



City of Bixby City Council Meeting Agenda

**Mayor Brian Guthrie
Vice Mayor Paul Blair
Council Member Andrew Revelis
Council Member Brad Girard
Council Member Robert Founds**

Monday, February 13, 2023

6:00 PM

**City Hall Municipal Building
116 W. Needles Ave., Bixby,
OK 74008**

Public comments are limited to items on the agenda. Those wishing to speak on agenda items will need to appear in the City Council Chamber.

Call to Order

Mayor Guthrie

Roll Call

Shannon Duran, City Clerk

Pledge of Allegiance

Invocation

Consent Agenda

City Clerk's Report

Consider and Approve:

- 1) Minutes for the Work Session dated 01/23/23.
- 2) Minutes for the City Council Meeting dated 01/23/23.
- 3) Consider and approve the OMAG (Oklahoma Municipal Assurance Group) recommendation denial for claimant Dan Munson, Claim Number 211968-1-HW.
- 4) Approval of the return of 2.09 acres of the 41.71 acres the City took for the Haikey Creek improvement project; the property owner is to refund the City pro rata purchase price in the amount of \$30,096.

- 5) Approve final acceptance of the Downtown Bixby Properties – New Awnings Project with a final contract amount of \$282,253.39.
- 6) Acceptance of the Public Infrastructure for Dollar General Store #22882, located at Highway 64 & S 86th E Ave, into the City's infrastructure.
- 7) Acceptance of the infrastructure for the Tyler Neafus Waterline Replacement, located on S 145th E Ave, into the City's infrastructure.
- 8) Acceptance of the infrastructure of Windrush II Development, located at S 134th St & Mingo, into the City's infrastructure.
- 9) Consider and Approve the lowest and best bid in the amount of \$14,300.00 from Lawn and Home Pro LLC to maintain the Downtown and Bentley Park Roundabout landscape beds.
- 10) Consider and Approve the lowest and best bid in the amount of \$17,444.26 for the purchase of spring pre/post-emergent herbicides for application at Bixby Parks (Bentley, Washington Irving, CYEP, and Quail Creek).
- 11) Consider and/or approve the contract with Building & Earth Materials Testing for Testing Services for Downtown River District Ph. II Project.
- 12) Consider and/or approve the contract with Olsson Materials Testing for Testing Services for Dawes Parking Lot Expansion Project.
- 13) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permit No. WL000072220859, Facility No. 3007243, Southern Farms, and SL000072220860, Facility No. S20438, Southern Farms.
- 14) Acknowledge receipt of Oklahoma Department of Environmental Quality (O.D.E.Q.) Permit No. WL000072220927, Facility No. 1020418, Robinson Ranch IV, and SL000072220928, Facility No. S20438, Robinson Ranch IV.
- 15) Discuss and/or approve the Contract Change Order with Myers-Cherry for the Construction Manager at Risk for the Fire Station Construction.
- 16) Discuss and/or take action on Funding Agreement with the Oklahoma Department of Transportation for the Posey Creek Trail along Harvard.
- 17) Request authorization to purchase a 2023 Chevrolet Tahoe totaling \$50,490.00.

Regular Agenda

- 1) Discussion, consideration, and possible vote to approve a Rezone (BXZO - 22.10) and Planned Unit Development (BXPUD - 22.10) for Alderwood Estates located one-half mile West of South Harvard Avenue and one-quarter mile South of East 151st Street South, Bixby, Oklahoma 74008. Ordinance No. 2429.

O.C. Walker, City Planner

- 2) Discussion, consideration, and possible vote for approval of an emergency clause for Ordinance No. 2429 making it effective immediately upon passage and approval.
O.C. Walker, City Planner
- 3) Discussion, consideration, and possible vote to approve a Preliminary Plat (BXPT - 22.21) for Alderwood Estates located one-half mile West of South Harvard Avenue and one-quarter mile South of East 151st Street South, Bixby, Oklahoma.
O.C. Walker, City Planner
- 4) Consider, discuss, and approve Ordinance Number 2432, Bixby Easement Closure (B.X.E.C.) Number 22.02 Peniel. An easement closure of an overland drainage easement in the side yard of a property located in Section 11 Township 17 North Range 13 East in the City of Bixby. Property located at Lot Eight (8), Block One (1) of Riverview Plaza, an addition to the City of Bixby.
Justin Dowd, Assistant City Engineer
- 5) Discussion, consideration, and possible vote for approval of an Emergency Clause for Ordinance number 2432, making it effective immediately upon passage and approval.
Justin Dowd, Assistant City Engineer
- 6) Consider, discuss, and approve Ordinance Number 2433, Bixby Easement Closure (B.X.E.C.) Number 22.02 Peniel. An easement closure of an overland drainage easement in the side yard of a property located in Section 11 Township 17 North Range 13 East in the City of Bixby. Property located at Lot Nine (9), Block One (1) of Riverview Plaza, an addition to the City of Bixby.
Justin Dowd, Assistant City Engineer
- 7) Discussion, consideration, and possible vote for approval of an Emergency Clause for Ordinance number 2433, making it effective immediately upon passage and approval.
Justin Dowd, Assistant City Engineer
- 8) Discuss and/or take action on awarding the contract to Barnes Construction Solutions, Inc. for the Dawes Parking Lot Expansion; Barnes Construction Solutions submitted the lowest and best bid of \$448,656.25.
Justin Dowd, Assistant City Engineer
- 9) City Manager's Report
- 10) Executive Session:
 - a. *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.*
 - b. *Discussion on negotiations and/or purchase options for certain real property at 14515 S Yale Ave., owned by White Hawk Investments, LLC: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes, Section 307.B.3.*

c. Confidential communications and discussions among the City Council and its attorney concerning potential litigation and current litigation status. Authority: Oklahoma Open Meeting Act, Title 25 Oklahoma Statutes Section 307.B.4.

Brian Guthrie, Mayor

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

Brian Guthrie, Mayor

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

Brian Guthrie, Mayor

- 13) Consider and/or take action, if necessary, on the purchase of certain real property 14515 S Yale Ave., owned by White Hawk Investments, LLC.

Brian Guthrie, Mayor

- 14) Discussion, consideration, and possible vote to approve Site Plan (BXSP - 22.07) for the Iconik Bixby project which is located at 125 West Needles Avenue, Bixby, Oklahoma 74008.

O.C. Walker, City Planner

- 15) Discuss and/or take action on revised Development Agreement with Iconik Bixby Apartments, LLC for the development of the Midland Complex at 151st & Cabaniss pursuant to revised Site Plan.

Jared Cottle, City Manager

- 16) 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.

- 17) Adjournment

Notice of Posting

This Notice and Agenda was posted on the bulletin board this day of February 10, 2023, on or before 6:00 p.m., at City Hall, 116 W. Needles Bixby, Oklahoma.

Respectfully Submitted

Note: All cell phones and pagers must be turned off or operated silently during all meetings.

21 O.S. Section 280 provides the following: A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state. B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials, employees, agents or representatives or used in any manner to conduct state business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel. C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term Oklahoma Statutes - Title 21. Crimes and Punishments Page 94 of not more than one (1) year, by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. D. For purposes of this section, “disturb, interfere or disrupt” means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

For Special Accommodations

Persons who require special accommodation to participate in this meeting should contact City Clerk, Shannon Duran: 116 West Needles Avenue, Bixby, Oklahoma, 918-366-4430 or email [City Clerk, Shannon Duran](mailto:sduran@bixbyok.gov) (sduran@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.