 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 5°03'53" WEST AND ALONG THE EAST LINE OF SAID TRACT OF LAND, FOR A DISTANCE OF 475.96 FEET; THENCE CONTINUING ALONG SAID EAST LINE AND ALONG A 200.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 86°00'11", A CHORD BEARING AND DISTANCE OF NORTH 37°56'12" EAST FOR 272.81 FEET, FOR AN ARC DISTANCE OF 300.21 FEET; THENCE NORTH 87°15'23" EAST FOR A DISTANCE OF 483.15 FEET; THENCE NORTH 1°09'11" WEST FOR A DISTANCE OF 232.78 FEET TO A POINT ON THE NORTH LINE OF THE S/2 N/2 S/2 NW/4 OF SAID SECTION 7; THENCE NORTH 88°33'53" EAST AND ALONG SAID NORTH LINE FOR A DISTANCE OF 1573.53 FEET TO THE NORTHEAST CORNER OF SAID S/2 N/2 S/2 NW/4; THENCE SOUTH 1°27'20" EAST AND ALONG THE EAST LINE OF NW/4 OF SAID SECTION 7 FOR A DISTANCE OF 928.57 FEET; THENCE SOUTH 88°32'06" WEST PARALLEL WITH THE SOUTH LINE OF SAID NW/4 FOR A DISTANCE OF 2200.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 1,900,090 SQUARE FEET OR 43.620 ACRES.

AND

BEGINNING AT THE SOUTHWEST CORNER OF SAID NW/4 SECTION 7; THENCE NORTH 1°09'04" WEST AND ALONG THE WEST LINE OF SAID NW/4 FOR A DISTANCE OF 137.00 FEET; THENCE NORTH 88°32'06" EAST FOR A DISTANCE OF 211.86 FEET TO POINT ON THE WEST LINE OF THAT TRACT OF LAND DESCRIBED IN WARRANTY DEED, RECORDED FEBRUARY 2, 2011, AT DOCUMENT #20111016116, COUNTY OF TULSA RECORDS; THENCE SOUTH 5°03'53" EAST AND ALONG SAID WEST LINE FOR A DISTANCE OF 137.27 FEET TO A POINT ON THE SOUTH LINE OF SAID NW/4; THENCE SOUTH 88°32'06" WEST AND ALONG SAID SOUTH FOR A DISTANCE OF 221.23 FEET TO THE POINT OF BEGINNING;

SAID TRACT CONTAINS 29,666 SQUARE FEET OR 0.681 ACRES.



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Agenda Commentary

To: City of Bixby City Council

From: Carolyn Back, Development Services Director / City Planner

RE: Recommendation for Approval on May 17, 2021
Continued on April 19, 2021
BXZO-21.03 - Rezone 4.72 Acres (+/-) from Agriculture (AG) to Commercial Shopping (CS) – Development Area A

Recommendation for Approval on April 19, 2021*
BXZO-21.04 - Rezone 156.66 Acres (+/-) from Agriculture (AG) to Residential Single-Family (RS-3) – Development Area B & C. (* RS-3 has to be accompanied by a PUD)

Recommendation for Approval on May 17, 2021
Continued on April 19, 2021
BXPUD-21.04 - Planned Unit Development (PUD) to allow for a Commercial and Single-Family Residential Development

History: An Annexation for this 160 Acre (+/-) area was approved March 22, 2021

Location: Southeast Corner of East 141st Street South and South Lewis Avenue, Bixby, OK. Unplatted: 160Acres (+/-)

STR: Section 17, Township 17N, Range 13E

Applicant: AAB Engineering

Staff Project Update – May 24, 2021

BXZO-21.03 - Rezone: The first 4.72 (+/-) acre rezone is for the commercial area and Staff had asked the applicant to list out all of the commercial uses that were not allowed within the PUD. The Planning Commission continued the commercial Rezone to the May 17th, 2021 Planning Commission meeting to allow the applicant time to list the commercial uses not allowed.

BXZO-21.04 - Rezone: The second 156.66 acres (+/-) rezone is for the residential portion and was approved; however, this RS-3 zoning designation is not a stand-alone zoning designation. This could not move forward to City Council due to not having the PUD approved to accompany the RS-3 Zoning.

BXPUD-21.04 - Planned Unit Development: The PUD was continued to the May 17th, 2021 Planning Commission meeting due to the Planning Commission members requesting more information be included in the PUD. The public was opposed to the smaller lots / homes and the Commissioners wanted to see more of the following information modified.

1. Please specifically callout the commercial uses that are not allowed in the area requesting rezone to commercial zoning. For the May 17, 2021 meeting, the applicant submitted an updated PUD listing all the Use Units that were not allowed within the PUD.
2. Please show:
 - a. the amenities offered
 - b. approved building materials listed
 - c. to include architectural shingles, as opposed to three-tab
 - d. Minimum building footprint 1,500 s.f.
 - e. Minimum lot area 6,300 s.f.
 - f. Minimum lot size 60 ft. x 105 ft.
 - g. 60 ft. lot width minimum
3. Call out only 100% masonry and/or a James Hardee board/cement board as masonry.

The applicant met or exceeded all of the above listed items requested by the Planning Commission, except for 2.f. The applicant provided a compromise and increased the lot width by 5 ft. to a 55 ft. minimum lot width and increased the lot depth by 15 ft. to 120 ft. creating an overall minimum building lot area

of 6,500. The Commissioner's voted (3-0-0) to forward project to the City Council with a recommendation for approval.

ATTACHMENTS:

Attachment 1: BXPUD-21.04 (SE/c) 141st and Lewis

Attachment 2: 141st & Lewis PUD Summary – Development Standards



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF REPORT

To: City of Bixby, Planning Commission
From: Carolyn Back, Development Services Director/City Planner
Date: Monday, April 19, 2021

RE: *Rezone: 4.72 Acres (+/-) from Agriculture (AG) to Commercial Shopping (CS) - Development Area A*

Rezone: 156.66 Acres (+/-) from Agriculture (AG) to Residential Single-Family (RS-3) - Development Areas B & C

PUD: Planned Unit Development to allow for a Commercial and Single-Family Residential Development.

History: An Annexation for this 160 Acre (+/-) area was approved March 22, 2021.

Location: Southeast Corner of East 141st Street South and South Lewis Avenue, Bixby, OK. Unplatted: 160 Acres (+/-)

STR: Section 17, Township 17N, Range 13E

Applicant: AAB Engineering, LLC

STAFF REVIEW

SUBMITTAL OVERVIEW:

The applicant has submitted two (2) Rezone applications, and one (1) Planned Unit Development (PUD) application to allow for a mix of small scale commercial uses, with residential components comprised of a mix of 50 ft., 60 ft., and 65 ft. wide single-family lots located in the southeast corner of East 141st Street South and

South Lewis Avenue, being situated in the northwest quarter of Section 17, Township 17N, Range 13E.

EXISTING ZONING; USE: (AG) Agriculture; Vacant Land

SURROUNDING ZONING; USES:

North: (CS) Commercial Shopping, (AG) Agriculture, (RS-1) Residential Single-Family; Single-Family dwellings and Vacant Agriculture

East: (AG) Agriculture; Single-Family dwelling and Vacant Agriculture

South: (AG) Agriculture; Single-Family dwellings and Vacant Agriculture

West: (AG) Agriculture; Single-Family dwellings and Vacant Agriculture



Figure 1: City of Bixby Zoning Map

PROPOSED REZONE AREA:

The proposed rezone area, depicted in the figure below, shows the small scale commercial area in red, marked CS for Commercial Shopping. The remainder of the quarter section of land shown in green is proposed for Residential Single-Family, RS-3. This area has been divided into future Development Areas. The Planned Unit Development (PUD) application is requesting a mix of small scale commercial uses, with single-family residential components comprised of a mix of 50 ft., 60 ft., and 65 ft. wide single-family lots



Figure 2: Proposed Rezone Area

ACCESS:

The Conceptual Improvement Plan (on the following page) depicts access to the proposed subdivision from both major arterials: 141st Street and Lewis Avenue. This provides means of ingress and egress connectivity from the subdivision internal circulation pattern to the adjacent arterial network.

UTILITIES/SITE AREA:

The City of Bixby will provide storm sewer and sanitary sewer utilities for this proposed subdivision. Creek County Rural Water District #2 will be the water purveyor.

Franchise utilities will also serve the project with communications, natural gas, and electricity. These utility services throughout the development will be underground.



Figure 3: Conceptual Improvement Plan

DRAINAGE:

The existing topography for the site (See Exhibit E) yields multiple pre-developed drainage areas. For the developed condition, the majority of runoff will be collected in storm sewer and re-directed to the proposed stormwater detention area in the southwest corner of the property. The detention will be constructed in a reserve area within Development Area C. All detention and open space areas will be maintained by the homeowners association.

North/East: This existing area flowing north currently turns east and merges with the area flowing east on the adjacent property. These two areas drainage through Presley Heights before discharging to Posey Creek east of Harvard. In the developed condition, most of this area will be redirected through the detention pond. Thus, runoff to the north and east will be less than the pre-developed condition.

Southeast: There is an existing drainage channel flowing southeast from the site. This channel is tributary to Posey Creek flowing southeast through the adjacent property before connecting to Posey Creek at Harvard. For the developed condition, most of this area will be collected in storm sewer and redirected to the proposed stormwater detention area in the southwest corner of the property. Storm sewer will collect a small area in the southeast corner and discharge to the existing channel. This runoff will be less than the pre-developed condition.

Southwest: The largest existing drainage area flows southwest and discharges to Posey Creek at the southwest corner of the property. Detained runoff will continue discharging the Posey Creek.

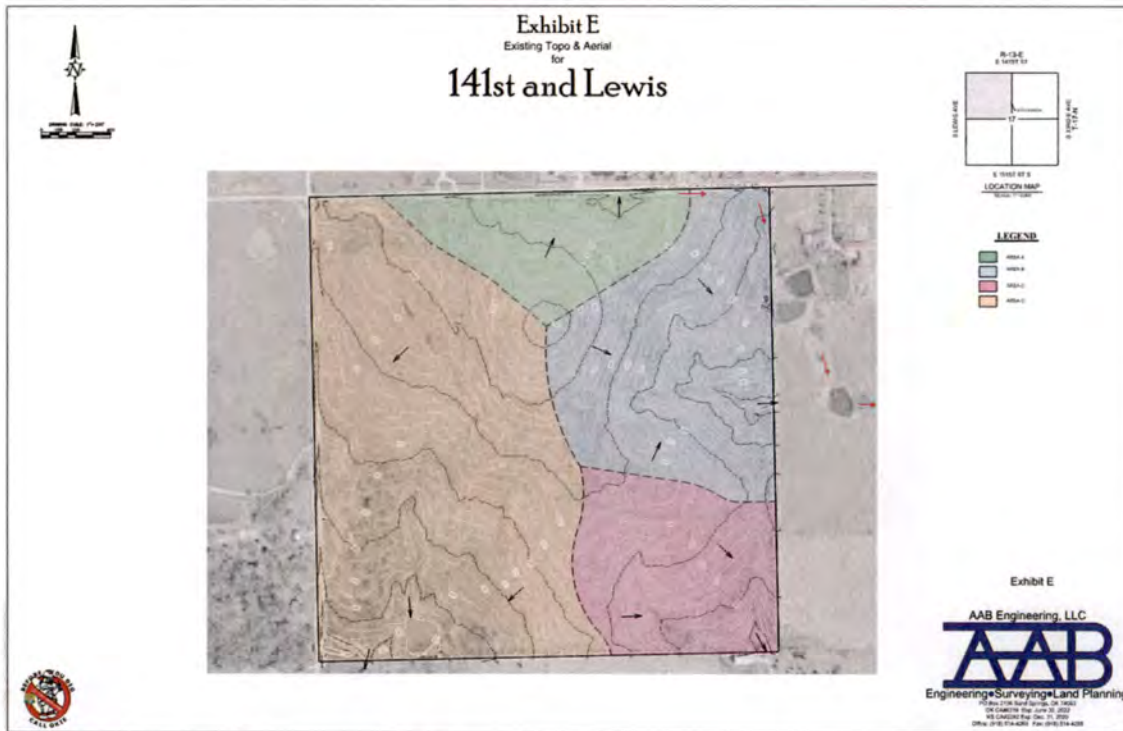


Figure 4: Conceptual Drainage Area Plan

Staff has requested additional information on the utilities in the area and how they intend to tie into the mains.

PLATTING:

According to the City of Bixby Code of Ordinances

12-2-4: PRELIMINARY PLAT:

- H. Planned Unit Development: On commercial and residential planned unit developments (PUD), a conceptual site plan shall be a part of the planned unit development documents submitted to the City for consideration.



Figure 5: Conceptual Site Plan

- I. Phased Developments: The preliminary plat representing the entire proposed development (all phases) must be submitted with the preliminary plat submission for review and approval. Actual phased construction and final platting may be part of the construction plans and final plat reviews.

12-2-6: FINAL PLAT:

- G. Recording of Final Plat; Issuance Of Building Permits:
 2. No building permits shall be issued until after acceptance by the City of all improvements and the subdivider has supplied the City with three (3) certified copies, one (1) mylar and two (2) black line or blueline paper, of the final plat, each showing proof of being filed and recorded in the Office of the County Clerk.

The Deed of Dedication and Restrictive Covenants of the required subdivision shall be enforceable by the established Homeowners Association (HOA).

The Homeowners Association (HOA) must be formed before signing and recording of the Final Plat and established according to Oklahoma State Statute 60 with mandatory participation required.

According to the PUD, the overall development will be phased to include portions of Development Areas B and C in each phase. The actual phasing plan for construction should be submitted at final plat review.

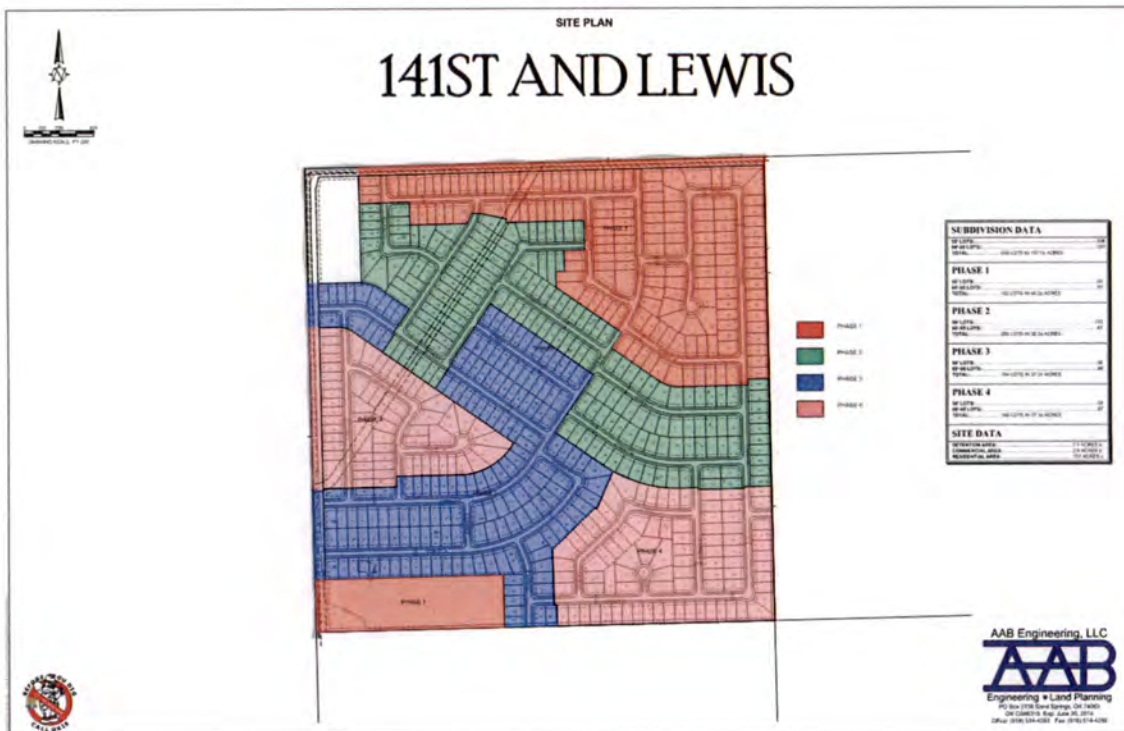


Figure 6: Conceptual Phasing Plan



Figure 7: Conceptual Development Areas

STAFF COMMENTS:

1. Staff provided comments to the applicant requesting modifications to the PUD that align with the City of Bixby Ordinance requirements pertaining to: platting requirements, landscape requirements, Homeowners Association (HOA) establishment, timing, and mandatory participation, conceptual site plan, types of commercial uses excluded within Development Area A, and the proposed utility locations, if extending mains, and where they intend to tap.

The applicant should have these areas addressed and ready to present at the time of the Planning Commission meeting.

2. Contingent upon the applicant's updates to BXPUD-21.04, the Planning Commission could make a recommendation for approval to City Council on the proposed zoning changes and the proposed PUD.

PUBLIC COMMENTS:

No opposing comments were received at time of this report

FIGURES:

- Figure 1: City of Bixby Zoning Map
- Figure 2: Proposed Rezone Area
- Figure 3: Conceptual Improvement Plan
- Figure 4: Conceptual Drainage Area
- Figure 5: Conceptual Site Plan
- Figure 6: Conceptual Phasing Plan
- Figure 7: Conceptual Development Areas

ATTACHMENTS:

Attachment 1: BXPUD-21.04 (SE/c) 141st and Lewis

141st and Lewis

Planned Unit Development BXPUD-21.04

Prepared
May 10, 2021

Location
Southeast Corner of E. 141st Street S. and S. Lewis Avenue
Bixby, Oklahoma
This PUD contains +/- 160 Acres.

Developer
Premium Land
P.O. Box 6718
Edmond, OK 73083

Prepared By:
AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

Development Concept

The 141st and Lewis PUD is the northeast quarter of Section 17, Township 17 North, Range 13 East, approximately 160 acres. This proposed development is located on the southeast corner of East 141st Street South and South Lewis Avenue in Bixby, Oklahoma. Exhibit A is the Legal Description for the tract and Exhibit B depicts the project relative to the surrounding areas. The PUD lies within and at the perimeter of the fenceline for the City of Bixby and within the planning area of the Comprehensive Plan. Thus, this PUD is preceded by a request for annexation. The PUD is presented along with a rezoning application for approximately 4.72 acres of the project from AG to CS Commercial Shopping and approximately 156.66 acres from AG to RS-3. See Exhibit C for the proposed zoning modifications versus the surrounding zoning. This project proposes three distinct development areas. Exhibit D depicts the proposed development areas and the conceptual development plan.

Development Area A - Neighborhood Commercial: We have included a commercial tract at the northwest corner of the site. This tract of land is well suited for a neighborhood commercial use and is anticipated to include various small scale commercial uses.

Development Area B – Single Family Residential 1: The general purpose of this section of the project is to provide an affordable detached single family residential neighborhood. The developer proposes to develop this portion of the project as a premium entry level and first time move up product line that meets the needs of young families who desire a smaller home that still has premium finishes. To meet the needs of this home buyer this planned unit development requests a minimum lot width of 55'. The maximum number of lots (300) is less than the total allowed by the proposed RS-3 zoning (359). The two-product development concept proposed provides for a quicker buildout of the subdivision which allows the developer to invest more into the community amenities proposed.

Development Area C – Single Family Residential 2: This portion of the project proposes a mix of 60' and 65' residential lots. This product type will meet the needs of more established families wanting a large home with premium amenities.

The public street and utility systems within the project will be constructed to public standards and dedicated to the City upon completion. Exhibit E shows the existing topography and Exhibit F depicts the conceptual infrastructure improvements for this project.

The subdivision will derive its access from both 141st Street and Lewis Avenue providing connectivity through the development and to the adjacent arterial street network. The overall development will be phased to include portions of Development Areas B and C in each phase.

Development Area A Development Standards

The intended use for this Area is to establish a neighborhood commercial area at the intersection of 141st Street and Lewis Avenue. Development Area A shall be developed in accordance with the Bixby Zoning Code and the use and development regulations of the CS district, except as hereinafter modified.

Gross Land Area 4.72 acres

Maximum Building Height 2 stories or 35 feet

Permitted uses: All uses permitted by right in the CS zoning district excluding Sexually Oriented Businesses and the following:

Use Unit 1: All uses

Use Unit 4: All uses

Use Unit 5: Aquarium, College, Commercial event center, Emergency and protective shelter, Golf course, Hospital, Marina, Medical marijuana education facility, Mega event, Private club or lodge, Residential treatment center, Transitional living center, University

Use Unit 11: Data processing service, Transportation ticket office

Use Unit 13: Medical marijuana dispensary, Tobacco store

Use Unit 14: Retail building material establishments, Fur storage, Furriers,

Use Unit 19: All uses

Dimensional Standards: Per CS Bulk and Area Requirements

Development Area B Development Standards

The intended use for this Area is to establish single family detached housing area which shall be governed by the Bixby Zoning Code and the use and dimensional standards in the current RS-3 district except as hereinafter modified:

Permitted uses: Single Family Detached Dwellings

Gross Residential area 69.36 acres

Maximum number of Dwelling Units 300 (vs 359 allowed in RS-3, gross land area / DU)

Minimum Lot Width 55 feet (vs 65 feet in RS-3)

Minimum Lot Area 6500 square feet (vs 6,900 sf in RS-3)

Minimum Livability Space per Dwelling Unit 3,000 square feet (vs 4,000 sf in RS-3)

Minimum Front Yard 25 feet

Corner Lot Side Yard	15 feet along right-of-way, no vehicular access
Minimum Building Footprint:	1500 square feet

Development Area C Development Standards

The intended use for this Area is to establish single family detached housing area which shall be governed by the Bixby Zoning Code and the use and dimensional standards in the current RS-3 district except as hereinafter modified:

Permitted uses:	Single Family Detached Dwellings
Gross Residential area	87.30 acres
Maximum number of Dwelling Units	350 (vs 452 allowed in RS-3, gross land area / DU)
Minimum Lot Width	60 feet (vs 65 feet in RS-3)
Minimum Front Yard	25 feet
Corner Lot Side Yard	15 feet along right-of-way, no vehicular access
Minimum Building Footprint:	1800 square feet

Street Design and Access Limitations

All streets shall be constructed as required to meet public street standards as described in the City of Bixby Engineering Design Criteria Manual. Sidewalks shall be constructed by the developer along 141st and Lewis adjacent to Development Areas B and C. Sidewalks adjacent to the commercial Development Area will be constructed in conjunction with the commercial construction. Multiple access points to 141st and Lewis will be constructed to serve the development.

Architectural Requirements

All single-family homes shall be constructed of 100% masonry to the first floor top plate, excluding windows, covered porches, and patios. Masonry material shall include brick, stone, stucco, and James Hardee cement board. Architectural shingles are required.

Utilities

The City of Bixby will provide storm sewer and sanitary sewer utilities for this proposed subdivision. Creek County Rural Water District #2 will be the water purveyor. Franchise utilities will also serve the project with communications, natural gas, and electricity. These services will be underground throughout the development.

Water: Creek County RWD #2 is connected to a City of Tulsa meter located at 131st & Lewis. 12" waterline improvements will be constructed along 141st and Lewis. Waterlines will be constructed within the development to provide fire protection.

Sanitary sewer: Existing gravity sanitary sewer is available on the west side of Presley Heights. Phase 1 of the proposed development will be directed this existing sewer. Extension of sewer through the adjacent property requires an off-site sanitary sewer easement. Subsequent development phases require the extension of sanitary sewer from the southeast corner of the property to the Posey Creek Interceptor on the east side of Harvard.

Stormwater Management

The existing topography for the site (See Exhibit E) yields multiple pre-developed drainage areas. For the developed condition, the majority of runoff will be collected in storm sewer and re-directed to the proposed stormwater detention area in the southwest corner of the property. The detention will be constructed in a reserve area within Development Area C. All detention and open space areas will be maintained by the homeowners association.

North/East: This existing area flowing north currently turns east and merges with the area flowing east on the adjacent property. These two areas drainage through Presley Heights before discharging to Posey Creek east of Harvard. In the developed condition, most of this area will be redirected through the detention pond. Thus, runoff to the north and east will be less than the pre-developed condition.

Southeast: There is an existing drainage channel flowing southeast from the site. This channel is tributary to Posey Creek flowing southeast through the adjacent property before connecting to Posey Creek at Harvard. For the developed condition, most of this area will be collected in storm sewer and redirected to the proposed stormwater detention area in the southwest corner of the

property. Storm sewer will collect a small area in the southeast corner and discharge to the existing channel. This runoff will be less than the pre-developed condition.

Southwest: The largest existing drainage area flows southwest and discharges to Posey Creek at the southwest corner of the property. Detained runoff will continue discharging the Posey Creek.

Landscape and Screening Standards

All open space reserve areas shall be owned and maintained by the property owners association and shall meet current City of Bixby landscaping requirements.

Platting

The Deed of Dedication and Restrictive Covenants of the required subdivision shall be enforceable by the established Homeowners Association (HOA).

The Homeowners Association (HOA) must be formed before signing and recording of the Final Plat and established according to Oklahoma State Statute 60 with mandatory participation required.

According to the City of Bixby Code of Ordinances

12-2-4: PRELIMINARY PLAT:

- I. Phased Developments: The preliminary plat representing the entire proposed development (all phases) must be submitted with the preliminary plat submission for review and approval. Actual phased construction and final platting may be part of the construction plans and final plat reviews.
According to the PUD, the overall development will be phased to include portions of Development Areas B and C in each phase. The actual phasing plan for construction should be submitted at final plat review.

According to the City of Bixby Code of Ordinances

12-2-6: FINAL PLAT:

- G. Recording of Final Plat; Issuance of Building Permits:
 2. No building permits shall be issued until after acceptance by the City of all improvements and the subdivider has supplied the City with three (3) certified copies, one (1) mylar and two (2) black line or blueline paper, of the final plat, each showing proof of being filed and recorded in the Office of the County Clerk.

Amenities / Reserve Areas

There are seven Reserve Areas represented on Exhibit G. The Developer will construct amenities in each of the reserve areas. The proposed amenities include a walking trail, playgrounds, a swimming pool with clubhouse, a soccer field, volleyball court and a basketball court. The final location and sequencing of the amenities will be determined with each phase at the time of platting.

Exhibit A Legal Descriptions

Overall PUD Legal Description

THE NORTHWEST QUARTER OF (NW1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF:

Development Area A Legal Description

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 88°40'50" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 309.64 FEET; THENCE SOUTH 01°19'10" EAST, A DISTANCE OF 662.91 FEET; THENCE SOUTH 88°40'50" WEST, A DISTANCE OF 310.82 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 01°13'04" WEST ALONG SAID WEST LINE, A DISTANCE OF 662.91 FEET TO THE POINT OF BEGINNING. CONTAINING 205,658 SQUARE FEET OR 4.72 ACRES.

Development Area B Legal Description

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 88°40'50" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 309.64 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°40'50" EAST ALONG SAID NORTH LINE, A DISTANCE OF 1609.25 FEET; THENCE SOUTH 01°19'10" EAST, A DISTANCE OF 644.85 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF SOUTH 16°34'50" WEST, A CHORD DISTANCE OF 307.36 FEET, FOR AN ARC DISTANCE OF 312.41 FEET; THENCE SOUTH 34°28'49" WEST, A DISTANCE OF 954.42 FEET; THENCE ON A CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF SOUTH 61°34'50" WEST, A CHORD DISTANCE OF 455.55 FEET, FOR AN ARC DISTANCE OF 472.99 FEET; THENCE SOUTH 88°40'50" WEST, A DISTANCE OF 864.01 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 01°13'04" WEST ALONG SAID WEST LINE, A DISTANCE OF 1256.04 FEET; THENCE NORTH 88°40'50" EAST, A DISTANCE OF 310.82 FEET; THENCE NORTH 01°19'10" WEST, A DISTANCE OF 662.91 FEET TO THE POINT OF BEGINNING. CONTAINING 3,021,158 SQUARE FEET OR 69.36 ACRES.

Development Area C Legal Description

A TRACT OF LAND SITUATED IN THE NORTHWEST QUARTER (NW/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF AND MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 88°40'50" EAST ALONG THE NORTH LINE THEREOF, A DISTANCE OF 1918.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°40'50" EAST ALONG SAID NORTH LINE, A DISTANCE OF 730.30 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 01°11'45" EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW/4) A DISTANCE OF 2653.99 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE SOUTH 88°40'50" WEST, A DISTANCE OF 2648.19 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER (NW/4); THENCE NORTH 01°13'04" WEST ALONG SAID WEST LINE, A DISTANCE OF 735.02 FEET; THENCE NORTH 88°40'50" EAST, A DISTANCE OF 864.01 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF NORTH 61°34'50" EAST, A CHORD DISTANCE OF 455.55 FEET, FOR AN ARC DISTANCE OF 472.99 FEET; THENCE NORTH 34°28'49" EAST, A DISTANCE OF 954.42 FEET; THENCE ON A CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A CHORD BEARING OF NORTH 16°34'50" EAST, A CHORD DISTANCE OF 307.36 FEET, FOR AN ARC DISTANCE OF 312.41 FEET; THENCE NORTH 01°19'10" WEST, A DISTANCE OF 644.85 FEET TO THE POINT OF BEGINNING. CONTAINING 3,802,759 SQUARE FEET OR 87.30 ACRES.



Exhibit B

Surrounding Areas
for

141st and Lewis



Exhibit B

AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
OK CA#6318 Exp: June 30, 2022
KS CA#2292 Exp: Dec. 31, 2020
Office: (918) 514-4283 Fax: (918) 514-4288

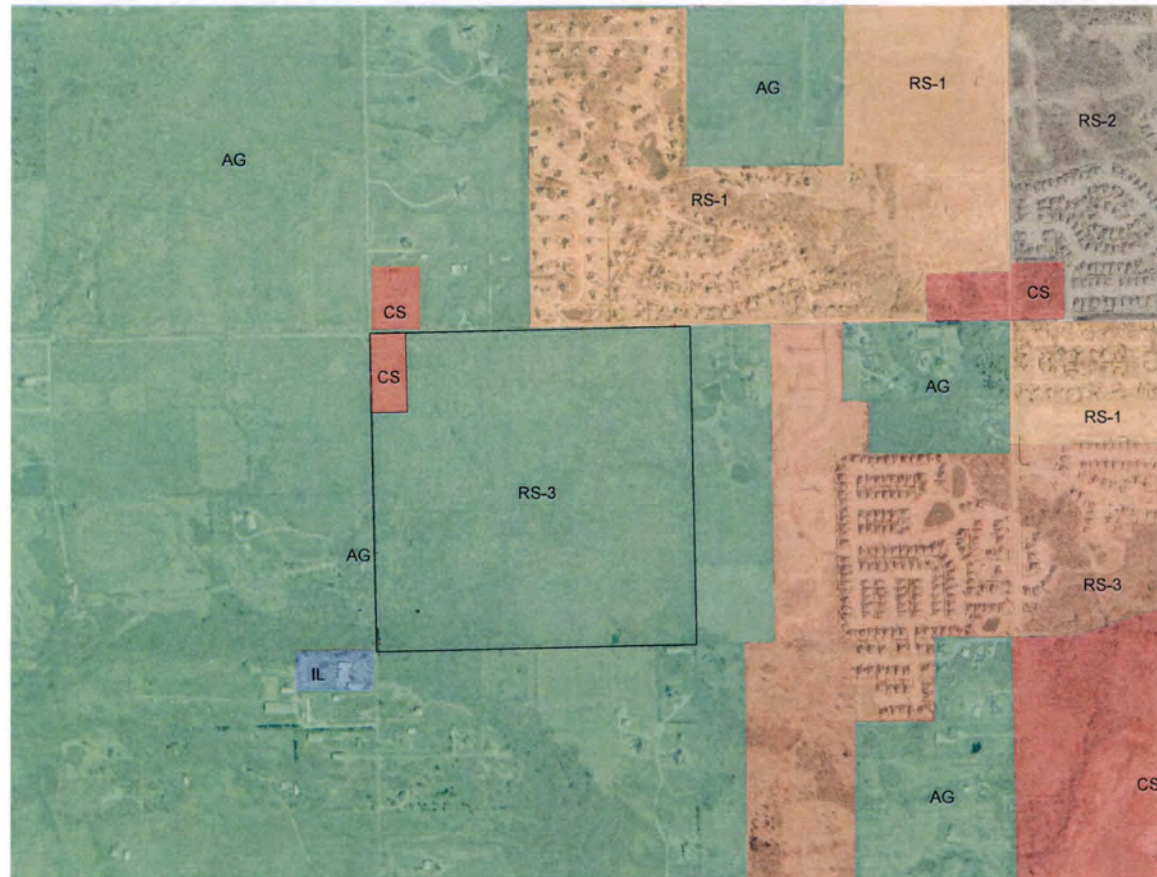




Exhibit C

Zoning
for

141st and Lewis



LEGEND

- ZONED AG (AGRICULTURE)
- ZONED CS (COMMERCIAL)
- ZONED RS-1 (RESIDENTIAL)
- ZONED RS-2 (RESIDENTIAL)
- ZONED RS-3 (RESIDENTIAL)
- ZONED IL (INDUSTRIAL)

Exhibit C

AAB Engineering, LLC



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Exhibit D

Conceptual Development Areas
for

141st and Lewis



LEGEND

-  DEVELOPMENT AREA A (4.72 AC.)
-  DEVELOPMENT AREA B (89.36 AC.)
-  DEVELOPMENT AREA C (87.30 AC.)

Exhibit D

AAB Engineering, LLC

AAB
Engineering • Surveying • Land Planning
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KS CA#2282 Exp: Dec. 31, 2020
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Exhibit E
Existing Topo & Aerial
for
141st and Lewis



LEGEND

-  AREA A
-  AREA B
-  AREA C
-  AREA D



Exhibit E

AAB Engineering, LLC



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141st and Lewis

Planned Unit Development BXPUD-21.04

Prepared
May 10, 2021

Location
Southeast Corner of E. 141st Street S. and S. Lewis Avenue
Bixby, Oklahoma
This PUD contains +/- 160 Acres.

Developer
Premium Land
P.O. Box 6718
Edmond, OK 73083

Prepared By:
AAB Engineering, LLC



Engineering • Surveying • Land Planning

PO Box 2136 Sand Springs, OK 74063
Office: (918) 514-4283 Fax: (918) 514-4288

Development Concept

The 141st and Lewis PUD is the northeast quarter of Section 17, Township 17 North, Range 13 East, approximately 160 acres. This proposed development is located on the southeast corner of East 141st Street South and South Lewis Avenue in Bixby, Oklahoma. Exhibit A is the Legal Description for the tract and Exhibit B depicts the project relative to the surrounding areas. The PUD lies within and at the perimeter of the fenceline for the City of Bixby and within the planning area of the Comprehensive Plan. Thus, this PUD is preceded by a request for annexation. The PUD is presented along with a rezoning application for approximately 4.72 acres of the project from AG to CS Commercial Shopping and approximately 156.66 acres from AG to RS-3. See Exhibit C for the proposed zoning modifications versus the surrounding zoning. This project proposes three distinct development areas. Exhibit D depicts the proposed development areas and the conceptual development plan.

Development Area A - Neighborhood Commercial: We have included a commercial tract at the northwest corner of the site. This tract of land is well suited for a neighborhood commercial use and is anticipated to include various small scale commercial uses.

Development Area B – Single Family Residential 1: The general purpose of this section of the project is to provide an affordable detached single family residential neighborhood. The developer proposes to develop this portion of the project as a premium entry level and first time move up product line that meets the needs of young families who desire a smaller home that still has premium finishes. To meet the needs of this home buyer this planned unit development requests a minimum lot width of 55'. The maximum number of lots (300) is less than the total allowed by the proposed RS-3 zoning (359). The two-product development concept proposed provides for a quicker buildout of the subdivision which allows the developer to invest more into the community amenities proposed.

Development Area C – Single Family Residential 2: This portion of the project proposes a mix of 60' and 65' residential lots. This product type will meet the needs of more established families wanting a large home with premium amenities.

The public street and utility systems within the project will be constructed to public standards and dedicated to the City upon completion. Exhibit E shows the existing topography and Exhibit F depicts the conceptual infrastructure improvements for this project.

The subdivision will derive its access from both 141st Street and Lewis Avenue providing connectivity through the development and to the adjacent arterial street network. The overall development will be phased to include portions of Development Areas B and C in each phase.

Development Area A Development Standards

The intended use for this Area is to establish a neighborhood commercial area at the intersection of 141st Street and Lewis Avenue. Development Area A shall be developed in accordance with the Bixby Zoning Code and the use and development regulations of the CS district, except as hereinafter modified.

Gross Land Area 4.72 acres

Maximum Building Height 2 stories or 35 feet

Permitted uses: All uses permitted by right in the CS zoning district excluding Sexually Oriented Businesses and the following:

Use Unit 1: All uses

Use Unit 4: All uses

Use Unit 5: Aquarium, College, Commercial event center, Emergency and protective shelter, Golf course, Hospital, Marina, Medical marijuana education facility, Mega event, Private club or lodge, Residential treatment center, Transitional living center, University

Use Unit 11: Data processing service, Transportation ticket office

Use Unit 13: Medical marijuana dispensary, Tobacco store

Use Unit 14: Retail building material establishments, Fur storage, Furriers,

Use Unit 19: All uses

Dimensional Standards: Per CS Bulk and Area Requirements

Development Area B Development Standards

The intended use for this Area is to establish single family detached housing area which shall be governed by the Bixby Zoning Code and the use and dimensional standards in the current RS-3 district except as hereinafter modified:

Permitted uses: Single Family Detached Dwellings

Gross Residential area 69.36 acres

Maximum number of Dwelling Units 300 (vs 359 allowed in RS-3, gross land area / DU)

Minimum Lot Width 55 feet (vs 65 feet in RS-3)

Minimum Lot Area 6500 square feet (vs 6,900 sf in RS-3)

Minimum Livability Space per Dwelling Unit 3,000 square feet (vs 4,000 sf in RS-3)

Minimum Front Yard 25 feet

Corner Lot Side Yard	15 feet along right-of-way, no vehicular access
Minimum Building Footprint:	1500 square feet

Development Area C Development Standards

The intended use for this Area is to establish single family detached housing area which shall be governed by the Bixby Zoning Code and the use and dimensional standards in the current RS-3 district except as hereinafter modified:

Permitted uses:	Single Family Detached Dwellings
Gross Residential area	87.30 acres
Maximum number of Dwelling Units	350 (vs 452 allowed in RS-3, gross land area / DU)
Minimum Lot Width	60 feet (vs 65 feet in RS-3)
Minimum Front Yard	25 feet
Corner Lot Side Yard	15 feet along right-of-way, no vehicular access
Minimum Building Footprint:	1800 square feet

Street Design and Access Limitations

All streets shall be constructed as required to meet public street standards as described in the City of Bixby Engineering Design Criteria Manual. Sidewalks shall be constructed by the developer along 141st and Lewis adjacent to Development Areas B and C. Sidewalks adjacent to the commercial Development Area will be constructed in conjunction with the commercial construction. Multiple access points to 141st and Lewis will be constructed to serve the development.

Architectural Requirements

All single-family homes shall be constructed of 100% masonry to the first floor top plate, excluding windows, covered porches, and patios. Masonry material shall include brick, stone, stucco, and James Hardee cement board. Architectural shingles are required.

Utilities

The City of Bixby will provide storm sewer and sanitary sewer utilities for this proposed subdivision. Creek County Rural Water District #2 will be the water purveyor. Franchise utilities will also serve the project with communications, natural gas, and electricity. These services will be underground throughout the development.

Water: Creek County RWD #2 is connected to a City of Tulsa meter located at 131st & Lewis. 12" waterline improvements will be constructed along 141st and Lewis. Waterlines will be constructed within the development to provide fire protection.

Sanitary sewer: Existing gravity sanitary sewer is available on the west side of Presley Heights. Phase 1 of the proposed development will be directed this existing sewer. Extension of sewer through the adjacent property requires an off-site sanitary sewer easement. Subsequent development phases require the extension of sanitary sewer from the southeast corner of the property to the Posey Creek Interceptor on the east side of Harvard.

Stormwater Management

The existing topography for the site (See Exhibit E) yields multiple pre-developed drainage areas. For the developed condition, the majority of runoff will be collected in storm sewer and re-directed to the proposed stormwater detention area in the southwest corner of the property. The detention will be constructed in a reserve area within Development Area C. All detention and open space areas will be maintained by the homeowners association.

North/East: This existing area flowing north currently turns east and merges with the area flowing east on the adjacent property. These two areas drainage through Presley Heights before discharging to Posey Creek east of Harvard. In the developed condition, most of this area will be redirected through the detention pond. Thus, runoff to the north and east will be less than the pre-developed condition.

Southeast: There is an existing drainage channel flowing southeast from the site. This channel is tributary to Posey Creek flowing southeast through the adjacent property before connecting to Posey Creek at Harvard. For the developed condition, most of this area will be collected in storm sewer and redirected to the proposed stormwater detention area in the southwest corner of the

property. Storm sewer will collect a small area in the southeast corner and discharge to the existing channel. This runoff will be less than the pre-developed condition.

Southwest: The largest existing drainage area flows southwest and discharges to Posey Creek at the southwest corner of the property. Detained runoff will continue discharging the Posey Creek.

Landscape and Screening Standards

All open space reserve areas shall be owned and maintained by the property owners association and shall meet current City of Bixby landscaping requirements.

Platting

The Deed of Dedication and Restrictive Covenants of the required subdivision shall be enforceable by the established Homeowners Association (HOA).

The Homeowners Association (HOA) must be formed before signing and recording of the Final Plat and established according to Oklahoma State Statute 60 with mandatory participation required.

According to the City of Bixby Code of Ordinances

12-2-4: PRELIMINARY PLAT:

- I. Phased Developments: The preliminary plat representing the entire proposed development (all phases) must be submitted with the preliminary plat submission for review and approval. Actual phased construction and final platting may be part of the construction plans and final plat reviews.
According to the PUD, the overall development will be phased to include portions of Development Areas B and C in each phase. The actual phasing plan for construction should be submitted at final plat review.

According to the City of Bixby Code of Ordinances

12-2-6: FINAL PLAT:

- G. Recording of Final Plat; Issuance of Building Permits:
 2. No building permits shall be issued until after acceptance by the City of all improvements and the subdivider has supplied the City with three (3) certified copies, one (1) mylar and two (2) black line or blueline paper, of the final plat, each showing proof of being filed and recorded in the Office of the County Clerk.

Amenities / Reserve Areas

There are seven Reserve Areas represented on Exhibit G. The Developer will construct amenities in each of the reserve areas. The proposed amenities include a walking trail, playgrounds, a swimming pool with clubhouse, a soccer field, volleyball court and a basketball court. The final location and sequencing of the amenities will be determined with each phase at the time of platting.

Exhibit A Legal Descriptions

Overall PUD Legal Description

THE NORTHWEST QUARTER OF (NW1/4) OF SECTION SEVENTEEN (17), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF:

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Development Area B Legal Description

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Exhibit B

Surrounding Areas
for

141st and Lewis

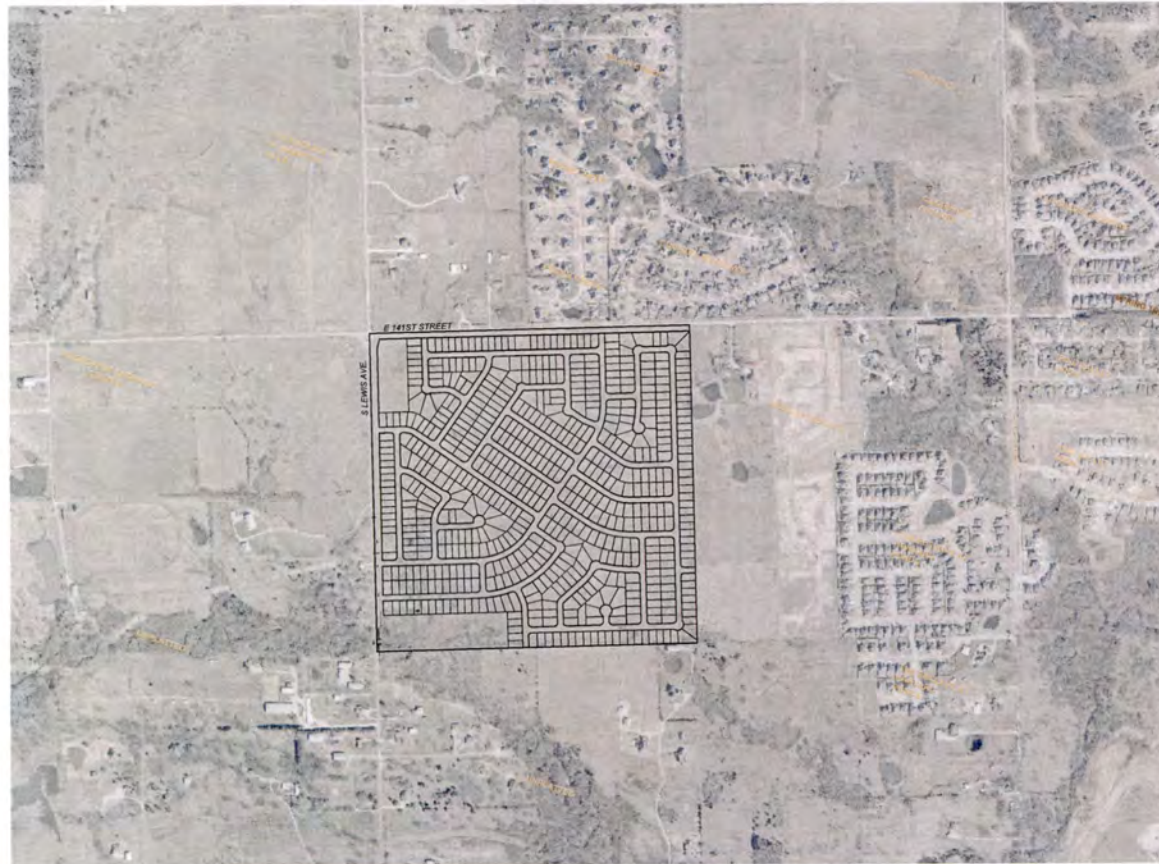


Exhibit B

AAB Engineering, LLC



Engineering • Surveying • Land Planning

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OK CA#6318 Exp. June 30, 2022
KS CA#2292 Exp. Dec. 31, 2022
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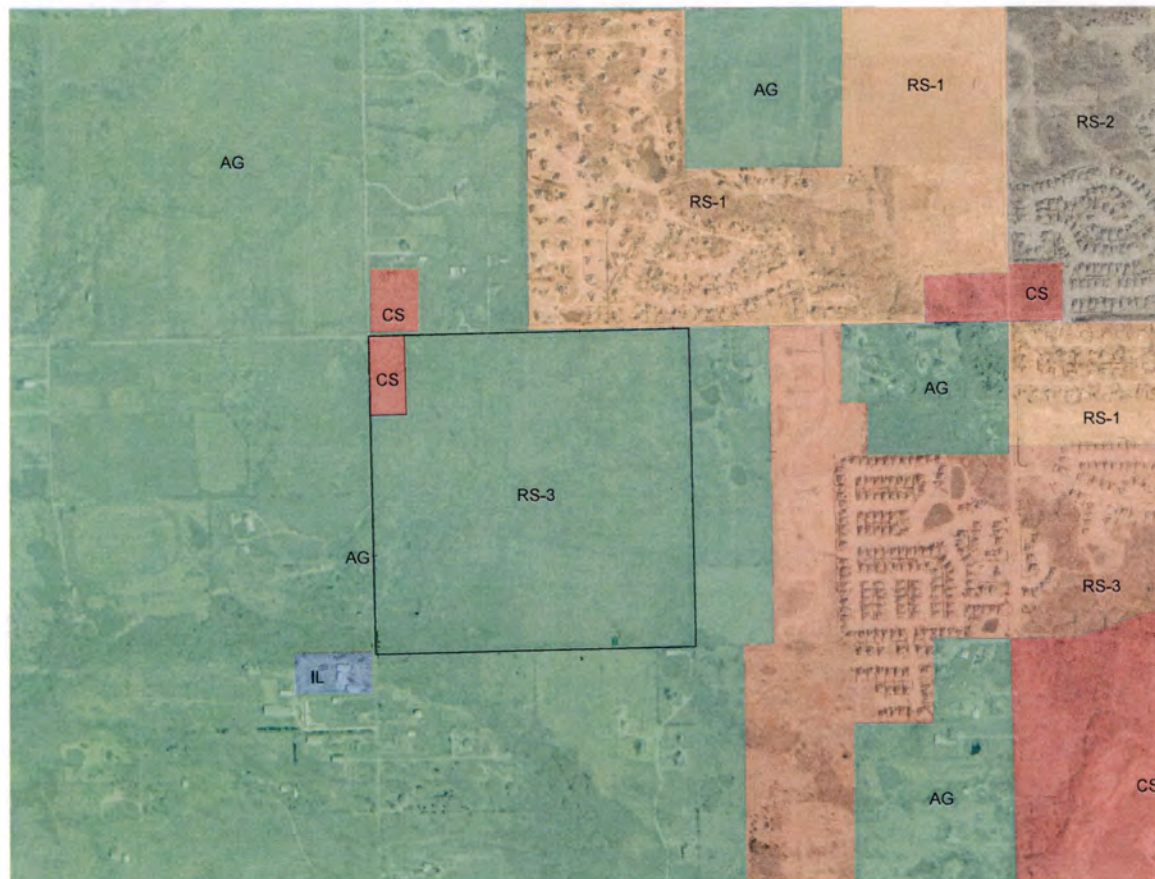




Exhibit C

Zoning
for

141st and Lewis



LEGEND

- ZONED AG (AGRICULTURE)
- ZONED CS (COMMERCIAL)
- ZONED RS-1 (RESIDENTIAL)
- ZONED RS-2 (RESIDENTIAL)
- ZONED RS-3 (RESIDENTIAL)
- ZONED IL (INDUSTRIAL)

Exhibit C

AAB Engineering, LLC

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Exhibit D

Conceptual Development Areas
for

141st and Lewis



LEGEND

-  DEVELOPMENT AREA A (4.72 AC.)
-  DEVELOPMENT AREA B (89.36 AC.)
-  DEVELOPMENT AREA C (87.30 AC.)

Exhibit D

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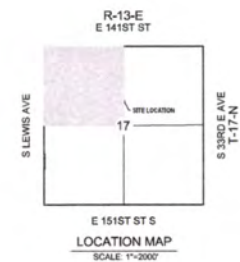




Exhibit E

Existing Topo & Aerial
for

141st and Lewis



LEGEND



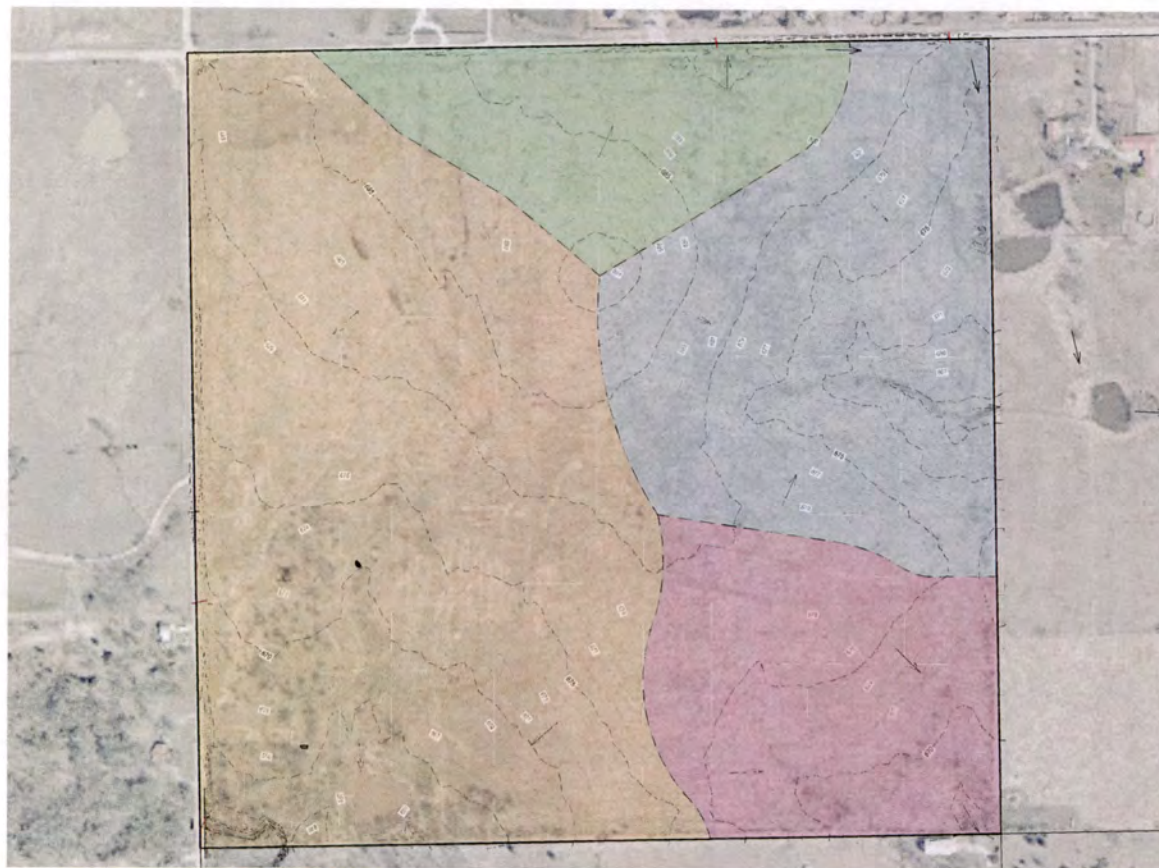
Exhibit E

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Exhibit E
Existing Topo & Aerial
for



LEGEND

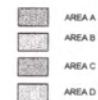


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141st & Lewis PUD Summary

	RS-3 Zoning	Development Area B	Development Area C
Gross Land Area (acres)		69.36	87.30
Max. # Houses allowed (B)	359	300	
Max. # Houses allowed (C)	452		350
Min. Lot Width (feet)	65	55	60
Min. Lot Area (sq.ft.)	6900	6500	6900
Min. Livability per D.U.	4000	3000	4000
Min. Building footprint (sq.ft.)		1500	1800
Typ Lot Dims (width x depth)	65' x 106.15'	55' x 120'	60' x 120'



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF AGENDA COMMENTARY

ITEM TITLE(S):

1. Consider, discuss, and approve BXZO-21.05 – Rezone from Agriculture (AG) to Commercial Shopping (CS) and BXSUP-21.03 Specific Use Permit (SUP) for a Nursing Home use which is allowed in a CS zoning district with an approved SUP. Site Details: 10.7154 acres, in the NW/4 of the SW/4 of Section 1, Township 17N, Range 13E, located approximately 610 feet east of South Memorial Drive and 165 feet south of East 126th Street with frontage on South 85th East Avenue in Bixby, Oklahoma.

STAFF INFORMATION SOURCE:

Comprehensive Plan, Zoning Code, Planning Commission Staff Report, TEP Project Summary and Exhibits

PRESENTER:

Carolyn Back, Development Services Director / City Planner

PLANNING COMMISSION HISTORY AND ITEMS DISCUSSED:

05.17.21 - Rezone - Planning Commission recommended approval with conditions
05.17.21 - Specific Use Permit - Planning Commission recommended approval

1. The Specific Use Permit for the Nursing Home was determined to be an excellent buffer between the more intense commercial development that is normally situated along South Memorial Drive and the existing residential developments that currently exist. The proposed small child day care is a "Use-by-Right" in the CS Zoning District. The rezone is needed in order for the Specific Use Permit to be approved. The applicant provided a couple of architectural design options for the site, but was not able to produce a final design or any architectural design elements to be required for this project.
2. The proposed rezone area would result in split zoning on the same parcel of land, which is something that should be avoided. The Planning Commission recommended approval of the Rezone with a condition that a rezone application

requesting Commercial Shopping (CS) zoning be submitted and approved for the western portion of the subject parcel of land.

3. Staff recommended the Planning Commission require a condition of rezone approval that a One (1) Lot, One (1) Block, Commercial Subdivision Plat be required for the nursing home property in order to avoid multiple zoning designations on one parcel of land. This will also separate this proposed use from future uses on the property located to the west of the nursing home facility site.
4. A Planned Unit Development (PUD) will be required at a later date for the Corridor Appearance District when making application for future development on the western portion of this large parcel.

Several citizens were in attendance and liked the type of use as a buffer. They were not for or against, but wanted to gather more information and make sure the potential noise, lighting, and traffic impacts were addressed.

ATTACHMENTS:

Planning Commission Staff Report (Including TEP Project Summary and Exhibits)

KEY ISSUE:

Approval

COUNCIL ACTION RECOMMENDATION:

Staff recommends approval of the Specific Use Permit and the Rezone per Planning Commission recommendation for approval with the following conditions:

1. A One (1) Lot, One (1) Block, Commercial Subdivision Plat be required for the nursing home portion of the overall parcel of land.
2. A separate rezone application be submitted and approved to rezone the entirety of the parcel of land, out to South Memorial Drive, to the zoning designation of Commercial Shopping (CS).
3. A Planned Unit Development (PUD) be required for the Western portion of the land that falls within the Corridor Appearance District along South Memorial Drive.

Council may consider as a condition of approval for the Specific Use Permit requiring the proposed architectural design elements be listed addressing types of masonry allowed, the percentage of masonry required, where masonry is required, site and building lighting, screening, landscaping, possible emergency vehicle noise, and other items important for this proposed project focusing on how the building is situated on the lot in relation to abutting residential uses.



City of Bixby

P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, May 17, 2021

Reference: **Rezone (BXZO-21.05):** 10.7154 Acres (+/-) from Agriculture (A.G.) to Commercial Shopping (C.S.)

Specific Use Permit (BXSUP-21.03): Requested for a Nursing Home use which is allowed in a CS zoned district with an approved Specific Use Permit.

Land Use Map: Designated for Commercial Uses

Location: Located approximately 610 ft. east of South Memorial Drive and 165 ft. south of East 126th Street with frontage on South 85th East Avenue in Bixby, OK.

Legal Description: A tract of land contained within the NW/4 SW/4 of Section 1, Township 17N, Range 13E of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the U.S. Government Survey thereof, being more particularly described on the attached legal description: Attachment 1.

Applicant: TEP - Tulsa Engineering and Planning

Submittal Overview:

The applicant has submitted one (1) Rezone application and one (1) Specific Use Permit application to go through the land use entitlement process to allow for the construction of a Nursing Home and Child Day Care facility.

Staff Review

Rezone Request for B.X.Z.O.-21.05

Existing Zoning; Use:

Agriculture (A.G.); Vacant Commercial Land

Surrounding Zoning; Uses:

North: Residential Single-Family (R.S.-1); Southern Memorial Acres No 2 Subdivision

East: PUD-57 (Residential Single-Family - R.S.-4); Bixby Landing Subdivision

South: Agriculture (A.G.); Fry Ditch

West: Agriculture (A.G.); Vacant Land

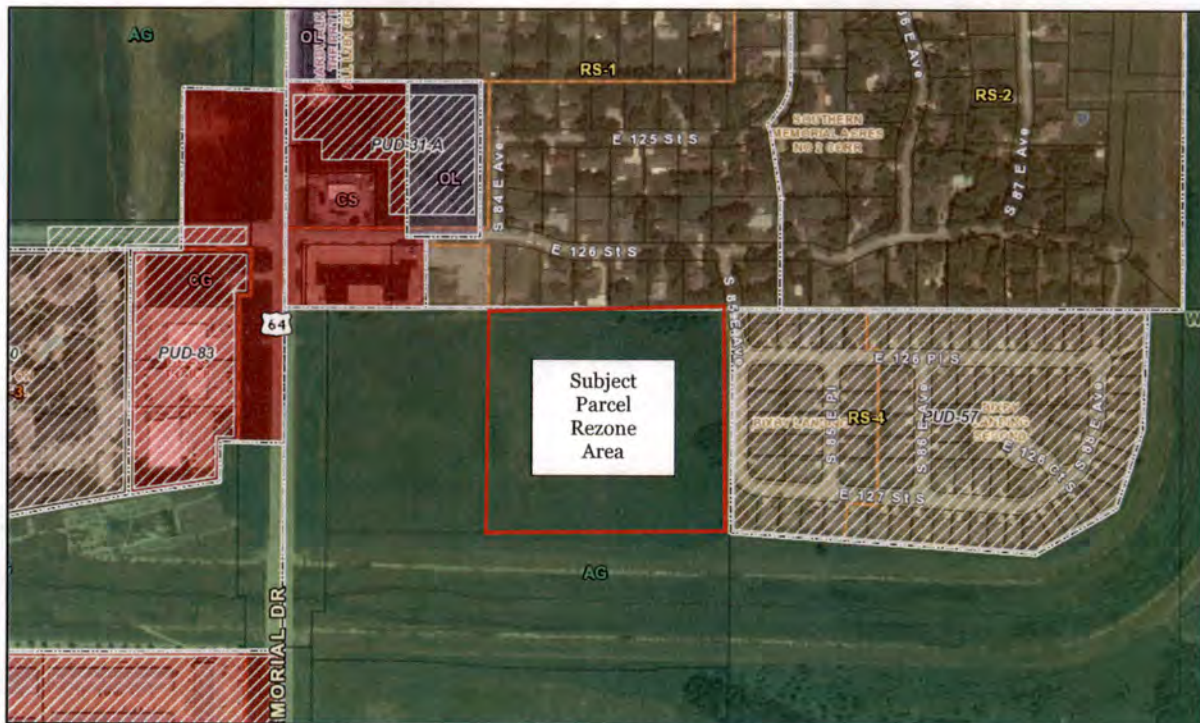


Figure 1: City of Bixby Zoning Map and Subject Parcel Proposed Rezone and Specific Use Permit Area

Proposed Rezone Area:

The proposed rezone area, depicted in the figure above, shows the subject rezone area outlined in red. This would cause split zoning on the same parcel of land. Staff recommends Planning Commission require a condition of approval that a One (1) Lot, One (1) Block commercial subdivision plat be required for nursing home facility property in order to avoid multiple zoning designations on one parcel of land.

Another condition of approval would be the requirement of the entire parcel to be rezoned to Commercial Shopping. A Planned Unit Development (PUD) would be required at a later date for the Corridor Appearance District when making application for future development.

Specific Use Permit for B.X.S.U.P.-21.03

Nursing Home Facility:

A nursing home facility is an allowed use with a Specific Use Permit in the Commercial Shopping zoning district. This is a nice transitional use between the existing single-family uses and the anticipated future commercial uses that will front onto South Memorial Drive.

A children's day care facility is a Use-by-Right in the Commercial Shopping District.

The applicant has provided an Executive Summary outlining the overall floor area to be approximately $\pm$ 78,000 SF with 122 beds. They intend to operate a small children's day care facility with the size to be determined at building permit stage. The average daily trips for the nursing home are included in the Executive Summary along with the AM and PM peak averages.

Staff Comments:

1. The attached TEP Executive Summary was provided at the request of City Staff to assist the Planning Commission with more detailed information about the project to help make an informed recommendation to City Council on the creative combination of these two community service uses being offered to the community members of Bixby.
2. Staff believes this proposed nursing home and child day care use would be an excellent buffer between the existing single-family uses and the predicted commercial uses that will eventually front onto Memorial Drive.

Public Comments:

A few public comments were received voicing concerns about traffic impacts. The applicant was informed and they chose to redesign the site and eliminate one driveway to help address the neighbors' concerns and yet still meet fire department ingress and egress requirements.

The applicant also provided traffic counts in their Executive Summary stating the nursing home use would be less impactful than most other uses that could be built on this piece of land when zoned commercial.

Staff Recommendation:

The Planning Commission may make recommendation for approval, approval with conditions, or denial of the requested Rezone and Specific Use Permit to the City Council.

1. Staff recommends Planning Commission make a recommendation to the City Council for approval of the Rezone and Specific Use Permit contingent upon the following conditions:
 - a. A One (1) Lot, One (1) Block Commercial Subdivision Plat be required for the nursing home portion of the overall parcel of land.
 - b. A separate rezone application be submitted and secured to rezone the entirety of the parcel of land out to South Memorial Drive to Commercial Shopping (C.S.)

Figures:

Figure 1: City of Bixby Zoning Map
Subject Parcel Proposed Rezone and Specific Use Permit Area

Attachments:

Attachment 1: Cox Nursing Home Legal Description received 04.06.2021
Attachment 2: TEP Executive Summary for Cox Nursing Home and Child Day Care
Attachment 3: TEP Conceptual Site Plan – Exhibit A
Attachment 4: Senior Suites Owasso, Aerial View – Exhibit B
Attachment 5: Senior Suites Owasso, Entrance View – Exhibit C
Attachment 6: Senior Suites, Conceptual Contemporary Building Elevation – Exhibit D



9810 East 42nd Street, Suite 100
Tulsa, Oklahoma 74146
252-9621 Fax 918-340-5999

Cox Nursing Home and Child Day Care
Re-Zoning to CS (Commercial) and Specific Use Permit

The proposed Cox Nursing Home and Child Day Care is a 10.7254 acre site located approximately 610' east of South Memorial Drive, 165' south of East 126th Street, with frontage onto South 85th East Avenue. The site is bordered to the north by South Memorial Acres residential subdivision (zoned RS-1), to the east by Bixby Landing residential subdivision (zoned PUD 57), to the south by Fry Ditch (zoned AG) and to the west by undeveloped land zoned Agriculture (AG). The Bixby 2018 Comprehensive Plan has a Future Land Use Designation of Commercial for this area and the land west of this site to South Memorial. The site is currently zoned Agriculture (AG), with a proposed zoning of Commercial Shopping Center District (CS). Accompanying the Re-Zoning application is an application for a Specific Use Permit to allow a Nursing Home Use, which is allowed in a CS zoned district by way of the Specific Use Permit.

The total floor area is proposed to be ±78,000 SF, with the Nursing Home portion of the facility having 122 beds. The size of the Child Day Care has yet to be finalized, but will be a relatively small portion of the overall floor area. The project is proposed to be built in one phase. Access will primarily be from East 126th Street, via South 84th Street (See Exhibit 'A' Conceptual Site Plan), with secondary access being provided by South 85th East Avenue. The original Conceptual Site Plan showed two access points on East 85th Street, but after discussions with City staff that there was some concern about traffic along this street, the southern entry was removed, so that there is only one access onto South 85th East Avenue. This access point is required by the Fire Marshall so that there are two points of egress into and out of the site.

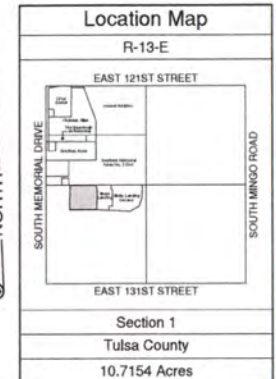
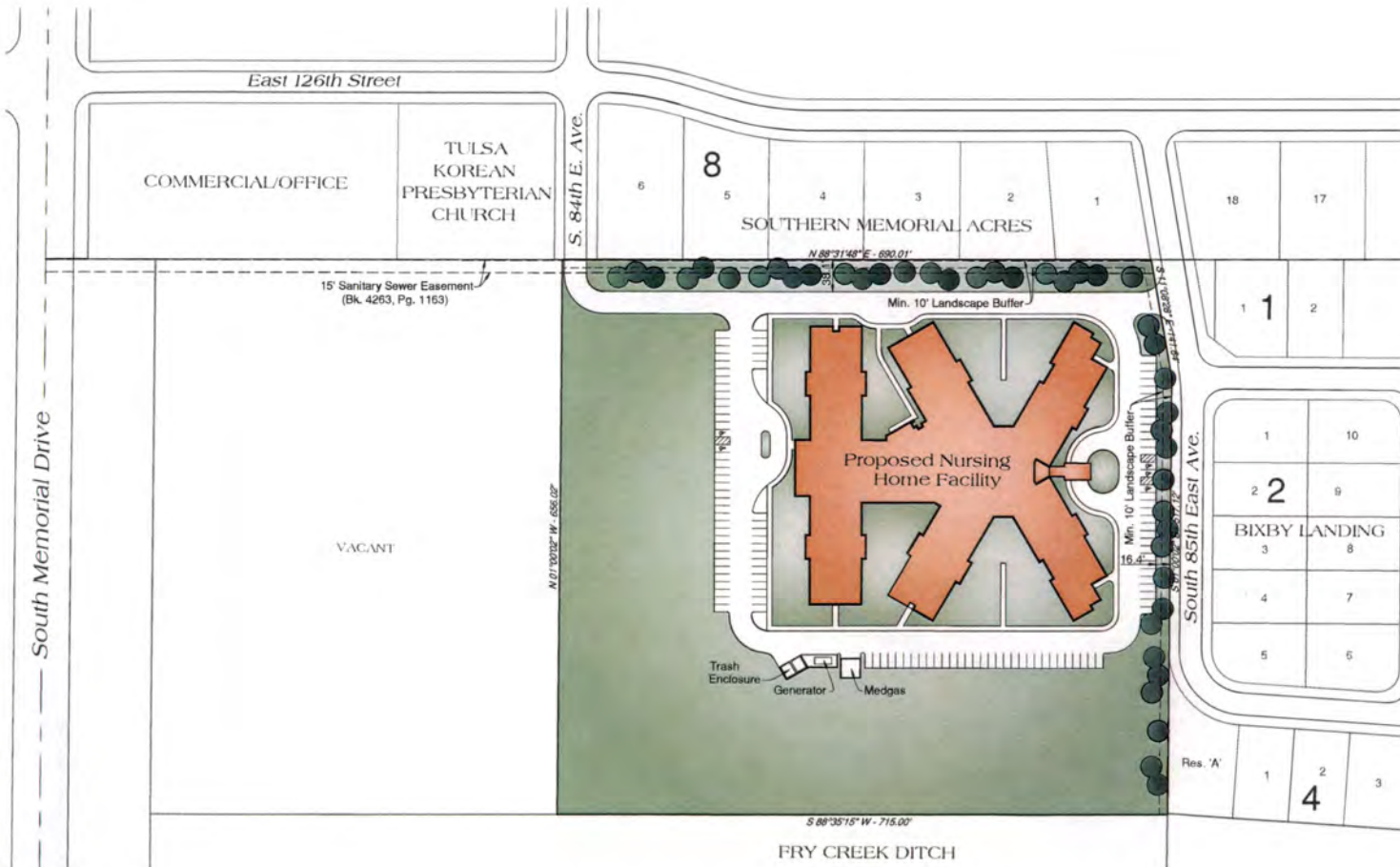
The Nursing Home and Child Day Care uses are much more compatible with residentially developed areas than the typical commercial shopping uses, due to the lower traffic counts involved, much less noise and reduced lighting requirements for these proposed uses. Traffic generated by a Nursing Home use are significantly lighter, compared to a typical commercial shopping type of use. Trips generated by the Nursing Home Use, based on a facility with 122 beds, have a Daily Average of 298 Trips and Peak Averages of 21 Trips per day between 7:00-9:00am and 27 Trips per day between 4:00-6:00 pm. This Daily Trips generation was determined by the "Trip Generation, 8th Edition: An ITE (Institute of Transportation Engineers) Informational Report". Nursing Home data is taken from Land Use: 620 of the "Trip Generation, 8th Edition Report". There will be three shifts for this Nursing Home and Child Day Care facility – the bulk of the staff will be working between 7:00am and 7:00 pm, with a smaller staffing added between 3:00pm and 11:00pm and 11:00 pm to 7:00 am. Office personnel will be on the job from 8:00am to 5:00 pm. The level of staffing for this facility should not create a conflict with, or add significantly to, the Peak Hour traffic counts on the adjoining streets. With the size of the

Child Day Care being undetermined at this time, but being a very small portion of the facility's total area, traffic count projections are difficult to make, without more specific information. The hours of operation for the Child Day Care are anticipated to be from 7:00 am to 7:00 pm, weekdays only.

The site plan shows the location of the more noise prone uses – trash enclosure, generator and Medgas facility – located on the southwest end of the site, away from the abutting residential uses. Additionally, the minimum 10' landscape buffers abutting the residential areas, as prescribed by the City of Bixby Zoning Code, are shown on the Conceptual Site Plan to be greater than these minimum requirements. We are proposing trees along the north and east boundaries to aid in visual screening. We are proposing that along these Landscape Buffer areas, the total number of trees in these areas will be based on one tree/35 LF of Landscape Buffer. The actual Landscape Plan, showing the total number of trees, location and size of the planting beds and the plant materials that are to be used, will be submitted during the Building Permit process.

Architecturally, the design of the Nursing Home and Child Day Care facility is still being finalized. Accompanying this Executive Summary are three exhibits that show one of the owner's existing Nursing Home projects located in Owasso, Oklahoma, as well as an elevation showing a more contemporary look, versus the more traditional Tudor style that was utilized in the Owasso facility. Exhibit 'A' shows an aerial view of the Owasso facility, Exhibit 'B' shows a ground level view of the Owasso facility entrance and Exhibit 'C' shows an example of a conceptual contemporary elevation of what the facility may look like. These exhibits should help to illustrate the quality of construction and aesthetics the owner utilizes in his facilities.

It is felt that the proposed development will be a much more compatible neighbor to the surrounding residential areas than the other uses that could be utilized in the CS zoning district, which, as stated previously, is what the Bixby 2018 Comprehensive Plan calls for. The Nursing Home and Child Day Care will create a much less intensive buffer between the residential uses and the commercial shopping uses that will go in west of the proposed site, abutting south Memorial Drive.



Data Summary:	
Total Project Area	10.7154 Acres (Net)
Total Number of Beds	122
Total Floor Area	±78,000 SF



Not To Scale

Exhibit 'A' Cox Nursing Home and Child Day Care

Conceptual Site Plan

tep

Exhibit 'B'
Senior Suites Owasso, Aerial View



*Welcome
Home*

—
TO THE
HIGHLANDS LIFE.



Exhibit 'C'
Senior Suites Owasso, Entrance View



Exhibit 'D'
Senior Suites Owasso,
Conceptual Contemporary Building Elevation



CITY OF BIXBY
P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

STAFF AGENDA COMMENTARY

ITEM TITLE(S):

1. Consider, discuss, and approve BXZO-21.07 - Rezone, BXPT-21.05 – Preliminary Plat Domino's Bixby, One (1) Lot, One (1) Block, Commercial Plat, .82 acres, in Section 12, Township 17N, Range 13E, located on the NE/c of East 134th Street South and South Memorial Drive, Bixby, Oklahoma.

STAFF INFORMATION SOURCE:

Comprehensive Plan, Zoning Code, Subdivision Regulations, and Domino's Bixby Preliminary Plat

PRESENTER:

Carolyn Back, Development Services Director / City Planner

PLANNING COMMISSION HISTORY AND ITEMS DISCUSSED:

05.17.2021 Rezone – Planning Commission recommended approval

05.17.2021 Preliminary Plat - Planning Commission recommended approval

05.17.2021 Final Plat – Planning Commission recommended approval with conditions

Due to topography where the drainage ditch is located, applicant is requesting waiver of the sidewalk requirement along South Memorial Drive. Staff was not aware of fee-in-lieu process at the time of the hearing, but recommends Council address the applicant's request and consider possibility of fee-in-lieu if the sidewalks may actually be safely built on-site.

Staff requested the applicant run the Domino's Bixby Final Plat through a more in-depth engineering and public works review since their preliminary construction plans were submitted on May 10, 2021, 7 days prior to the Planning Commission meeting. The applicant agreed to move the Final Plat to the June 14, 2021 City Council Meeting.

Zero (0) citizens spoke for/against the request.

ATTACHMENTS:

Attachment 1: Planning Commission Staff Report dated 05.17.2021

Attachment 2: ALTA/NSPS Land Title Survey by Ramsey Surveying Service 11.15.2020

Attachment 3: Domino's Bixby Preliminary Plat by Wallace Engineering 05.19.2021

Attachment 4: Domino's Bixby Conceptual Improvements Plan dated 05.19.2021

Attachment 4: City of Bixby Development Services Engineering Memo 05.10.2021

KEY ISSUE:

Approval

COUNCIL ACTION RECOMMENDATION:

Staff recommends approval of the Rezone and Domino's Bixby Preliminary Plat per Planning Commission recommendation and Staff comments.



City of Bixby

P.O. Box 70
116 W. Needles Ave.
Bixby, OK 74008
(918) 366-4430

Staff Report

To: City of Bixby, Planning Commission

From: Carolyn Back, Development Services Director/City Planner

Date: Monday, May 17, 2021

Reference: **Rezone (BXZO-21.07):** 0.82 Acres (+/-) from Agriculture (A.G.) and Residential Multi-Family (R.M.-3) to Commercial General (C.G.)

Preliminary Plat (BXPT-21.05): 35,540.2 SF / 0.82 Acres, Lot 1, Block 1, Domino's Bixby

Final Plat (BXPT-21.05): 35,540.2 SF / 0.82 Acres, Lot 1, Block 1, Domino's Bixby

Land Use Map: Designated for Commercial Uses

Location: Northeast Corner (NE/c) of East 134th Street South and South Memorial Drive, Bixby, OK.

Legal Description: NW/4 SW/4 NW/4 of Section 12, Township 17N, Range 13E

Applicant: Wallace Engineering

Submittal Overview:

The applicant has submitted one (1) Rezone application, one (1) Preliminary Plat application, and one (1) Final Plat application to go through the land use entitlement process to allow for the construction of a commercial restaurant use located on the northeast corner of 134th Street South and S Memorial Drive.

Staff Review

Rezone Request for B.X.Z.O.-21.07

Existing Zoning; Use:

Commercial Shopping (C.S.) and Residential Single-Family (R.M.-3); Vacant Commercial Land

Surrounding Zoning; Uses:

North: Commercial General (C.G.) and Residential Multi-Family (R.M.-3); Commercial Use/Funeral Home

East: Residential Multi-Family (R.M.-3); Vacant Land

South: Commercial General (C.G.) and Residential Multi-Family (R.M.-3); 134th Street South Right-of-Way and Vacant Land

West: Commercial General (C.G.); 134th Street South Right-of-Way and Vacant Land

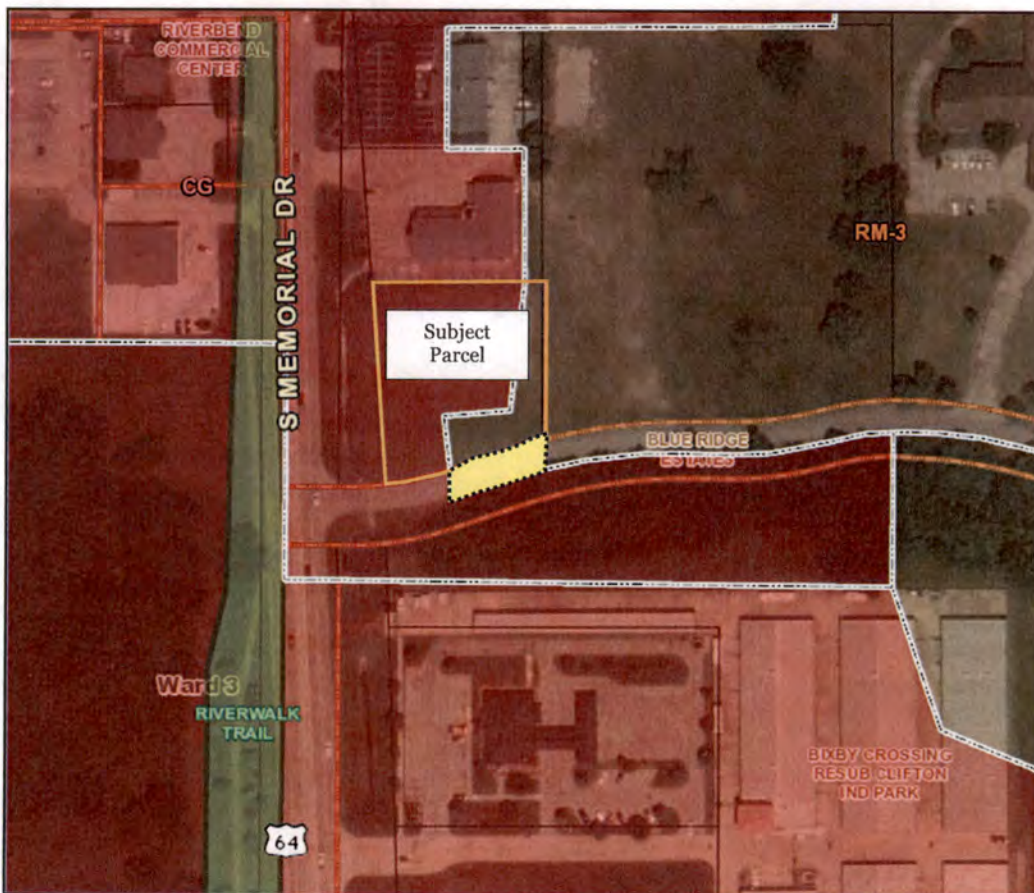


Figure 1: City of Bixby Zoning Map and Subject Parcel Proposed Rezone Area

Figure 2: City of Bixby Zoning Map and Proposed ROW Rezone Area

Proposed Rezone Area:

The proposed rezone area, depicted in the figure on page 2, shows the commercial area in red, marked C.G. for Commercial General and the residential area in brown, marked R.M.-3 for Residential Multi-Family. The rezone application is requesting to clean up the dual zoning on the parcel and make it one (1) zoning designation, Commercial General.

Preliminary Plat Request for B.X.P.T.-21.05**Access:**

The Site Plan depicts access to the proposed commercial site from South Memorial Drive and East 134th Street. This provides primary means of ingress and egress connectivity to and from the site through the adjacent primary arterial and access via a residential side street that connects to a network of residential collector streets feeding traffic back to a secondary and primary arterial.

Utilities/Site Area:

The City of Bixby will provide water, storm sewer, and sanitary sewer utilities for this property. Franchise utilities will also serve the project with communications, natural gas, and electricity. These utility services throughout the development will be underground. Please see attached *Domino's Bixby Conceptual Improvements Plan* dated 04.06.2021.

Drainage:

The existing topography for the site depicted on the attached Preliminary Plat yields multiple pre-developed drainage areas. These areas are shown on the attached Wallace Engineering *Existing Drainage Plan* Sheet C501 dated 05.10.2021.

For the developed condition, there are six (6) drainage areas proposed; however, the majority of building runoff will be collected in on-site storm sewer and re-directed to the proposed stormwater detention area in the southwest corner of the property. The detention will be constructed within a detention easement located within Drainage Area 2 as shown on Wallace Engineering *Proposed Drainage Plan* Sheet C502 dated 05.10.2021 and will be maintained by the owner.

Final Plat Request for B.X.P.T.-21.05

Final Plat Review Process and Recording:

The City Council shall notify the applicant of any conditions which may be imposed and shall approve or disapprove the final plat.

The Deed of Dedication and Restrictive Covenants of the Domino's Bixby One (1) Lot, One (1) Block subdivision shall be enforceable by the owner.

Before the final plat may be filed of record at the County Clerk's office, all letters of release from the utility companies, Oklahoma Corporation Commission, or other agencies must accompany the filing of the final plat. Staff has not received these releases as of the time of writing this Staff Report.

Staff would request as a condition of Final Plat approval Council request these releases be provided to staff for review before the signing and filing of the final plat may take place.

Issuance of Building Permits:

No building permits shall be issued until after acceptance by the City of all improvements and the subdivider has supplied the City with two (2) mylar, and eight (8) black line or blueline paper prints signed by the subdivider and surveyor and stamped and signed by the City of Bixby Mayor or Vice Mayor. Each of these showing proof of being filed and recorded in the Office of the County Clerk.

Staff Comments:

1. Staff provided the applicant, Wallace Engineering, with the City of Bixby Development Services Engineering Memo dated 05.10.2021.
2. The applicant submitted a set of Preliminary Construction Plans on the same day, 05.10.2021. These plans will be further reviewed by Engineering and Public Works before City Council meeting.
3. Wallace Engineering will address the comments made in the Engineering Memo during their presentation to the Planning Commission.
4. Pending applicant's presentation and addressing of the Engineering Memo comments, staff recommends Planning Commission vote to move the Rezoning, Preliminary Plat and Final Plat cases forward to the City Council with a recommendation for approval.
5. The Planning Commission may make recommendation for approval, approval with conditions, or denial of the requested Rezone, Preliminary Plat, and Final Plat to the City Council.

Public Comments:

No opposing comments were received at time of this report

Figures:

Figure 1: City of Bixby Zoning Map and Subject Parcel Proposed Rezone Area

Figure 2: City of Bixby Zoning Map and Proposed Rezone Area

Attachments:

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Attachment 2: Domino's Bixby Preliminary Plat by Wallace Engineering 04.06.2021

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Attachment 5: Preliminary Construction Plans for Domino's Bixby 05.10.2021

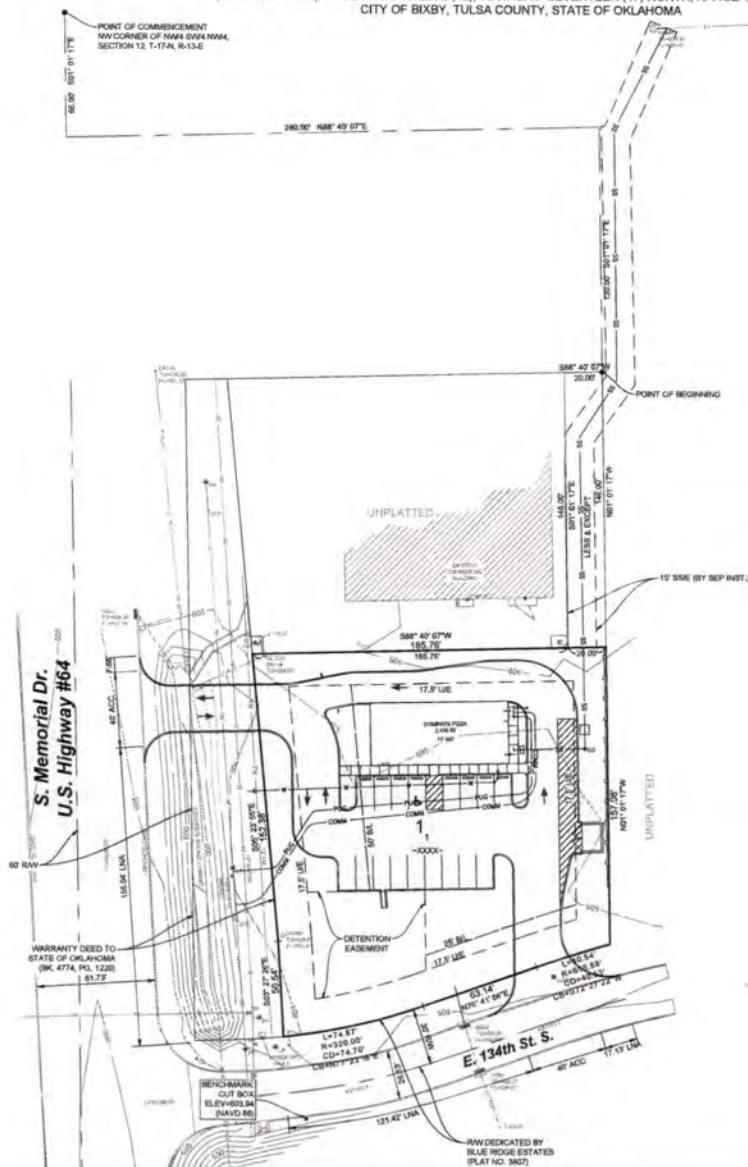
OWNER:
Bixby Funeral Service, Inc.
1877 E. 151st Street South
Bixby, Oklahoma, 74008-5240

ENGINEER:
Wallace Engineering
Structural Consultants, Inc.
123 North Martin Luther King Jr Blvd.
Tulsa, Oklahoma, 74103
Phone: (918) 584-5858
A. NICOLE WATTS, P.E. NO. 21511
OK CA NO. 1480, EXPIRES 6/30/2022
nwatts@wallaceinc.com

SURVEYOR:
Fritz Land Surveying, LLC
2017 West 91st Street
Tulsa, Oklahoma 74132
Phone: (918) 231-0575
OK CA NO. CA 1846, EXPIRES 6/30/2022
frtizlandsurveying@gmail.com

PRELIMINARY PLAT Domino's Bixby

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER
(NW4 SW4 NW4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13)
CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA



LEGEND

ACC = ACCESS
LNA = LIMITS OF NO ACCESS
BL = BUILDING LINE SETBACK
UL = UTILITY EASEMENT
SEE = SANITARY SEWER EASEMENT
-XXXX- ADDRESS

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS 1 (ONE) LOT IN 1 (ONE) BLOCK
SUBDIVISION CONTAINS 12,662.12 SQUARE FEET OR 0.25 ACRES

MONUMENTATION

SET 3/8\"/>

BENCHMARK

CUT BOX
ELEVATION: 603.94

BASIS OF BEARINGS

BEARINGS ARE BASED UPON AN ASSUMED BEARING OF S 0°17'33\"/>

ADDRESSES

ADDRESSES SHOWN ON THIS PLAT WERE ACCURATE AT THE TIME THIS PLAT WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

NOTES

THIS PLAT MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSURE OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

FLOOD ZONE NOTE

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF BIXBY, OKLAHOMA, COMMUNITY PANEL NO. 404000000L & 404000000R, OCTOBER 18, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN BRUNO ZONE X (AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN).

LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW4 SW4 NW4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE IRON BASIN AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW4 SW4 NW4, THENCE SOUTH 0°17'33\"/>

LESS AND EXCEPT

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW4 SW4 NW4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE IRON BASIN AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW4 OF THE SW4 OF THE NW4, THENCE SOUTH 186 FEET; THENCE N 89°50'01\"/>

CONCEPTUAL IMPROVEMENTS PLAN

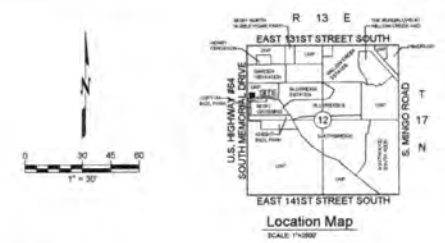
Domino's Bixby

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

OWNER:
Bixby Funeral Service, Inc.
1677 E. 151st Street South
Bixby, Oklahoma, 74508-5240

ENGINEER:
Wallace Engineering
Structural Consultants, Inc.
123 North Martin Luther King Jr Blvd.
Tulsa, Oklahoma, 74103
Phone: (918) 584-5858
A. NICOLE WATTS, P.E. NO. 21511
OF CA NO. 1480, EXPIRES 03/02/2021
wallace@wallaceinc.com

SURVEYOR:
Fritz Land Surveying, LLC
2017 West 91st Street
Tulsa, Oklahoma 74132
Phone: (918) 231-0575
OK CA NO. CA 5984, EXPIRES 06/02/2022
frizlandsurveying@gmail.com



LEGEND

ACC = ACCESS
LNA = LIMITS OF NO ACCESS
BL = BUILDING LINE SETBACK
UL = UTILITY EASEMENT
SSW = SANITARY SEWER EASEMENT
+XXXX = ACCESS

SUBDIVISION STATISTICS

SUBDIVISION CONTAINS 1 (ONE) LOT IN 1 (ONE) BLOCK
SUBDIVISION CONTAINS 32 (THIRTY-TWO) SQUARE FEET OR 0.75 ACRES

MONUMENTATION

SET 3/8" IRON PIN W/ GREEN "FRITZ CASAR" CAP OR MAG NAIL W/ "FRITZ CASAR" WASHER AT ALL CORNERS UNLESS NOTED AND SHOWN OTHERWISE HEREON.

BENCHMARK

CUT BOX
ELEVATION 625.84

BASIS OF BEARINGS

BEARINGS ARE BASED UPON AN ASSUMED BEARING OF S 80°17'37" W, USING THE WEST LINE OF THE NW/4 OF SECTION 12, T17N, R13E.
TOPOGRAPHIC INFORMATION SHOWN HEREON IS RELATIVE TO NAVD 1988 PER ADA CONTROL. STATION TOLL ELEVATION = 613.70 AS A PRIMARY BENCHMARK. SETS BENCHMARK AS SHOWN HEREON.
NOTE: CONVERTED TO OKLAHOMA STATE PLANE COORDINATE SYSTEM, NORTH ZONE 2011

ADDRESSES

ADDRESS SHOWN ON THIS PLAN WERE ACCURATE AT THE TIME THIS PLAN WAS FILED. ADDRESSES ARE SUBJECT TO CHANGE AND SHOULD NEVER BE RELIED ON IN PLACE OF LEGAL DESCRIPTION.

NOTES

THIS PLAN MEETS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED BY THE OKLAHOMA STATE BOARD OF LICENSERS OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.

FLOOD ZONE NOTE

WE HAVE EXAMINED A MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FLOOD INSURANCE RATE MAP, CITY OF BIXBY, OKLAHOMA, COMMUNITY PANEL NO. 404303432, & 404303434, - OCTOBER 16, 2012, WHICH INDICATES THE SUBJECT PROPERTY TO BE WITHIN SHADDED ZONE X (AREAS DETERMINED TO BE WITHIN THE 0.2% ANNUAL CHANCE FLOODPLAIN).

LEGAL DESCRIPTION

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 SW/4 NW/4, THENCE SOUTH 0°17'37" W ON THE WEST LINE OF SAID NW/4 SW/4 NW/4 A DISTANCE OF 66 FEET; THENCE NORTH 89°59'01" EAST PARALLEL WITH THE NORTH LINE OF SAID NW/4 SW/4 NW/4, A DISTANCE OF 285 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 150 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 148 FEET; THENCE SOUTH 89°59'01" WEST A DISTANCE OF 185.78 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY #64; THENCE SOUTH 4°20'12" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 152.38 FEET; THENCE SOUTH 2°02'32" EAST ON SAID RIGHT-OF-WAY A DISTANCE OF 152.38 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAID 13th STREET SOUTH; THENCE NORTH 89°59'01" EAST ON THE NORTH RIGHT-OF-WAY OF SAID 13th STREET SOUTH A DISTANCE OF 0.00 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A RADIUS OF 320 FEET AND A CENTRAL ANGLE OF 17°20'20" FOR A DISTANCE OF 74.87 FEET; THENCE NORTH 72°00'00" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 35.14 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 655.08 FEET AND A CENTRAL ANGLE OF 3°22'27" FOR A DISTANCE OF 42.54 FEET; THENCE NORTH 0°17'37" EAST A DISTANCE OF 302.08 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT

A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW/4 SW/4 NW/4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

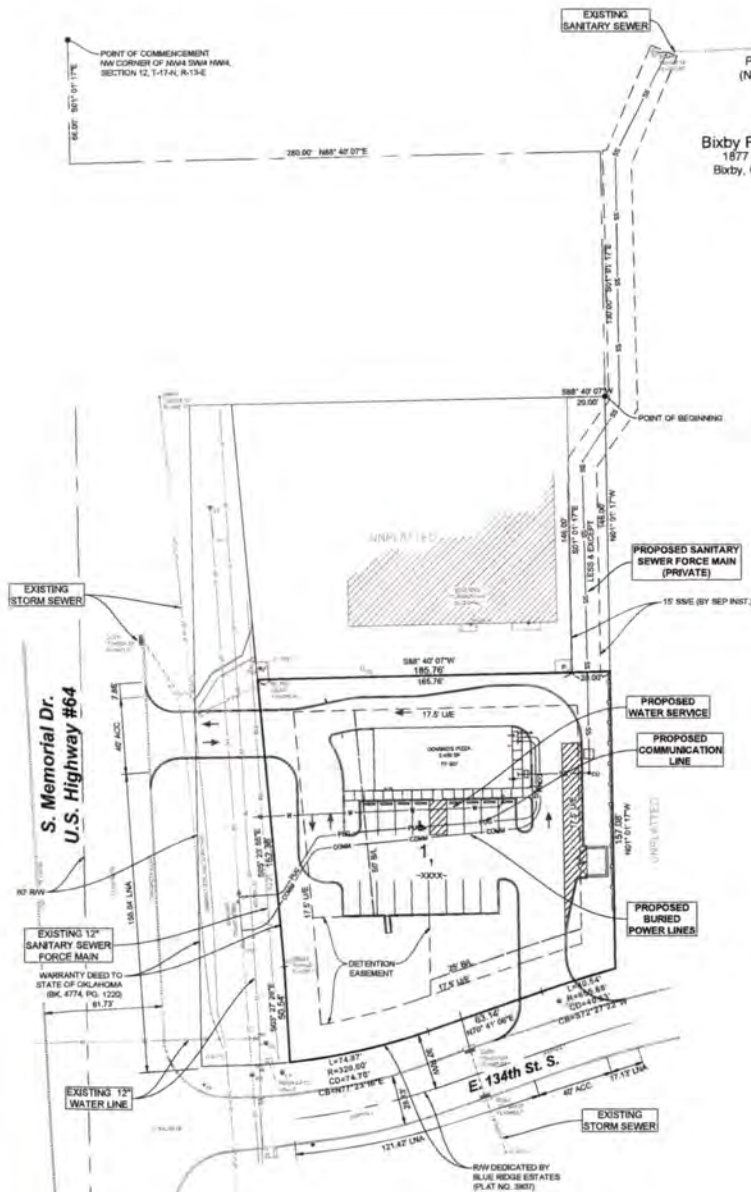
COMMENCING AT THE NORTHWEST CORNER OF SAID NW/4 OF THE NW/4 OF THE NW/4, THENCE SOUTH 196 FEET; THENCE N 89°59'01" EAST AND PARALLEL WITH THE NORTH LINE OF SAID NW/4 OF THE NW/4 OF THE NW/4 A DISTANCE OF 285 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" W A DISTANCE OF 148 FEET; THENCE NORTH 89°59'01" EAST A DISTANCE OF 30 FEET; THENCE NORTH 0°17'37" EAST A DISTANCE OF 148 FEET TO THE POINT OF BEGINNING.

TOPO LEGEND

POWER POLE
LIGHT POLE
ELECTRIC PEDESTAL
OUT ANCHOR
CABLE TV PEDESTAL
CLEAN OUT
DOUBLE GRATE DROP INLET
WATER METER
WATER VALVE
FIRE HYDRANT
OVERHEAD ELECTRIC
REINFORCED CONCRETE PIPE
SANITARY SEWER
SANITARY SEWER FORCE MAIN
WATERLINE
FINISH FLOOR
TOP OF ROOM
TOP OF GRATE
FLOWLINE

PROPOSED LEGEND

COMMUNICATION LINE
POWER UNDERGROUND
WATER LINE
SANITARY SEWER LINE
FORCE MAIN



Domino's Bixby

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW4 SW4 NW4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA

DEED OF DEDICATION AND RESTRICTIVE COVENANTS

DOMINO'S BIXBY

KNOW ALL MEN BY THESE PRESENTS:

BIXBY FUNERAL SERVICE, INC., HEREINAFTER REFERRED TO AS THE "OWNER", IS THE OWNER OF THE FOLLOWING DESCRIBED LAND IN TULSA COUNTY, STATE OF OKLAHOMA, TO-WIT:

PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW4 SW4 NW4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW4 SW4 NW4; THENCE SOUTH 0°17'37" W. ON THE WEST LINE OF SAID NW4 SW4 NW4 A DISTANCE OF 86 FEET; THENCE NORTH 89°59'01" EAST, PARALLEL WITH THE NORTH LINE OF SAID NW4 SW4 NW4, A DISTANCE OF 285 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 130 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE SOUTH 0°17'37" WEST A DISTANCE OF 148 FEET; THENCE SOUTH 89°59'01" WEST A DISTANCE OF 165.76 FEET TO A POINT ON THE EAST RIGHT-OF-WAY OF U.S. HIGHWAY #64; THENCE SOUTH 4°09'01" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 152.38 FEET; THENCE SOUTH 3°08'32" EAST ON SAID RIGHT-OF-WAY A DISTANCE OF 50.54 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF EAST 134TH STREET; THENCE NORTH 89°24'20" EAST ON THE NORTH RIGHT-OF-WAY OF SAID 134TH STREET SOUTH A DISTANCE OF 6.00 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE LEFT HAVING A RADIUS OF 320 FEET AND A CENTRAL ANGLE OF 17°21'22" FOR A DISTANCE OF 74.87 FEET; THENCE NORTH 72°00'00" EAST ON SAID RIGHT-OF-WAY, A DISTANCE OF 63.14 FEET; THENCE CONTINUING ON SAID RIGHT-OF-WAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 655.68 FEET AND A CENTRAL ANGLE OF 3°32'32" FOR A DISTANCE OF 45.54 FEET; THENCE NORTH A DISTANCE OF 303.18 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT A TRACT OF LAND IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (NW4 SW4 NW4) OF SECTION TWELVE (12), TOWNSHIP SEVENTEEN (17) NORTH, RANGE THIRTEEN (13) EAST OF THE INDIAN BASE AND MERIDIAN, TULSA COUNTY, STATE OF OKLAHOMA ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT THE NORTHWEST CORNER OF SAID NW4 OF THE NW4; THENCE SOUTH 186 FEET; THENCE N 89°59'01" EAST AND PARALLEL WITH THE NORTH LINE OF SAID NW4 OF THE NW4 A DISTANCE OF 285 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 89°59'01" WEST A DISTANCE OF 20 FEET; THENCE NORTH 0°17'37" WEST A DISTANCE OF 148 FEET; THENCE NORTH 89°59'01" EAST A DISTANCE OF 30 FEET; THENCE NORTH 0°17'37" EAST A DISTANCE OF 148 FEET TO THE POINT OF BEGINNING.

AND HAS CAUSED THE ABOVE DESCRIBED TRACT OF LAND TO BE SURVEYED, STAKED, PLATTED AND SUBDIVIDED INTO ONE LOT, ONE BLOCK, IN CONFORMITY WITH THE ACCOMPANYING PLAT AND SURVEY (HEREINAFTER THE "PLAT"), AND HAS ENTITLED AND DESIGNATED THE SUBDIVISION AS "DOMINO'S BIXBY", A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA (HEREINAFTER THE "SUBDIVISION" OR "PLATTED AREA" OR "DOMINO'S BIXBY").

SECTION I. EASEMENTS AND UTILITIES

A. GENERAL UTILITY EASEMENTS

THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC THE UTILITY EASEMENTS DESIGNATED AS "UE" OR "UTILITY EASEMENT", FOR THE SEVERAL PURPOSES OF CONSTRUCTING, MAINTAINING, OPERATING, REPAIRING, REPLACING, AND/OR REMOVING ANY AND ALL PUBLIC UTILITIES, INCLUDING STORM SEWERS, SANITARY SEWERS, TELEPHONE AND COMMUNICATION LINES, ELECTRIC POWER LINES AND TRANSFORMERS, GAS LINES, WATER LINES AND CABLE TELEVISION LINES, TOGETHER WITH ALL FITTINGS, INCLUDING THE POLES, WIRES, CONDUITS, PIPES, VALVES, METERS, AND EQUIPMENT FOR EACH OF SUCH FACILITIES AND ANY OTHER APPURTENANCES THERE TO, WITH THE RIGHTS OF INGRESS AND EGRESS TO AND UPON THE UTILITY EASEMENTS FOR THE USES AND PURPOSES AFORESAID, PROVIDED HOWEVER, THE OWNER HEREBY RESERVES THE RIGHT TO CONSTRUCT, MAINTAIN, OPERATE, LAY AND RE-LAY WATER LINES AND SEWER LINES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR SUCH CONSTRUCTION, MAINTENANCE, OPERATION, LAYING AND RELAYING OVER, ACROSS AND ALONG ALL OF THE UTILITY EASEMENTS DEPICTED ON THE PLAT, FOR THE PURPOSE OF FURNISHING WATER AND/OR SEWER SERVICES TO THE AREA INCLUDED IN THE PLAT. THE OWNER HEREBY IMPOSES A RESTRICTIVE COVENANT, WHICH COVENANT SHALL BE BINDING ON THE LOT OWNER AND SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, AND BY THE SUPPLIER OF ANY AFFECTED UTILITY SERVICE, THAT WITHIN THE UTILITY EASEMENTS DEPICTED ON THE ACCOMPANYING PLAT NO BUILDING, STRUCTURE OR OTHER ABOVE OR BELOW GROUND OBSTRUCTION THAT INTERFERES WITH THE ABOVE SET FORTH USES AND PURPOSES OF AN EASEMENT SHALL BE PLACED, ERRECTED, INSTALLED OR MAINTAINED, PROVIDED HOWEVER, NOTHING HEREIN SHALL BE DEEMED TO PROHIBIT DRIVES, PARKING AREAS, CURBING, LANDSCAPING AND CUSTOMARY SCREENING FENCES AND WALLS THAT DO NOT CONSTITUTE AN OBSTRUCTION.

B. UNDERGROUND SERVICE

- OVERHEAD POLES FOR THE SUPPLY OF ELECTRIC AND COMMUNICATION SERVICE MAY BE LOCATED IN THE PERMITTER UTILITY EASEMENT AND THE PERMITTER RIGHT-OF-WAY OF THE SUBDIVISION. STREET LIGHT POLES OR STANDARDS MAY BE SERVED BY OVERHEAD OR UNDERGROUND CABLE, AND ELSEWHERE THROUGHOUT THE SUBDIVISION. ALL SUPPLY LINES INCLUDING ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS LINES SHALL BE LOCATED UNDERGROUND IN EASEMENTS DEDICATED FOR GENERAL UTILITY SERVICES AND IN THE RIGHTS-OF-WAY OF THE PUBLIC STREETS AS DEPICTED UPON THE ACCOMPANYING PLAT. SERVICE PEDESTALS AND TRANSFORMERS, AS SOURCES OF SUPPLY AT SECONDARY VOLTAGES, MAY ALSO BE LOCATED IN THE GENERAL UTILITY EASEMENTS.
- UNDERGROUND SERVICE CABLES AND GAS SERVICE LINES TO ALL STRUCTURES WHICH MAY BE LOCATED ON ALL LOTS IN THE SUBDIVISION MAY BE RUN FROM THE NEAREST GAS MAIN, SERVICE PEDESTAL OR TRANSFORMER TO THE POINT OF USAGE DETERMINED BY THE LOCATION AND CONSTRUCTION OF SUCH STRUCTURE AS MAY BE LOCATED UPON EACH SAID LOT, PROVIDED THAT UPON THE INSTALLATION OF SUCH A SERVICE CABLE OR GAS SERVICE LINE TO A PARTICULAR STRUCTURE, THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE A DEFINITIVE, PERMANENT AND EFFECTIVE EASEMENT ON THE LOT, COVERING A 5 FOOT STRIP EXTENDING 2.5 FEET ON EACH SIDE OF THE SERVICE CABLE, EXTENDING FROM THE SERVICE PEDESTAL, TRANSFORMER OR GAS MAIN TO THE SERVICE ENTRANCE ON THE STRUCTURE OR A POINT OF METERING.
- THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION AND GAS SERVICES, THROUGH ITS AUTHORIZED AGENTS AND EMPLOYEES, SHALL AT ALL TIMES HAVE THE RIGHT OF ACCESS TO ALL SUCH EASEMENTS SHOWN ON THE PLAT OF THE SUBDIVISION OR PROVIDED FOR IN THIS DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING OR REPLACING ANY PORTION OF THE UNDERGROUND ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE SHALL THEREAFTER BE DEEMED TO HAVE TELEVISION ALSO RESERVES THE PERPETUAL RIGHT, PRIVILEGE AND AUTHORITY TO CUT DOWN, TRIM, OR TREAT ANY TREES AND UNDERGROWTH ON SAID EASEMENT.
- THE OWNER OF THE LOT IN THE SUBDIVISION SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE UNDERGROUND ELECTRIC FACILITIES LOCATED ON HIS PROPERTY AND SHALL PREVENT THE ALTERATION OF GRADE OR ANY CONSTRUCTION ACTIVITY WHICH MAY INTERFERE WITH SAID ELECTRIC, TELEPHONE, CABLE TELEVISION OR GAS FACILITIES. THE SUPPLIER OF SERVICE WILL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF UNDERGROUND FACILITIES, BUT THE OWNER OF THE LOT IN THE SUBDIVISION WILL PAY FOR DAMAGE OR

RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER OR HIS AGENTS OR CONTRACTORS. THE FOREGOING COVENANTS CONCERNING UNDERGROUND FACILITIES SHALL BE ENFORCEABLE BY THE SUPPLIER OF ELECTRIC, TELEPHONE, CABLE TELEVISION, OR GAS SERVICES.

C. WATER MAINS, SANITARY SEWERS, AND STORM SEWER SERVICES

- THE OWNER OF THE LOT SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS IN THIS ADDITION.
- WITHIN THE UTILITY EASEMENT AREAS DEPICTED ON THE ACCOMPANYING PLAT, THE ALTERATION OF GROUND ELEVATIONS FROM THE CONTOURS EXISTING UPON THE COMPLETION OF THE INSTALLATION OF A PUBLIC WATER MAIN, SANITARY SEWER MAIN, OR STORM SEWER MAIN, OR ANY CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWERS, SHALL BE PROHIBITED.
- CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF PUBLIC WATER MAINS, SANITARY SEWER MAINS AND STORM SEWER MAINS, BUT THE OWNER SHALL PAY FOR DAMAGE OR RELOCATION OF SUCH FACILITIES CAUSED OR NECESSITATED BY ACTS OF THE OWNER, HIS AGENTS OR CONTRACTORS.
- CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, SHALL AT ALL TIMES HAVE RIGHT OF ACCESS TO ALL EASEMENTWAYS DEPICTED ON THE ACCOMPANYING PLAT, OR OTHERWISE PROVIDED FOR IN THE DEED OF DEDICATION FOR THE PURPOSE OF INSTALLING, MAINTAINING, REMOVING, OR REPLACING ANY PORTION OF UNDERGROUND WATER, SANITARY SEWER OR STORM SEWER FACILITIES.
- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND HERETO.

D. SURFACE DRAINAGE

EACH LOT DEPICTED ON THE PLAT OF DOMINO'S BIXBY, SHALL RECEIVE AND DRAIN, IN AN UNOBSTRUCTED MANNER, THE STORM AND SURFACE WATERS FROM LOTS AND DRAINAGE AREAS OF HIGHER ELEVATION AND FROM STREETS AND EASEMENTS. NO CONTRACTOR OR OWNER(S) SHALL CONSTRUCT OR PERMIT TO BE CONSTRUCTED ANY FENCING OR OTHER OBSTRUCTIONS WHICH WOULD IMPAIR THE DRAINAGE OF STORM AND SURFACE WATERS OVER AND ACROSS ANY LOT. THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY ANY AFFECTED LOT OWNER AND BY THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA.

E. PAVING AND LANDSCAPING WITHIN EASEMENT

THE OWNER OF THE LOT AFFECTED SHALL BE RESPONSIBLE FOR THE REPAIR OF DAMAGE TO LANDSCAPING AND PAVING OCCASIONED BY NECESSARY PLACEMENTS, REPLACEMENTS, OR MAINTENANCE OF WATER, SEWER, STORM SEWER, NATURAL GAS, COMMUNICATION, CABLE TELEVISION, OR ELECTRIC FACILITIES WITHIN THE UTILITY EASEMENT AREAS DEPICTED UPON THE ACCOMPANYING PLAT. PROVIDED HOWEVER, THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA OR THE SUPPLIER OF THE UTILITY SERVICE SHALL USE REASONABLE CARE IN THE PERFORMANCE OF SUCH ACTIVITIES.

F. LIMITS OF NO ACCESS

THE UNDERSIGNED OWNER HEREBY RELINQUISHES RIGHTS OF VEHICULAR INGRESS OR EGRESS FROM ANY PORTION OF THE PROPERTY ADJACENT TO SOUTH MEMORIAL DRIVE (U.S. HIGHWAY 84 OR EAST 134TH STREET SOUTH WITHIN THE BOUNDS DESIGNATED AS "LIMITS OF NO ACCESS" (L.N.A.) ON THE ACCOMPANYING PLAT, WHICH LIMITS OF NO ACCESS MAY BE AMENDED OR RELEASED BY THE CITY OF BIXBY PLANNING COMMISSION, OR ITS SUCCESSOR, AND WITH THE APPROVAL OF THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA, OR AS OTHERWISE PROVIDED BY THE STATUTES AND LAWS OF THE STATE OF OKLAHOMA.

G. STORMWATER DETENTION EASEMENTS

- THE OWNER DOES HEREBY DEDICATE TO THE PUBLIC PERPETUAL EASEMENTS ON, OVER, AND ACROSS THE PROPERTY DESIGNATED AND SHOWN ON THE ACCOMPANYING PLAT AS STORMWATER DETENTION EASEMENT FOR THE PURPOSES OF PERMITTING THE FLOW, CONVEYANCE, RETENTION, DETENTION AND DISCHARGE OF STORMWATER RUNOFF FROM THE SUBDIVISION.
- DETENTION, RETENTION AND OTHER DRAINAGE FACILITIES LOCATED WITHIN THE STORMWATER DETENTION EASEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.
- NO FENCE, WALL, BUILDING, OR OTHER OBSTRUCTION MAY BE PLACED OR MAINTAINED IN STORMWATER DETENTION EASEMENTS NOR SHALL THERE BE ANY ALTERATION OF GRADE IN SAID EASEMENTS UNLESS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF BIXBY, OKLAHOMA.
- DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES SHALL BE MAINTAINED BY THE OWNER, TO THE EXTENT NECESSARY TO ACHIEVE THE INTENDED DRAINAGE, RETENTION, AND DETENTION FUNCTIONS INCLUDING REPAIR OF APPURTENANCES AND REMOVAL OF OBSTRUCTIONS AND SILTATION. DETENTION FACILITIES SHALL BE MAINTAINED BY THE OWNER IN ACCORDANCE WITH THE FOLLOWING MINIMUM STANDARDS:
 - GRASS AREAS SHALL BE MOWED (IN SEASON) AT REGULAR INTERVALS OF FOUR WEEKS, OR LESS.
 - CONCRETE APPURTENANCES SHALL BE MAINTAINED IN GOOD CONDITION AND REPLACED IF DAMAGED.
 - THE DETENTION EASEMENT SHALL BE KEPT FREE OF DEBRIS.
 - CLEANING OF SILTATION AND VEGETATION FROM CONCRETE CHANNELS SHALL BE PERFORMED TWICE YEARLY.
- LANDSCAPING, APPROVED BY THE CITY OF BIXBY, OKLAHOMA, SHALL BE ALLOWED WITHIN THE DETENTION EASEMENTS.
- IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE DETENTION, RETENTION, AND OTHER DRAINAGE FACILITIES OR, IN THE EVENT OF THE PLACEMENT OF AN OBSTRUCTION WITHIN, OR THE ALTERATION OF GRADE, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED DRAINAGE FUNCTIONS AND MAY REMOVE ANY OBSTRUCTION OR CONSTRUCTION ACTIVITY WHICH WOULD INTERFERE WITH SAID DRAINAGE. THE COSTS THEREOF SHALL BE PAID BY THE OWNER. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE PROPERTY. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

H. PRIVATE SANITARY SEWER FORCE MAIN

- A SANITARY SEWER FORCE MAIN WILL BE CONSTRUCTED BY THE OWNER WITHIN AN EASEMENT GRANTED BY THE OWNER OF THE ADJACENT PROPERTY TO THE NORTH, AND WILL CONNECT WITH THE CITY OF BIXBY PUBLIC SANITARY SEWER LOCATED APPROXIMATELY 300 FEET NORTH OF THE PROPERTY. THE OWNER HEREBY COVENANTS THAT:
 - THE SANITARY SEWER FORCE MAIN AND LIFT STATION SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS APPROVED BY THE CITY OF BIXBY, OKLAHOMA.
 - THE OWNER, OR ITS SUCCESSORS, SHALL BE RESPONSIBLE FOR ORDINARY MAINTENANCE OF THE PRIVATE SANITARY SEWER FORCE MAIN AND LIFT STATION.

- IN THE EVENT THE OWNER SHOULD FAIL TO PROPERLY MAINTAIN THE SANITARY SEWER FORCE MAIN AND LIFT STATION, THE CITY OF BIXBY, OKLAHOMA, OR ITS DESIGNATED CONTRACTOR MAY ENTER AND PERFORM MAINTENANCE NECESSARY TO ACHIEVE THE INTENDED AND THE COSTS THEREOF SHALL BE PAID BY THE OWNER. IN THE EVENT THE OWNER FAILS TO PAY THE COST OF MAINTENANCE AFTER COMPLETION OF THE MAINTENANCE AND RECEIPT OF A STATEMENT OF COSTS, THE CITY OF BIXBY, OKLAHOMA, MAY FILE OF RECORD A COPY OF THE STATEMENT OF COSTS IN THE LAND RECORDS OF THE TULSA COUNTY CLERK, AND THEREAFTER THE COSTS SHALL BE A LIEN AGAINST THE PROPERTY. A LIEN ESTABLISHED AS ABOVE PROVIDED MAY BE FORECLOSED BY THE CITY OF BIXBY, OKLAHOMA.

- THE FOREGOING COVENANTS SET FORTH IN THIS PARAGRAPH SHALL BE ENFORCEABLE BY THE CITY OF BIXBY, OKLAHOMA, OR ITS SUCCESSORS, AND THE OWNER OF THE LOT AGREES TO BE BOUND THEREBY.

SECTION II. ENFORCEMENT, DURATION, AMENDMENT, AND SEVERABILITY

A. ENFORCEMENT

THE RESTRICTIONS HEREIN SET FORTH ARE COVENANTS TO RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, ITS SUCCESSORS AND ASSIGNS. WITHIN THE PROVISIONS OF SECTION I, EASEMENTS, AND UTILITIES ARE SET FORTH CERTAIN COVENANTS AND THE ENFORCEMENT RIGHTS PERTAINING THERETO. IF THE UNDERSIGNED OWNER OR ITS SUCCESSORS OR ASSIGNS SHALL VIOLATE ANY OF THE COVENANTS WITHIN SECTION I, IT SHALL BE LAWFUL FOR ANY PERSON OR PERSONS OWNING ANY LOT SITUATED WITHIN THE SUBDIVISION, OR THE CITY OF BIXBY, TULSA COUNTY, TO MAINTAIN ANY ACTION AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANT, TO PREVENT HIM OR THEM FROM SO DOING OR TO COMPEL COMPLIANCE WITH THE COVENANT OR TO RECOVER DAMAGES.

B. DURATION

THESE RESTRICTIONS, TO THE EXTENT PERMITTED BY APPLICABLE LAW, SHALL BE PERPETUAL AND SHALL BE IN FORCE AND EFFECT FOR A TERM OF NOT LESS THAN THIRTY (30) YEARS FROM THE DATE OF THE RECORDING OF THIS DEED OF DEDICATION UNLESS TERMINATED OR AMENDED AS HEREINAFTER PROVIDED.

C. AMENDMENT

THE COVENANTS CONTAINED WITHIN SECTION I, EASEMENTS, AND UTILITIES MAY BE AMENDED OR TERMINATED AT ANY TIME BY A WRITTEN INSTRUMENT SIGNED AND ACKNOWLEDGED BY THE CITY OF BIXBY PLANNING COMMISSION, OR ITS SUCCESSORS WITH THE APPROVAL OF THE CITY OF BIXBY, TULSA COUNTY, OKLAHOMA.

D. SEVERABILITY

IN VALIDATION OF ANY RESTRICTION SET FORTH HEREIN OR ANY PART THEREOF, BY AN ORDER, JUDGMENT, OR DECREE OF ANY COURT, OR OTHERWISE, SHALL NOT INVALIDATE OR AFFECT ANY OF THE OTHER RESTRICTIONS OR ANY PART THEREOF AS SET FORTH HEREIN, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF:

BIXBY FUNERAL SERVICE, INC. HAS EXECUTED THIS INSTRUMENT THIS ____ DAY OF ____, 2021.

BY: _____

JACK SHELBY, _____

ACKNOWLEDGMENT

STATE OF OKLAHOMA }
COUNTY OF TULSA }

SS: _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2021.

BY JACK SHELBY, AS _____ OF BIXBY FUNERAL

SERVICE, INC.

NOTARY PUBLIC

MY COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

[SEAL]

CERTIFICATE OF SURVEY

I, ANDY FRITZ, OF FRITZ LAND SURVEYING, LLC, A LICENSED LAND SURVEYOR REGISTERED IN THE STATE OF OKLAHOMA, HEREBY CERTIFY THAT I HAVE CAREFULLY AND ACCURATELY SURVEYED, SUBDIVIDED, AND PLATTED THE TRACT OF LAND DESCRIBED ABOVE, AND THAT THE ACCOMPANYING PLAT DESIGNATED HEREIN AS DOMINO'S BIXBY, A SUBDIVISION IN THE CITY OF BIXBY, TULSA COUNTY, STATE OF OKLAHOMA, IS A REPRESENTATION OF THE SURVEY MADE ON THE GROUND USING GENERALLY ACCEPTED LAND SURVEYING PRACTICES AND MEETS OR EXCEEDS THE OKLAHOMA MINIMUM STANDARDS FOR THE PRACTICE OF LAND SURVEYING AS ADOPTED.

WITNESS MY HAND AND SEAL THIS ____ DAY OF ____, 2021.

ANDY FRITZ,
LICENSED LAND SURVEYOR

ACKNOWLEDGMENT

STATE OF OKLAHOMA }
COUNTY OF TULSA }

SS: _____

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____, 2021.
BY ANDY FRITZ, AS _____ OF FRITZ LAND SURVEYING, LLC

NOTARY PUBLIC

MY COMMISSION NO. _____

MY COMMISSION EXPIRES: _____

[SEAL]

CITY OF BIXBY

*P.O. Box 70
116 W. Needles Ave.
BIXBY, OK 74008
(918) 366-4430
(918) 366-6373 (fax)*

Development Services – Engineering Memo

To: Carolyn Back, Development Services Director

From: Justin Dowd, Assistant City Engineer

CC: Public Works
Donna Crawford, Assistant City Planner
File

Date: May 10, 2021

Re: Domino's Bixby – Preliminary & Final Plat & Site Plan

Plat Comments:

1. Easement documentation for private force main shall be provided.
2. Provide language regarding maintenance of private force main. Force main shall be the responsibility of the owner, not the City.
3. Address sidewalks; to be required along Memorial and 134th.

Site Plan Comments:

4. Force main along Memorial (U.S. 64) frontage is shallow. Address in grading plan/driveway.
5. No storm sewer shown. Show storm sewer discharge point for detention pond.
6. Private force main shall discharge into existing sanitary sewer line (not the manhole), atleast 5 feet east of the existing manhole.
7. Sidewalks shall be required along Memorial and 134th frontages.

City of Bixby BPWA Meeting Minutes

**City Hall Municipal Building
116 W Needles, Bixby, OK 74008
May 10, 2021 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 May 7th on or before 6:00 p.m.

Mayor Guthrie called the meeting to order at 7:20 pm.

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

Members Present

**Guthrie
Girard
Crawford
Blair
Founds**

Staff Present

**Jared Cottle, City Manager
Phil Frazier, City Attorney
Charles Barns, Finance Dir.
Ike Shirley, Police Chief
Bea Aamodt, Public Works
John Wood, Parks Director
Carolyn Back, Dev. Serv. Dir.
Yvonne Adams, City Clerk**

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

CITY CLERKS REPORT

Consider and approve:

- a) Minutes for the Bixby Public Works Authority meeting dated 04/26/21.

Mayor Guthrie asked for a motion on the BPWA consent agenda. Vice Mayor Blair made motion to approve, seconded by Councilor Crawford. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Crawford, Girard, Founds, Guthrie.

No: None.

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

Discuss and/or approve a Proclamation declaring May 16-23, 2021, "Public Works Week".

Presented by: Bea Aamodt

This item is declaring a Proclamation for May 16-23 as "Public Works Week".

Mayor Guthrie asked for a motion on item #1. Vice Mayor Blair made motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried 5-0

Yes: Blair, Founds, Girard, Blair, Guthrie.

No: None.

Mayor Guthrie said on Item #2 on the Regular BPWA agenda is:

New Business

There being none.

Adjournment was called at 7:26 p.m.

MAYOR

ATTEST

CITY CLERK

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve 2021-2022 Oklahoma Municipal League service fees in the amount of \$9,345.02 (BPWA portion)

INITIATOR: OML

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: This is for the City of Bixby's participation in the Oklahoma Municipal League

EXHIBITS: Letter from OML

KEY ISSUE: Bixby's participation in OML

COUNCIL ACTION: Approve or deny

RECOMMENDATION: None

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

Meeting: BPWA



2021-2022 Service Fees for Bixby

How Does It All Add Up?

2021-2022

Base	\$ 550.00
Formula	\$ 17,304.68
Per Capita	\$ 835.36
21-22 Service Fees	\$ 18,690.04

The following formula was used to figure your 2021-2022 service fees:

2010 Census Population	20,884
2020 Total Sales Tax Receipts	\$ 14,016,789.99
2020 Municipal Sales Tax Rate	4.05 %

Base = \$ 550

Formula = 2020 Total Sales Tax Receipts divided by 2020 Municipal Sales Tax Rate times .005

Per Capita = 2010 Census Population times .04.

If a payment plan works best, please feel free to contact OML and make those arrangements.

OK
Jared Conley
5/11/21

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's property insurance in the amount of \$33,958.69 (BPWA's portion of total bill).

INITIATOR: Charles Barnes

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: The City's total property insurance for FY22 is \$85,746.00. This represents a \$13,591.00 or 18.84% increase over last year. We requested new valuations on several properties due to renovations; plus acquisitions, etc.

EXHIBITS: OMAG invoice

KEY ISSUE: Property insurance coverage for FY-22.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

MEETING: BPWA



3650 S. Boulevard • Edmond, OK 73013 • omag.org
405.657.1400 • 800.234.9461 • FAX 405.657.1401

May 12, 2021

Charles Barnes
City of Bixby
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: City of Bixby, Policy Number PRO140040405

Your OMAG Municipal Property Protection Plan (MPPP) renewal has been processed. Your invoice is enclosed. All of your policy documents may be accessed through the new OMAG Portal. If you already have an OMAG Portal account, or if you have never registered for a portal account and would like to, visit <http://www.omag.org/origami> to get started. The process is quick and easy, and the portal gives you great access to many useful tools.

The total premium for your MPPP renewal is \$85,746.00. You may pay your premium in full, semi-annual or quarterly installments. The initial payment is due by the effective date of your MPPP policy. If you choose to make a 50% or a 25% initial payment, we will send you notices on a semi-annual or quarterly basis, respectively.

Several factors are used to determine your premium. The total insured value of your properties, ISO Fire Protection Class and deductible selected are reviewed annually and allow OMAG to provide a premium that reflects the advantages of your pool membership.

OMAG is created, owned and governed by the cities and towns we serve. We appreciate your support and participation in OMAG's MPPP. Questions regarding your renewal should be directed to me or to Dorie Spitler, Member Services Director, at 800-234-9461 or 405-657-1400.

Sincerely,

A handwritten signature in cursive script that reads "Chris Webb".

Chris Webb
Underwriting Director



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Date of Invoice: 5/12/2021

INVOICE

Mail To: City of Bixby P.O. Box 70 Bixby, Oklahoma 74008-0070	Insured: City of Bixby Policy No.: PRO140040405 Policy Type: Property Effective Date: 7/1/2021 Expiration Date: 7/1/2022
--	--

Inst. No.	Date	Transaction Type	Amount	Running Total
1	7/1/2021	Renewal	\$21,436.50	\$21,436.50
			Current Amount Due	\$21,436.50
Total Policy Balance Before Payment: \$85,746.00			Payment Due By	7/1/2021

**Thank you for your business. If you have questions about your account,
please call 1-800-234-9461 or 405-657-1400.**

If not paid within 45 days of due date, policy will be cancelled.

Detach along the perforation above. Keep top portion for your records. Return bottom portion with your remittance.

Policy No.: PRO140040405 Insured: City of Bixby	Amount Due: \$21,436.50 Payment Due By: 7/1/2021
--	---

PLEASE REMIT PAYMENT TO:

OMAG
P.O. Box 3091
Edmond, OK 73083

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve purchase order to Oklahoma Municipal Assurance Group for renewal of City's general liability and automobile insurance in the amount of \$21,727.65 (BPWA's portion of total bill)

INITIATOR: Charles Barnes

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: The City's total general liability and automobile insurance for FY-22 is \$98,065. This represents a \$7,818.00 or 8.66% increase over last year.

EXHIBITS: OMAG invoice

KEY ISSUE: General liability and automobile insurance coverage for FY-22.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Consent Agenda

MEETING DATE: 5/24/2021

MEETING: BPWA



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405.657.1400 • 800.234.9461 • FAX 405.657.1401

May 12, 2021

Charles Barnes
City of Bixby
P.O. Box 70
Bixby, Oklahoma 74008-0070

RE: City of Bixby - Policy GLA140043605

Your OMAG Municipal Liability Protection Plan (MLPP) renewal has been processed. Your invoice is enclosed. All of your policy documents may be accessed through the new OMAG Portal. If you already have an OMAG Portal account, or if you have never registered for a portal account and would like to, visit <http://www.omag.org/origami> to get started. The process is quick and easy, and the portal gives you great access to many useful tools.

The total premium for your MLPP renewal is \$98,065.00. You may pay your premium in full, semi-annual or quarterly installments. The initial payment is due by the effective date of the MLPP policy. If you choose to make a 50% or a 25% initial payment, we will send you notices on a semi-annual or quarterly basis, respectively.

The principal factors used to determine your premium are your expenditures reported to the Oklahoma State Auditor's office and your autos and equipment that have been added or deleted. If you no longer have a Police Department exposure, you may recognize a reduction in premium.

OMAG is created, owned and governed by the cities and towns we serve. We appreciate your support and participation in OMAG's MLPP. Questions regarding your renewal should be directed to me or to Dorie Spitler, Member Services Director, at 800-234-9461 or 405-657-1400.

Sincerely,

A handwritten signature in cursive script that reads "Chris Webb". The signature is fluid and written in dark ink.

Chris Webb
Underwriting Director



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405.657.1400 • 800.234.9461 • FAX 405.657.1401

**Municipal Liability Protection Plan
Declarations Page**

1. **PLAN MEMBER:** City of Bixby AGREEMENT NUMBER: GLA140043605
Mailing Address: P.O. Box 70
Bixby, Oklahoma 74008-0070
2. **Plan Period** From 12:01 A.M. Central Standard Time at the address of the Plan Member
From 7/1/2021 to 7/1/2022
3. The Plan Member is a(n) Municipality
4. The Coverage afforded by this agreement is only with respect to the following coverages as are indicated by specific limits of coverage, for which a premium is charged.

COVERAGE	PREMIUM
GENERAL LIABILITY (PARTS I, IV, V, AND VI)	
A. Bodily Injury	
B. Property Damage	\$54,099
C. Personal Injury	
D. Errors and Omissions	<u>Coverages A,B,C,D,I,J,K,L</u>
I. Pollution Damage	
J. Defense Reimbursement	
K. Cyber/Data Breach	
L. Uncovered Employment Defense	
[] Prior Acts Coverage	\$
AUTOMOBILE LIABILITY (PART II)	<u>Prior Acts</u>
E. Bodily and Personal Injury F. Property Damage	\$12,074
	<u>Coverages E,F</u>
[X] Hired and Non-owned Automobile Coverage	\$43
	<u>Hired and Non-owned</u>
AUTOMOBILE & EQUIPMENT PHYSICAL DAMAGE (PART III)	
G. Automobile Physical Damage	\$28,140
1. Comprehensive	
2. Specified Perils	<u>Coverages G</u>
3. Collision	
[X] Hired Auto Physical Damage Limit: \$150,000	\$0
	<u>Hired Auto Physical Damage</u>
H. Equipment Physical Damage – Per equipment schedule	
[X] Mobile Equipment	\$1,272
[X] Auto/Misc. Equipment Blanket Limit: \$1,701,840	\$2,246
[X] Mobile Equipment Leased/Rented Limit: \$100,000	\$175
	<u>Coverages H</u>
5. LIMITS OF LIABILITY, except for Coverages G,H,I,J,L	
Losses subject to the OKLAHOMA GOVERNMENTAL TORT CLAIMS ACT:	
\$25,000 Each Property Damage Loss Per Occurrence, including Fire Legal	
\$125,000 Each Other Loss Per Occurrence	
\$1,000,000 Aggregate Per Occurrence	
Losses not subject to the OKLAHOMA GOVERNMENTAL TORT CLAIMS ACT:	
\$10,000 Medical Payments for Volunteers Per Loss	
\$1,000,000 Each Other Loss Per Occurrence	\$98,049
Cyber Coverage: See Limits on Cyber/Data Breach Declarations Page	
Annual Aggregate: \$2,000,000 Coverages C,D	<u>Total Premium</u>
\$10,000 Coverage J	(This is not an invoice.)

6. **DEDUCTIBLES**
- Coverages A,B,E,F,L: No Deductible, except for sanitary sewer overflows and electrical disruptions, which are subject to the Deductible of C & D.
- Coverages C,D: \$1,000 Per Occurrence
- Coverages G,H: Per Schedule of Endorsement
- Coverage I: \$1,000 Per Pollution Incident
- Coverage J: \$5,000 SIR
- Coverage K: Per Applicable Cyber/Data Breach Deductible
7. This agreement is composed of this Declaration Page, the MLPP Document, Schedules, Forms and Endorsements, if any.

Jonathan D. Woods

OMAG Representative

Issue Date: May 12, 2021

CONSENT AGENDA ITEM COMMENTARY

ITEM TITLE: Discuss and/or take action on dedicating Utility Easements to Oklahoma Gas and Electric Company for the purpose of supplying electrical service to the Bixby Water Reclamation Facility (WWTP).

INITIATOR: Bea Aamodt

STAFF INFORMATION SOURCE: Bea Aamodt

BACKGROUND: In order to provide service to the Bixby Water Reclamation Facility, OG&E has requested dedication of an easement for the service line installation. The easement dedication will be from the City of Bixby to OG&E.

EXHIBITS: Utility Easement

KEY ISSUE: Utility Easement

COUNCIL ACTION: Approval of easement dedication to OG&E

RECOMMENDATION: Approval.

ITEM NO: _____

MEETING DATE: 05-24-2021

MEETING: BPWA

AFTER RECORDING RETURN TO:
OG&E ELECTRIC SERVICES
ATTN: FIELD SERVICE AGENT
18511 West Hwy 33
SAPULPA, OK. 74066

EASEMENT

Work Order # 7387775

KNOW ALL MEN BY THESE PRESENTS: THAT **The City of Bixby, an Oklahoma corporation**, Grantor, in consideration of the sum of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY**, an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Tulsa County, State of Oklahoma, to wit:

THIS EASEMENT SHALL CONSIST OF A 14.00 FOOT WIDE STRIP OF LAND IN THE SE¼ OF SECTION 13, T17N, R13E, I.M., THE CENTERLINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SE CORNER OF SAID SE¼; THENCE S88° 22' 04"W ALONG THE SOUTH LINE THEREOF A DISTANCE OF 1335.00 FEET; THENCE NORTH A DISTANCE OF 535.00 FEET TO THE POINT OF BEGINNING; THENCE N88° 00' 00"E A DISTANCE OF 249.00 FEET; THENCE NORTH A DISTANCE OF 12.00 FEET; THENCE N88° 22' 00"E A DISTANCE OF 162.00 FEET; THENCE N01° 25' 00"W A DISTANCE OF 220.00 FEET; THENCE WEST A DISTANCE OF 60.00 FEET TO THE POINT OF TERMINUS.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Signed and delivered this _____ day of _____, 2021.

The City of Bixby, an Oklahoma corporation

By: _____
Title: _____
Print Name: _____

ACKNOWLEDGMENT

STATE OF _____, COUNTY OF _____, SS;

Before me, the undersigned, a Notary Public, in and for Said County and State, on this _____ day of _____, 2021, personally appeared _____, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its _____, and acknowledged to me that he/she executed the same as his/her free and voluntary act and deed of such corporation, for the uses and purposes therein set forth.

My Commission Expires: _____

Notary Public

AGENDA ITEM COMMENTARY

ITEM TITLE: Consider and/or approve FY22 budget including budget resolution

INITIATOR: Charles Barnes

STAFF INFO. SOURCE Charles Barnes

BACKGROUND: Oklahoma Statutes require that the budget be approved at least 7 days prior to the start of the fiscal year.

EXHIBITS: Budget Resolution 2020-16 and FY-22 Budget

KEY ISSUE: Approval of FY22 Budget prior to beginning of fiscal year.

COUNCIL ACTION: Approve or deny

RECOMMENDATION: Approve

ITEM NO: Agenda

MEETING DATE: 5/24/2021

MEETING: BPWA

BIXBY PUBLIC WORKS AUTHORITY

RESOLUTION 2021-16

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE BIXBY PUBLIC WORKS AUTHORITY, ADOPTING A FISCAL YEAR 2022-2023 BIENNIAL BUDGET FOR THE BIXBY PUBLIC WORKS AUTHORITY.

WHEREAS, a biennial budget enhances strategic long-range planning, decreases budget development time, provides better resource allocation, provides better discipline in the expenditure of funds, tends to improve fund balances, and is viewed by credit rating agencies as enhancing the Bixby Public Works Authority's overall financial conditions; and

WHEREAS, each annual budget making up the two-year Biennial budget will be considered and acted upon separately each year of the biennium after review by the Board of Trustees of the Bixby Public Works Authority.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE BIXBY PUBLIC WORKS AUTHORITY THAT:

The Board of Trustees of the Bixby Public Works Authority approves the 2022-2023 Biennial Budget, providing for the balancing of revenues and expenditures related to same as provided in the 2022-2023 biennial budget documents accompanying this resolution.

ADOPTED and APPROVED by the Board of Trustees of the Bixby Public Works Authority on May 24, 2021.

Brian Guthrie, Chairman
Board of Trustees
Bixby Public Works Authority

ATTEST:

BPWA Secretary

APPROVED:

BPWA Attorney