City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
September 26, 2022 at 6:00 PM

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 September 23, 2022, on or before 5:00 p.m.

Call to Order

Mayor Guthrie called the meeting to order at 6:04 pm.

Roll Call

Shannon Duran, City Clerk, called the roll and the following were present:
Members Present
Mayor Guthrie
Vice Mayor Blair
Councilor Founds
Councilor Girard
Councilor Revelis

Staff Present
Jared Cottle, City Manager
Shannon Duran, City Clerk
Phil Frazier, City Attorney
Charles Barnes, Finance Director
Bea Aamodt, Public Works Director
OC Walker, City Planner
Todd Blish, Police Chief
Mike Butler, Fire Chief
Donna Crawford, Development
Justin Dowd, City Engineer
Bryan Toney, Public Information Officer

Pledge of Allegiance

Invocation

Consent Agenda

1) Approve Minutes for the Work Session dated 09/12/22.

2) Approve minutes for the City Council Meeting dated 09/12/22.

3) Proclaiming a Proclamation for Constitution Week for the Week of September 17-23, 2022.

4) Proclamation recognizing the 100th Birthday of Luther Metcalf.

5) Discussion, consideration and possible vote to approve Site Plan (BXSP-22.04) for "126th and Memorial Office No. 1.," located at 7643 East 126th Street South, Bixby, Oklahoma.

6) Discussion, consideration and possible vote to approve Site Plan (BXSP-22.05) for "Marlee Office No. 2.," located at 7627 East 126th Street South, Bixby, Oklahoma.

7) Accept the infrastructure at Dodson Warehouse Development, located at 12231 S 74th E Ave, into the City's infrastructure.

8) Approve final acceptance of the Needles Storm Sewer Ph. 1 Project with a final contract amount of $191,635.00.

9) Approve final acceptance of the Needles Sidewalk Improvement Project with a final contract amount of $27,094.00.

10) Approve final acceptance of the 2021 CIRP North Street Repair Project and a final contract amount of $1,420,298.55.

11) Approve final acceptance of the 121st widening to 85th Project with a final contract amount of $2,010,420.52.

12) Approve final acceptance of the Bridge Nos. 167 & 168 Rehabilitation Project with a final contract amount of $172,541.50.

13) Approve final acceptance of the White Hawk Sewer Interceptor Project with a final contract amount of $1,025,129.00.

Mayor Guthrie said items 1-13 on the consent agenda are up for discussion and consideration. Mayor Guthrie says items 5 and 6 are taken off the Consent Agenda as they should not have been placed on this Agenda.
Councilor Girard requested to pull item 11 for discussion. Mayor Guthrie pulled item 11, final acceptance of the 121st widening to 85th project with a final contract amount of $2,010,420.52, for further discussion. Councilor Girard inquires as to project needs for completion and clarification that this item has been previously discussed. Bea Aamodt, Public Works Director, gave an accounting as to this item. Greg Snyder speaks on this item and clarifies that Item #27 on the Regular Agenda does not have anything to do with Item #11 on the Consent Agenda. Mayor Guthrie states that item 11 is not in relation to item #27 on the regular Agenda.

Mayor Guthrie says Item 13, the request to approve final acceptance of the White Hawk Sewer Interceptor Project with a final contract amount of $1,025,129.00, has been pulled for further discussion. Greg Snyder speaks on this item. Jared Cottle and Mayor Guthrie gave explanations and clarification on the project.

Mayor Guthrie reads a proclamation recognizing the 100th Birthday of Luther Metcalf and the proclamation for Constitution Week.

Mayor Guthrie asks for a motion to approve items 1-4 and 7-13(Items 5 and 6 were taken off the Consent Agenda). Councilor Founds made a motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:
Carried:5-0
Ayes: Founds, Blair, Revelis, Girard, Guthrie
Nays: 0

Regular Agenda

1) Discussion, consideration and possibly vote to approve Ordinance Number 2410, amending the Bixby City Code Title 9, Building and Construction Regulations," Chapter 2, "Building and Related Codes," by adopting the ICC 2018 International Building Code and the ICC 2018 International Existing Building Code as part of the Bixby City Code.

   Mayor Guthrie said Item 1 on the Regular Agenda is up for discussion and consideration.
   Item presented by O.C. Walker, City Planner.

   Others who spoke: Greg Armstrong Inspector.
   Council inquires as to operating codes and dates currently being used within the City of Bixby.
   Mayor Guthrie asks for a motion to approve item 1. Councilor Girard made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:
   Carried:5-0
   Ayes: Girard, Founds, Revelis, Blair, Guthrie
   Nays: 0

2) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2410, making it effective immediately upon passage and adoption by amending the Bixby City Code Title 9, Building and Construction Regulations," Chapter 2, "Building and Related Codes," by adopting the ICC 2018 International Building Code and the ICC 2018 International Existing Building Code as part of the Bixby City Code.

   Mayor Guthrie said Item 2 on the Regular Agenda to approve the emergency Clause is up for discussion and consideration.
   Item presented by O.C. Walker, City Planner.
   Others who spoke: Greg Amstrong, Inspector.
   Mayor Guthrie asks for a motion to approve item 2. Councilor Founds made a motion to approve, seconded by Councilor Revelis.The vote was taken with the following results:

   Carried:5-0
   Ayes: Founds, Revelis, Girard, Blair, Guthrie
   Nays: 0

3) Discussion, consideration and possibly vote to approve Ordinance Number 2411, amending the Bixby City "Fire" Code Title 9, Building and Construction Regulations," Chapter 7, "Building and Related Codes," by adopting the ICC 2018 International "Fire" Code.

   Mayor Guthrie said Item 3 on the Regular Agenda to approve Ordinance 2411 is up for discussion and consideration.
   Item presented by O.C. Walker, City Planner.
   Others who spoke: Greg Amstrong, Inspector.
   Mayor Guthrie asks for a motion to approve item 3. Councilor Founds made a motion to approve, seconded by Councilor Girard.The vote was taken with the following results:

   Carried:5-0

Ayes: Founds, Girard, Revelis, Blair, Guthrie
Nays: 0

4) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2411, making it effective immediately upon passage and adoption by amending the Bixby City Code Title 9, Chapter 7, "Building and Related Codes," by adopting the ICC 2018 International "Fire" Code.

Mayor Guthrie said Item 4 on the Regular Agenda to approve the emergency Clause for Ordinance 2411 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 4. Councilor Founds made a motion to approve, seconded by Councilor Revelis.The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Revelis, Girard, Blair, Guthrie
Nays: 0

5) Discussion, consideration and possibly vote to approve Ordinance Number 2412, amending the Bixby City Code Title 9, Building and Construction Regulations," amending Chapter 3 "Electrical Code" by adopting the National Electric Code 2017 Edition.

Mayor Guthrie said Item 5 on the Regular Agenda to approve Ordinance 2412 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 5. Councilor Founds made a motion to approve, seconded by Councilor Girard. The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Girard, Revelis, Blair, Guthrie
Nays: 0

6) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2412, making it effective immediately upon passage and adoption by amending the Bixby City Code Title 9, amending Chapter 3 "Electrical Code" by adopting the National Electric Code 2017 Edition.

Mayor Guthrie said Item 6 on the Regular Agenda to approve the Emergency Clause for Ordinance 2412 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 6. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Revelis, Girard, Blair, Guthrie
Nays: 0

7) Discussion, consideration and possibly vote to approve Ordinance Number 2413, amending the Bixby City Code Title 9, Building and Construction Regulations," amending Chapter 5, titled "Fuel Gas Code" by Adopting the 2018 International Fuel Gas Code.

Mayor Guthrie said Item 7 on the Regular Agenda to approve Ordinance 2413 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 7. Councilor Revelis made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried:5-0
Ayes: Revelis, Founds, Girard, Blair, Guthrie
Nays: 0

8) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2413, making it effective immediately upon passage and adoption by amending the Bixby City Code Title 9, amending Chapter 5, titled "Fuel Gas Code" by Adopting the 2018 International Fuel Gas Code.

Mayor Guthrie said Item 8 on the Regular Agenda to approve the emergency clause for Ordinance 2413 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 8. Councilor Founds made a motion to approve, seconded by Vice Mayor Blair.
The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Blair, Girard, Revelis, Guthrie
Nays: 0

9) Discussion, consideration and possibly vote to approve Ordinance Number 2414, amending the Bixby City Code Title 9, Building and Construction Regulations," Chapter 5, titled "Adoption of Mechanical Code and Section 9-5-2, titled "Amendments to Mechanical Code;" Enacting a New Section 9-5-1, Edition;" by Adopting the 2018 International Mechanical Code.

Mayor Guthrie said Item 9 on the Regular Agenda to approve Ordinance 2414 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 9. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Revelis, Girard, Blair, Guthrie
Nays: 0

10) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2414, making it effective immediately upon passage and adoption by amending the Bixby City Code Title 9, amending Chapter 5, titled "Adoption of Mechanical Code and Section 9-5-2, titled "Amendments to Mechanical Code;" Enacting a New Section 9-5-1, Edition;" by Adopting the 2018 International Mechanical Code.

Mayor Guthrie said Item 10 on the Regular Agenda to approve the Emergency Clause for Ordinance 2414 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 10. Councilor Founds made a motion to approve,

seconded by Vice Mayor Blair Blair.
The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Blair, Revelis, Girard, Guthrie
Nays: 0

11) Discussion, consideration and possibly vote to approve Ordinance Number 2415, amending the Bixby City Code Title 9, Building and Construction Regulations," Chapter 6, titled "Plumbing Code," repealing section 9-6-1, titled "Adoption of Plumbing Code" and section 9-6-2, titled "Amendments to Plumbing Code," Enacting a new section 9-6-1, titled by"Adopting the (ICC) 2018 International Plumbing Code.

Mayor Guthrie said Item 11 on the Regular Agenda to approve Ordinance 2415 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 11. Councilor Girard made a motion to approve, seconded by Councilor Founds.The vote was taken with the following results:

Carried:5-0
Ayes: Girard, Founds, Revelis, Blair, Guthrie
Nays: 0

12) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2415, making it effective immediately upon passage and adoption by amending the Bixby City Code Title 9, Building and Construction Regulations," Chapter 6, titled "Plumbing Code," repealing section 9-6-1, titled by adopting the (ICC) 2018 International Plumbing Code.

Mayor Guthrie said Item 12 on the Regular Agenda to approve the Emergency Clause for Ordinance 2415 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Greg Amstrong, Inspector.
Mayor Guthrie asks for a motion to approve item 12. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Revelis, Girard, Blair, Guthrie
Nays: 0

13) Discussion, consideration and possible vote to approve a Specific Use Permit (BXSUP-22.03) for a proposed "Duplex" located at 309 South D. Avenue, Bixby, Oklahoma. Ordinance Number 2416.

Mayor Guthrie said Item 13 on the Regular Agenda to approve Ordinance 2416 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Susan Bevard
Councilor Girard and Councilor Blair inquire about the item being presented. The mayor tables this item for a moment to allow Susan Bevard to contact the owner of the property for further explanation of plans for the property located at 309 South D. Avenue. Bixby, Oklahoma.

Later: Mayor Guthrie recalls item 13 for further discussion and vote.

Susan Bevard speaks on items and gives current updates on the plans on the property owner's behalf.

Mayor Guthrie asks for a motion to approve item 13. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Revelis, Girard, Blair, Guthrie
Nays: 0

14) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance No. 2416 making it effective immediately upon passage and approval of Specific Use Permit (BXSUP-22.03) for a proposed "Duplex" located at 309 D. Avenue, Bixby, Oklahoma.

Mayor Guthrie said Item 14 on the Regular Agenda to approve the Emergency Clause for Ordinance 2416 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Susan Bevard
Councilor Girard and Councilor Blair inquire about the item being presented. The mayor tables this item for a moment to allow Susan Bevard to contact the owner of the property for further explanation of plans for the property located at 309 South D. Avenue. Bixby, Oklahoma.

Later: Mayor Guthrie recalls item 13 for further discussion and vote.

Susan Bevard speaks on items and gives current updates on the plans on the property owner's behalf.

Mayor Guthrie asks for a motion to approve item 14. Councilor Founds made a motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried:5-0
Ayes: Founds, Blair, Revelis, Girard, Guthrie
Nays: 0

15) Discussion, consideration and possible vote to approve Rezone (BXZO-22.07) for "Guardian Angel Exterminator," which is located at 6485 East 151st Street South, Bixby, Oklahoma. Ordinance Number 2417.

Mayor Guthrie said Item 15 on the Regular Agenda to approve rezone (BXZO-22.07) for "Guardian Angel Exterminator" located at 6485 East 151tst Street South, Bixby, Oklahoma, Ordinance 2417 is up for discussion and consideration. Item presented by O.C. Walker, City Planner.Others who spoke: Robert Bell
Applicant Robert Bell provides an update to the council on plans for rezoning and use of the property. A copy of the Specific Day Use Permit Development text was provided to the council and is incorporated as an attachment to these minutes dated 9/26.22.

Mayor Guthrie asks for a motion to approve item 15. Councilor Girard made a motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried:5-0
Ayes: Girard, Blair Founds, Revelis, Guthrie
Nays: 0

16) Discussion, consideration and possible vote for approval of an Emergency Clause for Ordinance No. 2417, making it effective immediately upon passage and approval of Rezone(BXZO-22.07) "Guardian Angel Exterminator," located at 6485 East 151stStreet South Bixby, Oklahoma.

Mayor Guthrie said Item 16 on the Regular Agenda to approve the Emergency Clause for Ordinance 2417 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Robert Bell
Owner Robert Bell provides an update to the council on plans for rezoning and use of the property. A copy of the Specific Day Use Permit Development text was provided to the council and is incorporated as an attachment to these minutes dated 9/26.22.

Mayor Guthrie asks for a motion to approve item 16. Councilor Blair made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried:5-0
Ayes: Blair, Founds, Revelis, Girard, Guthrie
Nays: 0

17) Discussion, consideration and possible vote to approve Specific Use Permit (BXSUP-22.02) for "Guardian Angel Exterminator," which is located at 6485 East 151st Street South, Bixby, Oklahoma. Ordinance Number 2418.

Mayor Guthrie said Item 17 on the Regular Agenda to approve Specific Use Permit (BXSUP-22.02) for " Guardian Angel Exterminator" which is located at 6485 East 151st Street South, Bixby, Oklahoma, Ordinance 2418 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Robert Bell
Owner Robert Bell provides an update to the council on plans for the Specific Use Permit and use of the property. A copy of the Specific Day Use Permit Development text was provided to the council and is incorporated as an attachment to these minutes dated 9/26.22. Councillor Blair inquires.

Mayor Guthrie asks for a motion to approve item 17. Councilor Girard made a motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried:5-0
Ayes: Girard, Blair, Founds, Revelis, Guthrie
Nays: 0

18) Discussion, consideration and possible vote for approval of an Emergency Clause for Ordinance No. 2418 making it effective immediately upon the passage and approval of a Specific Use Permit (BXSUP-22.02) for "Guardian Angel Exterminator," located at 6485 East 151st Street South, Bixby, Oklahoma.

Mayor Guthrie said Item 18 on the Regular Agenda to approve the Emergency Clause for Ordinance 2418 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Robert Bell
Owner Robert Bell provides an update to the council on plans for rezoning and use of the property. A copy of the Specific Day Use Permit Development text was provided to the council and is incorporated as an attachment to these minutes dated 9/26.22.

Mayor Guthrie asks for a motion to approve item 18. Councilor Blair made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried:5-0

Ayes: Blair, Founds, Revelis, Girard, Guthrie
Nays: 0

19) Discussion, consideration and possible vote to approve the Final Plat for "Crossing at Conrad Village" (BXPT-22.15), located at 15400 Block of 68th East Place , Bixby, Oklahoma.

Mayor Guthrie said Item 19 on the Regular Agenda to approve the Final Plat for "Crossing at Conrad Village"(BXPT-22.15) is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Enyart and Jared Bacardi Scott barley

Mayor Guthrie asks for a motion to approve item 19. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-1
Ayes: Founds, Revelis, Blair, Guthrie
Nays: Girard

20) Discussion, consideration and possible vote to approve the Comprehensive Plan Amendment (BXCP-22.04) for property located approximately 550 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma. Ordinance Number 2419.

Mayor Guthrie said Item 20 on the Regular Agenda to approve the Comprehensive Plan Amendment (BXCP-22.04) for property located approximately 55 0 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma Ordinance 2419 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Jared Bacardi, Justin Johnson, Shelby Johnson, Marcia Snow, Carl Snow, Joe Daniels, Janet Dyer, and Kurt Preston

Justin Johnson provided the Council with 4 pages of photos of his property showing flooding.

Mayor Guthrie asks for a motion to approve item 20. Councilor Revelis made a motion to approve, seconded by Councilor Blair. The vote was taken with the following results:

Carried:3-2
Ayes: Revelis, Blair, Guthrie
Nays: Founds, Girard

21) Discussion, consideration and possible vote for approval of an Emergency Clause for Ordinance No. 2419, making it effective immediately upon passage and approval of the Comprehensive Plan Amendment (BXCP-22.04) for property located approximately 550 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma.

Mayor Guthrie said Item 21 on the Regular Agenda to approve the Emergency Clause for Ordinance 2419 for the Comprehensive Plan Amendment (BXCP-22.04) for property located approximately 550 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma, is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Jared Bacardi, Justin Johnson, Shelby Johnson, Marcia Snow, Carl Snow, Joe Daniels, Janet Dyer, and Kurt Preston.

Justin Johnson provided the Council with 4 pages of photos of his property showing flooding.

Mayor Guthrie asks for a motion to approve item 21. Councilor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Failed:3-2
Ayes: Blair, Revelis, Guthrie
Nays: Founds, Girard

Due to the vote, the Emergency Clause fails and would need a 2nd reading on the Comp Plan at a later date.

22) Discussion, consideration and possible vote to approve Rezone (BXZO-22.06) and Planned Unit Development-60, Major Amendment No. 2, for property located approximately 550 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma. Ordinance Number 2420.

Mayor Guthrie said Item 22 on the Regular Agenda to approve the Rezone(BXZO-22.06) and Planned Unit Development 60. Major Amendment No 2 for property located approximately 550 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma, Ordinance Number 2420 is up for discussion and consideration.
Item presented by O.C. Walker, City Planner.
Others who spoke: Jared Bacardi, Justin Johnson, Shelby Johnson, Marcia Snow, Carl Snow, Joe Daniels, Janet Dyer, and Kurt Preston.

Justin Johnson provided the Council with four pages of photos of his property showing flooding. The images are attached here-to and are incorporated in these minutes dated 9/26/22.

Mayor Guthrie asks for a motion to approve item 22. Councilor Revelis made a motion to approve but no second motion.

Due to no 2nd motion, the motion failed.

Mayor Guthrie then asks for a motion to deny rezone and PUD on item 22. Councilor Girard made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:

Carried:3-2 (as to motion on the denial of rezone and PUD)
Ayes: Girard, Founds, Blair,
Nays: Revelis, Guthrie

Mayor Guthrie says the motion passes to fail.

23) Discussion, consideration and possible vote for approval of an Emergency Clause for Ordinance No. 2420, making it effective immediately upon passage and approval of Rezone (BXZO-22.06) and Planned Unit Development (PUD-60, Major Amendment No. 2) for property located approximately 550 feet east of the southeast corner of East 111th Street South and South Mingo Road, Bixby, Oklahoma.

Mayor Guthrie says the Emergency Clause will not be needed due to the motion failing in Item 22, so item 23 does not pass.

24) Motion to enter into Executive Session:
Executive Session-

a. Discussion on negotiations and/or purchase for certain real property at the north end of North Riverview Drive, owned by Roger Metcalf, et al: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.
b. Confidential communications and discussions among the City Council and its attorney concerning potential litigation regarding the Downtown Streetscape Project schedule and claims by Paragon. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.
c. Confidential communications and discussion among the City Council and its Attorney to discuss current litigation, status and recommendation. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Status Section 307B.

Mayor Guthrie asks for a motion to enter into an executive session on item 24. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0
Ayes: Founds, Revelis, Blair, Guthrie
Nays: 0
Councillor Girard was not present at the time of the motion.

25) Motion to exit Executive Session.

Mayor Guthrie asks for a motion to exit the Executive Session on item 25. Councilor Founds made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:
Carried:4-0
Ayes: Founds, Revelis, Blair, Guthrie
Nays: 0
Councillor Girard was not present at the time of the motion.

26) Discuss and/or take action on revised Development Agreement with Rockwood Investment, LLC for the development of the TIF 2 site in Bixby

Others who spoke: Greg Snyder and Jared Cottle, City Manager

Mayor Guthrie asks for a motion on item 26. Councilor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:
Carried:5-0
Ayes: Blair, Revelis, Girard, Founds, Guthrie
Nays: 0

27) Discuss and/or take action on Final Change Order and adjustment of quantities for the Downtown Streetscape Project.

Mayor Guthrie asks for a motion on item 27. Councilor Blair made a motion to approve, seconded by Councilor Founds. The vote was taken with the following results:
Carried:5-0
Ayes: Blair, Founds, Revelis, Girard, Guthrie
Nays: 0

28) City Manager's Report

Mayor Calls City Manager report out of order before Executive Session
Jared Cottle, City Manager, gave updates on upcoming events within the City of Bixby: Upcoming projects within the City, Burn Ban extended to 10/03/2022, and the Homecoming parade.

Todd Blish, Police Chief, gave updates on upcoming events within the Police Department within the City and congratulated Sgt. Tim Scrivner on his appointment as Watch Commander.

Mike Butler, Fire Chief, gave updates on upcoming events with the Fire Department within the City and forthcoming training for upcoming Fire Fighters.

Others who spoke: Margaret Snyder and Greg Snyder

29) New Business

In accordance with the Open Meeting act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

30) Adjournment

An adjournment was called for the City Council meeting at 9:58 pm.

Vice Mayor

City Clerk

CITY OF BIXBY OKLAHOMA

Bixby City Council

Speaker Sign-In Sheet

Date: 9/26/22

Clearly state if item is on Consent Agenda, Regular Agenda or Public Works Agenda

Name of Speaker	Address/Phone	Item # and/or Topic
✓ Justin Johnson	11332 S. 102nd East Ave	#21 - #23, BX2027.04, BX2022.06
✓ Margaret Snyder	14712 S 52 E Ave	#24, #28, #29
✓ Gary Snyder	14712 S. 52 E. AVE	Consent #11, 13, {REGULAR AGENDA 26, 27}
✓ Shelby Johnson	11332 S 102 East Ave	#21-#23
✓ Marcia Snow	11227 S. Mingo	# 20-23
✓ JOE DANIELS	10234 E. 111th PL. S.	20-23
✓ Carl Snow	11227 S. Mingo	
✓ Janet Dyer	11305 S. Mingo	20-23
✓ KURT A. PRESTON	9955 E 114TH STR. S.	20, 21, 22, & 23

SPECIFIC USE PERMIT
DEVELOPMENT TEXT

SPECIFIC USE PERMIT

The pandemic has changed the way many businesses operate and ultimately the way they will be viewed as far as their activities as a business.

The Guardian Angels Exterminators fits into this definition. They are basically an office of three to four employees that concentrate on office work associated with the business. The exterminators for the business are now taking their vehicles home and rarely have a presence at the office. They currently have a meeting once a month with drivers and have drivers come by the office to pick up supplies. This is considerably less frequent than standard office deliveries. Occasionally they might have new equipment to install that needs to be in an enclosed garage area. The company also has two box trailers that are generally parked on the property and occasionally utilized on certain work orders.

It is the activity related to the exterminators, though minimal, would qualify under Use Unit 15. Use Unit 15 would normally allow outside storage of materials. The Specific Use Permit will specify, "no outside storage of material shall be allowed on the property except for the two trailers which are required to be located behind a 6-foot screening fence located at the rear of the property or north end of the building". There is an 800 square foot garage area designed in the facility with a two-car garage door. The garage door will be designed to have a residential character and the garage door be located behind the six-foot-high screening fence.

The screening fence will be continued on the north line of the property from the NW corner to the building line associated with Sheridan Avenue. The area required to be screened will not be visible from 151st Street and because of the screening fence and the elevation of the property the activities will not be visible from Sheridan Avenue.

See Exhibit "A" attached for a site plan of the facility. Note that the building is designed to be near 4040 square feet with approximately 1710 square feet being dedicated to Guardian Angels Exterminators. The remaining square feet of the building will be leased to users that meet the criteria of the CS (Commercial Shopping) Zoning District.

CHEMICAL STORAGE

The chemicals utilized by the business come in containers and packaging from the manufacturer that meet the requirements and standards associated with the product for normal storage. These would be a standard product type and storage requirements associated with a

large hardware store i.e., Lowes or Home Depot. As an added protection, the architect has designed a storage room within the building to provide greater security and safety. Extra fire protection requirements beyond the design will be determined through the building permit process. This room will be completed with a roll up style door. Enclosed please find Exhibit "B" that shows pictures of the current operation of the business and the type of containers and packaging utilized.

The site has been designed for 17 parking spaces which exceeds the minimum standards for 1700 square feet of office and 2300 square feet of retail.

CORRIDOR DISTRICT

The subject property is located within the Corridor Appearance Review District. The Corridor Appearance District specifies,

11-7G-5: DEVELOPMENT MINIMUM STANDARDS:

A. All sides of buildings facing public streets shall be full masonry to the first floor top plate, to include brick, stucco, EIFS or similar masonry like product, stone, finished concrete tilt-up panels, or some combination thereof.

B. The property owner may appeal the interpretation of the masonry standard to a specific building project or may request, in writing and with showing of sufficient good cause, that the city council reduce or waive the requirement altogether.

C. The city planner may refer a proposed structure to the city council for approval if determined to be of exceptional character, iconic, or potentially offensive. (Ord. 2107, 1-14-2013)

11-7G-6: SITE PLAN APPROVAL REQUIRED:
A site plan is hereby required. The site plan shall demonstrate compliance with the corridor appearance district development minimum standards and the requirements of this title. The information required to be included in the site plan shall be as set forth in subsection 11-9-0E of this title. Maintenance of the site in substantial compliance with the approved site plan shall be a condition of continued occupancy. (Ord. 2091, 9-10-2012).

The code also specifies that the Corridor Review can be determined in a PUD or SUP process.

The subject building is in compliance with the Corridor District Guidelines in that the outer materials of the proposed structure are Brick Veneer, Stone Veneer, Stucco, or a Cement Siding for contrast. The roof is to be finished in a Composite Shingle.

The site plan to include landscaping will be re-submitted with the required plat of property initiated by the re-zoning.

LOT OF RECORD

The subject property was created through a process of excess lands related to State Highway 67 by the State of Oklahoma Department of Transportation. The Bixby Zoning Code requires that the frontage of commercial property along Arterial Roads be greater than 150 feet. Therefore, the subject property would be considered a pre-existing non-conforming lot of record.

The site plan submitted identifies the only access designed for the site is greater than 160 feet from 151st on Sheridan Avenue. Access to the property, from 151st Street, at the current width from Sheridan, is not considered safe and should not be authorized. The Specific Use Permit, as in a Planned Unit Development can authorize the development plan without Board of Adjustment Action.

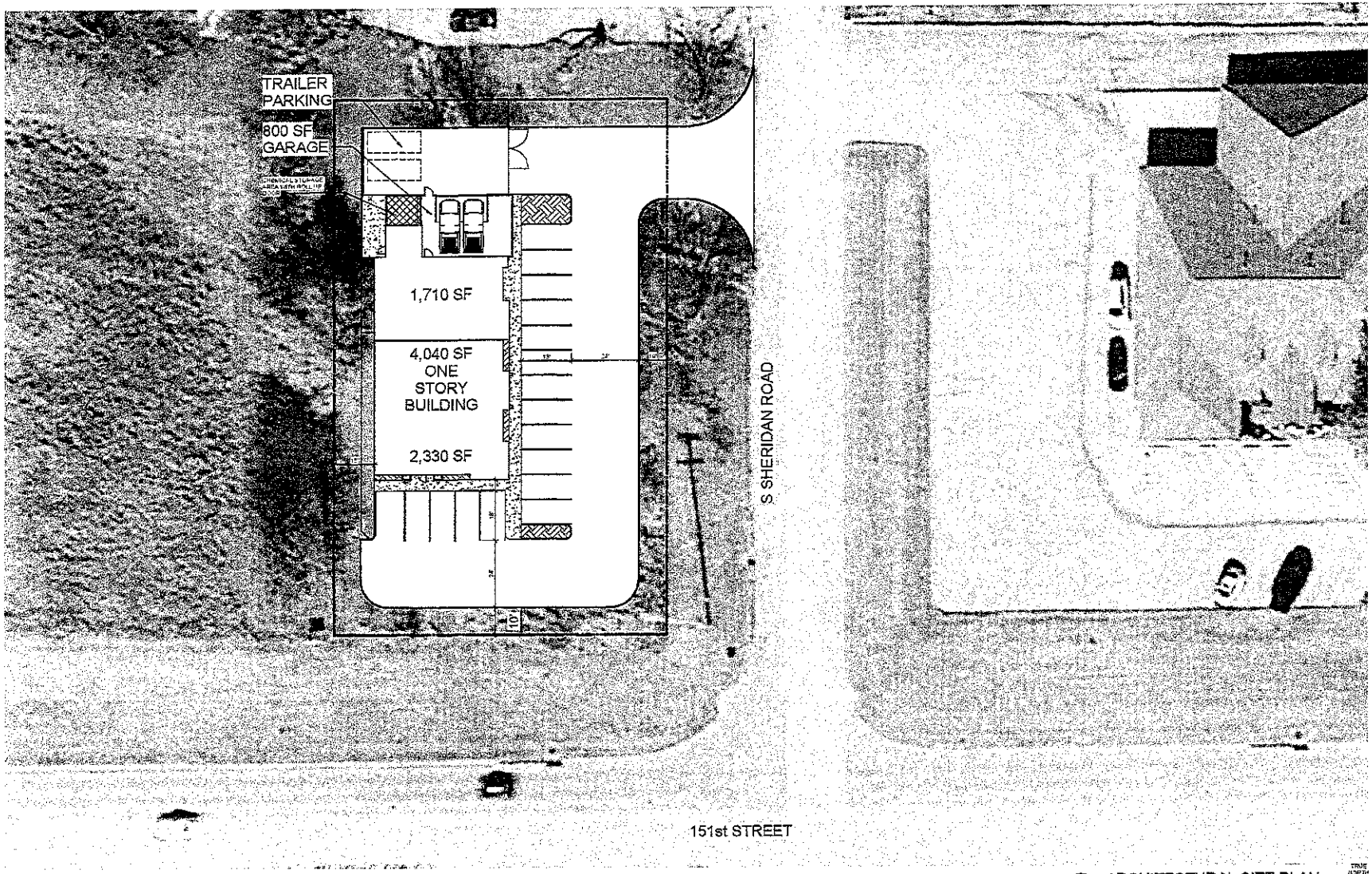
The Specific Use Permit application has taken into consideration all safety concerns related to the width of the property and request that the development plan be approved identifying the width of the property being 115.32 feet.

UTILITIES

Water and Storm Water facilities are to the site. The connection and design of these facilities will be determined in the required platting process of the property. It has been reported that Sanitary Sewer to the property will be available with extension of the Sanitary Sewer main from the School to a planned Fire Station on the property to the west. It has been indicated that the Fire Station was to be under construction in 2023. The current owner reported that an easement would be granted to the Sanitary Sewer extension, however subdivision regulations would stipulate that the utility, at a minimum, be provided to the adjacent property.

SPECIAL INSTRUCTIONS

The owner of the property has requested that the Ordinance perfecting the Zone Change and approval of the Specific Use Permit be held to the next Council Meeting following the hearing to allow time for the property to change ownership prior to the action.



1 ARCHITECTURAL SITE PLAN

BIRCH

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

GUARDIAN ANGEL EXTERMINATING
CONCEPTUAL SITE PLAN

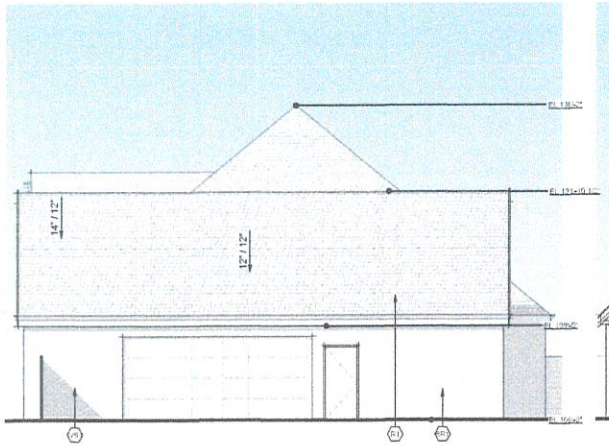
REVISION SCHEDULE

SHEET NAME
ARCHITECTURAL SITE PLAN

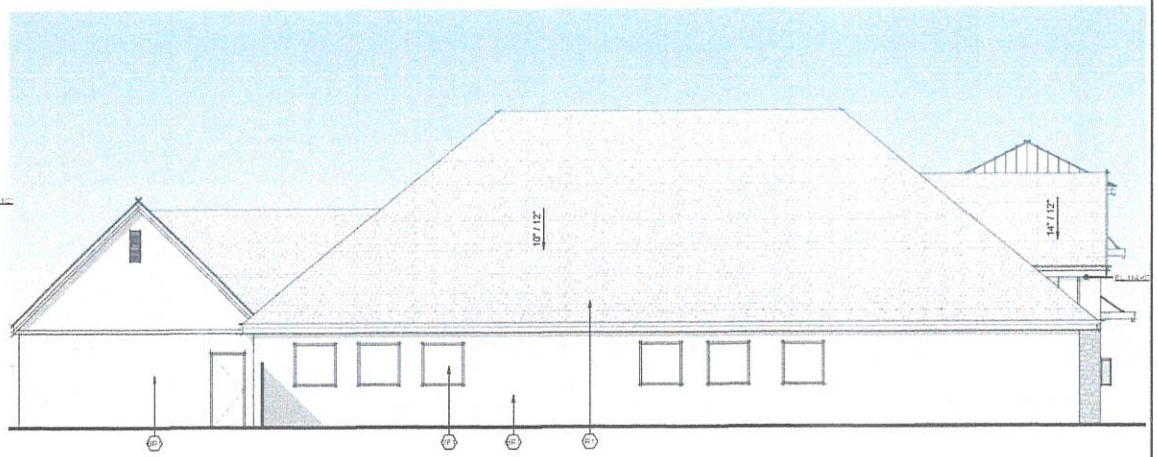
SHEET NUMBER
A-0.2

EXTERIOR FINISH LEGEND

MARK	DESCRIPTION	COLOR	COMMENTS
BR1	BRICK VENEER	TBD	
R1	COMPOSITE SHINGLE	TBD	
S1	STONE VENEER	TBD	
SF1	STOREFRONT GLASS SYSTEM	BLACK	
SS1	STANDING SEAM ROOFING	BLACK	
ST1	STUCCO SIDING	TBD	
BM1	BREAK METAL	MATCH STOREFRONT	PER WINDOW DETAILS
DC1	PREFINISHED METAL DOWNSPOUT	TBD	
MC1	PREFINISHED METAL COPING CAP	TBD	
AD1	PAINTED DOOR	STAINED	



4 NORTH ELEVATION
3/16" = 1'-0"



3 WEST ELEVATION
3/16" = 1'-0"

2 SOUTH ELEVATION
3/16" = 1'-0"

1 EAST ELEVATION
3/16" = 1'-0"

BIRCH DESIGN, PLLC
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TULSA, OK 74137
918.664.7667

BIRCH

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ARCHITECT OF RECORD

GUARDIAN ANGEL EXTERMINATING
CONCEPTUAL SITE PLAN

REVISION SCHEDULE

SHEET NAME
EXTERIOR ELEVATIONS

SHEET NUMBER
A-2

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ARCHITECT OF RECORD

GUARDIAN ANGEL EXTERMINATING
CONCEPTUAL SITE PLAN

DATE: 7/9

PROJECT NO: 1444

CONCEPTUAL SITE PLAN
18084-202

REVISION SCHEDULE

SHEET NAME
EXTERIOR
RENDERINGS

SHEET NUMBER
A-9.1