

City Council Meeting Minutes

City Hall Municipal Building
116 W. Needles Ave., Bixby, OK 74008
December 12, 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 December 9, 2022, at or before 5:00 p.m.

Call to Order

Mayor Guthrie called the City Council Meeting to order at 6:07 pm.

Roll Call

Shannon Duran, City Clerk, called the roll and the following were present:

Members Present

Mayor Guthrie
Vice Mayor Blair
Councilor Founds (Not Present)
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
Justin Dowd, City Engineer
Bryan Toney, Public Information Officer

Pledge of Allegiance

Invocation

Consent Agenda

- 1) Consider and/or approve Minutes for the Work Session dated 11/14/22.
- 2) Consider and/or approve Minutes for the City Council Meeting dated 11/14/22.
- 3) Consider and/or approve a Budget Revision for the Downtown River Corridor Fund in the amount of \$850,000.

- 4) Consider and/or approve the contract with GFAC Engineering for Construction Observation and Testing Services to the new Fire Station.
- 5) Consider and/or approve the Site Plan (BXSP 22.07) for ICONIK Bixby located at 125 West Needles, Bixby, Oklahoma (Midland Addition).
- 6) Consider and/or approve the contract with GFAC Engineering for Construction Observation and Testing Services for the 151st and Kingston Municipal Facility Infrastructure.
- 7) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permit No. WLO00072220593, Facility No. 3007243, Paxton Property Potable Water Line Extension.
- 8) Discuss and/or approve purchasing a brush hog for the Street Department from White Star Machinery; total \$2,335.
- 9) Discuss and/or take action on purchasing a plow for the street department, a total of \$11,294.89.
- 10) Discuss and/or approve purchasing a Chevrolet Colorado for the Street Department from Jim Norton Chevrolet; total \$30,788.
- 11) Discuss and/or approve purchasing a Bobcat CT2040 tractor from White Star Machinery for the Street Department for \$20,700.
- 12) Discuss and/or approve the Contract with Myers-Cherry for Construction Manager at Risk for the Municipal Building at 111th Cabaniss Project.
- 13) Discuss and/or approve the Contract with Miller-Tippens for Construction Manager at Risk for the Public Works Facility Project.

Mayor Guthrie said Items 1-13 on the Consent Agenda are up for discussion and consideration. Mayor Guthrie removed Item 12 from the Consent Agenda and stated that it would be taken up on another Agenda on a different date.

Councilor Girard requests to pull item 3 from the Consent Agenda for discussion. Charles Barnes confirms that funds are covered for the project for the Downtown River Corridor. Jared Cottle also spoke on this item to confirm that this is a budgetary exercise and not funding for this item. Vice Mayor Paul Blair requested to pull item 13 for discussion. Bea Aamodt and Jared Cottle spoke on this item. The staff advises the council that three multi-million dollar projects are currently being completed, such as the new Fire Department building, the Public Works building, and the City Hall building. Based on the needs and the size of the projects, staff believes that a risk manager is needed to assist with scheduling, bidding, materials, and monitoring onsite. The construction manager will advertise, interview, and go through the selection process.

Mayor Guthrie asked for a motion to approve items 1-11 and 13 on the Consent Agenda. Vice Mayor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

Regular Agenda

- 1) Discussion, consideration, and possible action to award the trade packages and subsequent subcontracts for the Fire Station No. 1 to the lowest responsible bidders per the attached recommendation letter provided by Myers-Cherry Construction.

Mayor Guthrie said Item 1 on the Regular Agenda is up for discussion and consideration.
Item presented by Mike Butler, Fire Chief.

Mayor Guthrie and Vice Mayor Blair inquired as to this item.

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

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

- 2) Discussion, consideration, and possible action to approve with conditions or deny Amendment No. 1 to the Construction Management at Risk contract between Myers-Cherry Construction and the City of Bixby dated November 15, 2022.

Mayor Guthrie said Item 2 on the Regular Agenda is up for discussion and consideration.

Item presented by Mike Butler, Fire Chief.

Mike Butler advises the council that the estimated completion date for this project will be Phase 1/2024 and Phase II 3/2024.

Mayor Guthrie asks for a motion to approve item 2. Vice Mayor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

- 3) Discussion, consideration, and possible vote for approval of ordinance 2425 changing ward boundaries according to resolution 2022-15 approved by Council on October 24, 2022, and in compliance with State Statute.

Mayor Guthrie said Item 3 on the Regular Agenda is up for discussion and consideration.

Item presented by Phil Frazier, City Attorney.

Vice Mayor Blair requests that the new ward map be published in the Beacon and online. Jared Cottle updated the council that the changes to the ward maps were census-driven.

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

Carried:4-0

Ayes: Revelis, Girard, Blair, Guthrie

Nays: 0

- 4) Discussion, consideration and possible vote for approval of an emergency clause for Ordinance 2425, making it effective immediately upon passage and adoption.

Mayor Guthrie said Item 4 on the Regular Agenda is up for discussion and consideration.

Emergency Clause to Ordinance 2425 in item 3.

Mayor Guthrie asks for a motion to approve item 4. Councilor Girard made a motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried:4-0

Ayes: Girard, Blair, Revelis, Guthrie

Nays: 0

- 5) Discussion, consideration and possible vote to approve Ordinance 2424 Planned Unit Development (BXPUD 19.06) Major Amendment No. 1., to Bixby Village located South of 161st Street South and East of Riverview Drive, Bixby, Oklahoma.

Mayor Guthrie said Item 5 on the Regular Agenda is up for discussion and consideration.

Item presented by O.C. Walker.

Others who spoke: Zach Rhoades and Eric Enyardt

Zach Rhoades from IDEAL homes plays a presentation of new homes that are planned for Development and requests to have a mixture of brick and siding.

Council inquires of the developers regarding concerns and clarification of development. No more than 30% of homes can obtain more than 40% cementitious material.

Motion to approve item 5 with conditions as agreed upon.

Mayor Guthrie asks for a motion to approve item 5. Councilor Girard made a motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried:4-0

Ayes: Girard, Blair, Revelis, Guthrie

Nays: 0

- 6) Discussion, consideration, and possible vote of an emergency clause for Ordinance No. 2424 making it effective immediately upon passage and adoption by approving BXPUD21.11, Major Amendment No. 1., for property located South of 61st Street and East of Riverview Drive, Bixby, Oklahoma.

Mayor Guthrie said Item 6 on the Regular Agenda is up for discussion and consideration. Item presented by O.C. Walker.

Others who spoke: Zach Rhoades

Oc Walker clarified that there was an Agenda typo and states that the location on the item should be 161st Street and East of Riverview.

Zach Rhoades from IDEAL homes plays a presentation of new homes that are planned for development and requests to have a mixture of brick and siding. No more than 30% of the homes can obtain more than 40% cementitious.

Motion to approve item 6 with conditions as agreed upon.

Mayor Guthrie asks for a motion to approve item 6. Vice Mayor Blair motioned to approve the item, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

- 7) Discuss and/or take action on awarding the contract to Diversified Civil Contractors for the Early Site Package 151st and Kingston Municipal Facility Infrastructure; Diversified Civil Contractors submitted the lowest and best bid of \$2,096,458.00.

Mayor Guthrie said Item 7 on the Regular Agenda is up for discussion and consideration.

Item was presented by Justin Dowd.

Others who spoke: Jared Cottle, City Manager

Justin Dowd gives update to council of contractors for the Early Site Package 151 and Kingston Municipal Facility. Jared Cottle advises the council that the funds for this project will come from the Capital Improvement funds.

Mayor Guthrie asks for a motion to approve item 7. Vice Mayor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

- 8) Discussion, consideration, and possible vote for approval of an Ordinance amending Chapter 5 of Title 7 of the Bixby City Code, Amending Cemetery Rules and Regulations, and Repealing all Ordinances or parts of Ordinances in conflict herewith. Replacing Article C "Rules and Regulations: in its entirety, clarifying terms; Clarifying hours of operations; Explaining fee structure; Explaining funeral arrangements; Adding a " No Transfer provision"; Clarifying grave and lot ownership and maintenance regulations; adding language about honoring Veterans; Clarification of Interment and disinterment rules; and updating rules for visiting the cemetery.

Mayor Guthrie said Item 8 on the Regular Agenda is up for discussion and consideration.

Item presented by Bea Aamodt

Others who spoke: No others spoke

Discussions were held during the Work Session Meeting regarding the proposed changes to the cemetery ordinance.

The Ordinance is approved as modified with the following changes: Hours of operation, added fees, 90-day space holding for the gravesite, funeral start and end times, and visitor rules. The cemetery ordinance is to be modified with the changes and submitted to the City Attorney to review before the council signs the Ordinance.

Mayor Guthrie asks for a motion to approve item 8. Vice Mayor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

- 9) Discussion, consideration, and possible vote for approval of an emergency clause in Ordinance 2426 Cemetery Rules and Regulations making it effective immediately upon passage and adoption.

Mayor Guthrie said Item 9 on the Regular Agenda is up for discussion and consideration.

Item presented by Bea Aamodt

Others who spoke: No others spoke

Approval of Emergency Clause in Ordinance 2426.

Mayor Guthrie asks for a motion to approve item 9. Councilor Girard made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Girard, Revelis, Blair, Guthrie

Nays: 0

Mayor Guthrie moves to item 16 and calls the City Manager's report before calling the Motion to Enter into Executive Session in Item 10.

Time 7:21 pm

Mayor Guthrie recesses on calling items 10-15 on the council meeting. Mayor Guthrie calls the Bixby Public Works and Bixby Industrial meeting.

7:29 pm

Mayor Guthrie moves to recall the Regular City Council Agenda.

- 10) Motion to enter into Executive Session:

Executive Session:

a) Discussion on negotiations and/or purchase for certain real properties at 211 North Cabaniss, owned by Tulsa County, et al: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.

b) Discussion on negotiations and/or purchase for certain real, residential property at 114 E. Breckenridge, owned by First Baptist Church of Bixby, Oklahoma: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.

c) Discussion on negotiations and/or purchase for certain real properties at 124 E. Dawes Ave., owned by Dawes 124 Bixby LLC: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.

d) Discussion on the annual employee performance and employment contract review of the City Manager. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.1.

Mayor Guthrie said Item 10 on the Regular Agenda is up for discussion and consideration.

Mayor Guthrie asks for a motion to move into Executive Session on items 10-15. Vice Mayor Blair made a motion to approve, seconded by Councilor Revelis. The vote was taken with the following results:

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

Council members exit the meeting and enter into the Executive session.

7:30 pm.

10:12 pm

The council reconvenes the regular meeting.

Mayor Guthrie says no action was taken during the executive meeting.

11) Motion to exit Executive Session and reconvene in open session.

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

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

12) Consider and/or take action, if necessary, on the purchase of certain real property at 211 North Cabaniss, owned by Tulsa County, et al.

Mayor Guthrie said Item 12 on the Regular Agenda is up for discussion and consideration. Item presented by Jared Cottle.

Mayor Guthrie motions that the City Manager may continue negotiations.

Mayor Guthrie asks for a motion to approve item 12. Mayor Guthrie made a motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried:4-0

Ayes: Guthrie, Blair, Girard, Revelis

Nays: 0

- 13) Consider and/or take action, if necessary, on the purchase of real, residential property at 114 E. Breckenridge, owned by First Baptist Church of Bixby.

Mayor Guthrie said Item 13 on the Regular Agenda is up for discussion and consideration.
Item presented by Jared Cottle.

Mayor Guthrie made a motion to continue negotiations.

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

Carried:3-0-1

Ayes: Guthrie, Revelis, Blair

Nays: 0

Abstain: Girard

- 14) Consider and/or take action, if necessary, on the purchase of certain real property at 124 E. Dawes Ave., owned by Dawes 124 Bixby LLC.

Mayor Guthrie said Item 14 on the Regular Agenda is up for discussion and consideration.

Item presented by Jared Cottle

Others who spoke: No others spoke on this item.

Vice Mayor Blair made a motion to have the City Manager continue to conduct negotiations on said property.

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

Carried:4-0

Ayes: Blair, Revelis, Girard, Guthrie

Nays: 0

- 15) Consider and take any necessary action resulting from the annual employee performance and employment contract reviews of the City Manager.

Mayor Guthrie said Item 15 on the Regular Agenda is up for discussion and consideration.

Item presented by Brian Guthrie

Others who spoke: No others spoke on this item.

Mayor Guthrie states there are no actions to take on Item 15. No action was taken.

Mayor Guthrie asks for a motion to approve item 15 as no action has been taken. Mayor Guthrie made a motion to approve, seconded by Vice Mayor Blair. The vote was taken with the following results:

Carried:4-0

Ayes: Guthrie, Blair, Revelis, Girard

Nays: 0

- 16) City Manager's Report

Jared Cottle gives an update on City events for the month of December.

- Winter Wonderland will be open through 1/1/23.
- Buy Bixby winners were announced at the Chamber of Commerce.
- City office closure dates- 12/24 Lunch Closure, 12/23 Half-Day Closure, 12/30 Half-Day Closure, 12/26 Offices Closed and 1/2/23 Offices Closed

Todd Blish gives updates on new hires and security camera purchases.

- Camera Pod Project update- 85% Complete.
- Swearing in of 2 new officers.
- Upcoming testing of upcoming positions.
- Christmas parade success update.

17) 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.

No new business to discuss.

18) Adjournment

Adjournment was called at 10:15 pm.





Mayor